

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, APRIL 10, 2012
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

4 **Chris Vrabel, Campbell River Fire & Rescue**, re North Island 9-1-1 Corporation.

MINUTES

5-14 Minutes of the regular Committee of the Whole meeting held Tuesday, March 13, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

15 **Twyla Graf, District of Lantzville**, re RDN Drinking Water & Watershed Protection Program.

16-17 **Jane Peverett, BC Ferry Authority**, re Appointments to the BC Ferry Authority Board of Directors.

18-20 **Diego Marchese, Heart and Stroke Foundation; Scott McDonald, BC Lung Association**, re Smoke Free Outdoor Public Places Bylaw.

UNFINISHED BUSINESS

DEVELOPMENT SERVICES

BYLAW SERVICES

21-31 4153 Eld Road, Electoral Area 'F' – Unsafe Building.

32-36 1532 Marine Circle, Electoral Area G – Unsightly Premises.

RECREATION AND PARKS SERVICES

37-56 Gabriola Island Recreation Services Agreement.

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER

57-59 Vancouver Island University Woodlot Groundwater Study.

60-92 Conditional Management Plan for French Creek Pollution Control Centre's Pump Stations.

93-96 Contract Award for the Preliminary and Detailed Design for the Replacement of the Land Section of the Greater Nanaimo Pollution Control Centre Marine Outfall.

ENGINEERING

97-98 Hall Road Pump Station Upgrade - Detailed Design and Tendering Services.

TRANSPORTATION AND SOLID WASTE SERVICES

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'B' Parks and Open Spaces Advisory Committee

99-101 Minutes of the Electoral Area 'B' Parks and Open Spaces Advisory Committee meeting held Monday, February 27, 2012 (for information).

That the Regional District apply to the Ministry of Transportation and Infrastructure for a permit to construct an eighteen inch high walkway covering the wet areas of the road allowance from McDonald Road to Patterson Road, with the understanding that the Gabriola Land and Trails Trust will provide all engineering, construction materials and installation.

Electoral Area 'F' Parks and Open Spaces Advisory Committee

102-105 Minutes of the Electoral Area 'F' Parks and Open Spaces Advisory Committee meeting held Monday, February 20, 2012 (for information).

Electoral Area 'E' Parks and Open Spaces Advisory Committee

106-109 Minutes of the Electoral Area 'E' Parks and Open Spaces Advisory Committee meeting held Monday, March 5, 2012 (for information).

East Wellington/Pleasant Valley Parks and Open Spaces Advisory Committee

110-112 Minutes of the East Wellington/Pleasant Valley Parks and Open Spaces Advisory Committee meeting held Monday, March 12, 2012 (for information).

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

That pursuant to Sections 90(1)(c) and (f) of the Community Charter the Board proceed to an In Camera meeting to consider personnel and legal issues.

O'Halloran, Matt

Subject: RE: NI 911 Corp RDN Presentation March 13

From: Chris Vrabel [<mailto:Chris.Vrabel@campbellriver.ca>]

Sent: Friday, March 16, 2012 11:08 AM

To: O'Halloran, Matt

Subject: RE: NI 911 Corp RDN Presentation March 13

RDN REPORT	
CAO APPROVAL	
EAP	
CCV	
MAR 19 2012	
RHD	
BOARD	

Hi Matt,

Can I please re-schedule for the April 10 Committee of the Whole meeting?

Chris

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, MARCH 13, 2012 AT 7:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director D. Brennan	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach
Director B. Dempsey	District of Lantzville
Alternate	
Director F. Pattje	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Alternate	
Director B. McKay	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director T. Greves	City of Nanaimo
Director G. Anderson	City of Nanaimo

Regrets:

Director J. Ruttan	City of Nanaimo
Director J. Kipp	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr., Corporate Administration
N. Avery	Gen. Mgr., Finance & Information Services
P. Thorkelsson	Gen. Mgr., Development Services
J. Finnie	Gen. Mgr., Regional & Community Utilities
T. Osborne	Gen. Mgr., Recreation & Parks Services
D. Trudeau	Gen. Mgr., Transportation & Solid Waste Services
N. Hewitt	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Pattje and McKay to the meeting.

DELEGATIONS

Gordon Wyness, Electoral Area 'E', re Human Rights.

Mr. Wyness spoke in support of creating a burning bylaw.

Gordie Robinson, Nanaimo Marine Rescue Society, re Functional Support for Nanaimo Marine Rescue Society.

Mr. Robinson provided a visual and verbal overview of the Nanaimo Marine Rescue Society and requested financial aid comparable to the Nanaimo Search and Rescue Group.

MINUTES

MOVED Director Holme, SECONDED Director Bestwick, that the minutes of the regular Committee of the Whole meeting held Tuesday, February 14, 2012 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Rosemary Bonanno, Vancouver Island Regional Library, re VIRL Future Facilities Planning Process.

MOVED Director Brennan, SECONDED Director Johnstone, that the correspondence from Vancouver Island Regional Library be received.

CARRIED

Jim Dias, Island Corridor Foundation, re Grant Request.

MOVED Director Brennan, SECONDED Director Johnstone, that the correspondence from Island Corridor Foundation be received.

CARRIED

CORPORATE ADMINISTRATION SERVICES

ADMINISTRATION

Southern Community Economic Development Service Agreement.

MOVED Director Johnstone, SECONDED Director Brennan, that the Southern Community Economic Development Service Agreement between the Regional District of Nanaimo and the Nanaimo Economic Development Corporation commencing April 1, 2012 and ending March 31, 2022 be approved.

CARRIED

FINANCE AND INFORMATION SERVICES

FINANCE

Fire Protection Service Agreement – Cranberry Fire Protection District.

MOVED Director Young, SECONDED Director McPherson, that the fire service agreement between the Regional District of Nanaimo and the Cranberry Fire Protection District, commencing January 1, 2012 be approved.

CARRIED

Bylaws 1318.01, 1319.02, 1320.02, 1448.02 and 1449.01 – Bylaws to Amend the Port Theatre Contribution Service Requisition Limits.

MOVED Director Houle, SECONDED Director Anderson, that "Electoral Area 'A' Port Theatre Contribution Service Amendment Bylaw No. 1318.01, 2012" be introduced for three readings.

CARRIED

MOVED Director Houle, SECONDED Director Anderson, that "Electoral Area 'B' Cultural Centre Contribution Service Amendment Bylaw No. 1319.01, 2012" be introduced for three readings.

CARRIED

MOVED Director Houle, SECONDED Director Anderson, that "Electoral Area 'C' (defined C) Port Theatre Contribution Service Amendment Bylaw No. 1320.02, 2012" be introduced for three readings.

CARRIED

MOVED Director Houle, SECONDED Director Anderson, that "Electoral Area 'C' (defined D) Port Theatre Contribution Service Amendment Bylaw No. 1448.02, 2012" be introduced for three readings.

CARRIED

MOVED Director Houle, SECONDED Director Anderson, that "Electoral Area 'E' Port Theatre Contribution Service Amendment Bylaw No. 1449.01, 2012" be introduced for three readings.

CARRIED

Port Theatre Society Agreement.

MOVED Director Brennan, SECONDED Director Johnstone, that the Board authorize entering into a contribution agreement with the Port Theatre Society for a five year term commencing January 1, 2012.

CARRIED

Operating Results for the Period Ending December 31, 2011.

MOVED Director Houle, SECONDED Director Veenhof, that the summary report of financial results for the year ending December 31, 2011 be received for information.

CARRIED

2012 Use of Community Works Program Funds.

MOVED Director Anderson, SECONDED Director Young, that the 2012 Community Works Funds program attached as Schedule A be approved and that staff be authorized to commence work immediately.

CARRIED

MOVED Director Anderson, SECONDED Director Young, that the report on the use of Community Works Funds in 2011 be received for information.

CARRIED

Director Young expressed an interest in a trail project along Jinglepot Road as a possible use of Community Works Funds.

Bylaw 1658 – 2012 to 2016 Financial Plan.

MOVED Director Brennan, SECONDED Director Anderson, that "Regional District of Nanaimo Financial Plan 2012 to 2016 Bylaw No. 1658, 2012" be introduced for three readings.

CARRIED

MOVED Director Brennan, SECONDED Director Anderson, that "Regional District of Nanaimo Financial Plan 2012 to 2016 Bylaw No. 1658, 2012" be adopted.

CARRIED

2012 Parcel Tax Rate Bylaws 1567.03, 1568.03, 1569.03, 1336.09, 1483.06 and 1657.

MOVED Director Johnstone, SECONDED Director Greves, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.03, 2012" be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.03, 2012" be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.03 2012 be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.03, 2012" be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Fire Protection Services Parcel Tax Rates Amendment Bylaw No. 1569.03, 2012" be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Fire Protection Services Parcel Tax Rates Amendment Bylaw No. 1569.03, 2012" be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.09, 2012" be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.09, 2012" be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Barclay Crescent Sewer Service Area Parcel Tax Rate Amendment Bylaw No. 1483.06, 2012" be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Barclay Crescent Sewer Service Area Parcel Tax Rate Amendment Bylaw No. 1483.06, 2012" be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Northern Community Economic Development Parcel Tax Rates Bylaw No. 1657, 2012" be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Greves, that "Northern Community Economic Development Parcel Tax Rates Bylaw No. 1657, 2012" be adopted.

CARRIED

DEVELOPMENT SERVICES

LONG RANGE PLANNING

2011 Statistics Canada Census Information.

MOVED Director Lefebvre, SECONDED Director Willie, that the report on the Statistics Canada 2011 Census be received.

CARRIED

CURRENT PLANNING

Agricultural Area Plan – Phase 1: Background Report.

MOVED Director Brennan, SECONDED Director Anderson, that the "Regional District of Nanaimo Agricultural Area Plan Phase 1: Background Report" prepared by Upland Consulting and dated February 17, 2012, be received for information.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER

Annual Wastewater Treatment Facilities Report - 2011.

MOVED Director Bestwick, SECONDED Director Brennan, that the Board receive the 2011 Annual Wastewater Treatment Facilities report for information.

CARRIED

Bylaws 1623.01 and 1656 – Authorize the Use of Development Cost Charge Funds.

MOVED Director Bestwick, SECONDED Director Holme, that "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1623.01, 2012" be introduced and read three times.

CARRIED

MOVED Director Bestwick, SECONDED Director Holme, that "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1623.01, 2012" be adopted.

CARRIED

MOVED Director Bestwick, SECONDED Director Holme, that "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1656, 2012" be introduced and read three times.

CARRIED

MOVED Director Bestwick, SECONDED Director Holme, that "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1656, 2012" be adopted.

CARRIED

WATER

Bylaws 867.06 and 1049.07 – Inclusion of 2020 Seahaven Road into the Nanoose Bay Peninsula Water Service Area.

MOVED Director Holme, SECONDED Director Johnstone, that "Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.06, 2012" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that "Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.07, 2012" be introduced and read three times.

CARRIED

Rainwater Management & Water Sustainability Inter-Regional Education Initiative.

MOVED Director Lefebvre, SECONDED Director Veenhof, that the Rainwater Management & Watershed Sustainability Inter-Regional Education Initiative as proposed by the Partnership for Water Sustainability in BC be endorsed.

CARRIED

MOVED Director Lefebvre, SECONDED Director Veenhof, that a letter of support be provided for an application by the Comox Valley Regional District for a Gas Tax Fund Capacity-Building Grant to fund the Inter-Regional Education Initiative.

CARRIED

MOVED Director Lefebvre, SECONDED Director Veenhof, that the Board continue to support staff participation in CAVI activities associated with water sustainability.

CARRIED

TRANSPORTATION AND SOLID WASTE SERVICES

SOLID WASTE

Bylaw 1591.02 - Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw.

MOVED Director Holme, SECONDED Director Veenhof, that "Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.02, 2012" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Veenhof, that "Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.02, 2012" be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'A' Parks, Recreation, and Culture Commission.

MOVED Director McPherson, SECONDED Director Young, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held Wednesday, February 15, 2012 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Veenhof, SECONDED Director Johnstone, that the minutes of the District 69 Recreation Commission meeting held Thursday, February 16, 2012 be received for information.

CARRIED

Emergency Management Select Committee.

MOVED Director Young, SECONDED Director Houle, that the minutes of the Emergency Management Select Committee meeting held Tuesday, February 21, 2012 be received for information.

CARRIED

Regional Hospital District Select Committee.

MOVED Director Anderson, SECONDED Director Houle, that the minutes of the Regional Hospital District Select Committee meeting held Wednesday, February 22, 2012 be received for information.

CARRIED

Regional Hospital District 2012 Annual Budget Bylaw No. 153.

MOVED Director Brennan, SECONDED Director Anderson, that the 2012 Regional Hospital District annual budget be approved with the following components:

Property tax requisition	\$	6,549,255
Capital grant allowance	\$	2,143,745
Major capital project funding (Emergency Department)-from annual grant	\$	1,200,000
Major capital project funding (Emergency Department)-additional from surplus	\$	300,000

CARRIED

MOVED Director Brennan, SECONDED Director Anderson, that "Nanaimo Regional Hospital District 2012 Annual Budget Bylaw No. 153, 2012" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Anderson, that "Nanaimo Regional Hospital District 2012 Annual Budget Bylaw No. 153, 2012" be adopted.

CARRIED

Request for Approval of 2012/2013 Capital Equipment and Minor Capital Project Lists.

MOVED Director McPherson, SECONDED Director Brennan, that the 2012/2013 list of capital equipment purchases with Regional Hospital District cost sharing in the amount of \$941,725 be approved.

CARRIED

MOVED Director McPherson, SECONDED Director Brennan, that the 2012/2013 list of capital improvement projects with Regional Hospital District cost sharing in the amount of \$1,202,500 be approved.

CARRIED

MOVED Director McPherson, SECONDED Director Brennan, that cost sharing for 2013/14 for capital improvement projects shown on the 2012/2013 list in the amount of \$1,083,397 be approved.

CARRIED

Approval to Use Unexpended Funds for Capital Improvement Projects.

MOVED Director Willie, SECONDED Director Houle, that the Vancouver Island Health Authority be authorized to submit a list of capital purchases/projects to use \$565,000 of unexpended 2006 and 2009 approved capital grants.

CARRIED

MOVED Director Willie, SECONDED Director Houle, that the remaining unexpended funds in the amount of \$565,000 be applied to the Regional Hospital District's share of funding for the Emergency Department redevelopment project.

CARRIED

Bylaw No. 154 – to Authorize Borrowing for the Oceanside Health Centre.

MOVED Director Lefebvre, SECONDED Director Holme, that correspondence be forwarded to the Vancouver Island Health Authority confirming the Nanaimo Regional Hospital District's commitment to the Oceanside Health Centre at 40% of a total budget of \$15.79 million.

CARRIED

MOVED Director Lefebvre, SECONDED Director Holme, that "Nanaimo Regional Hospital District (Oceanside Health Centre) Borrowing Bylaw No. 154, 2012" be introduced and read three times.

CARRIED

MOVED Director Lefebvre, SECONDED Director Holme, that "Nanaimo Regional Hospital District (Oceanside Health Centre) Borrowing Bylaw No. 154, 2012" be adopted

CARRIED

Englishman River Water Service Management Board.

MOVED Director Lefebvre, SECONDED Director Holme, that the minutes of the Englishman River Water Service Management Board meeting held on Wednesday, February 22, 2012 be received for information.

CARRIED

MOVED Director Lefebvre, SECONDED Director Holme, that the ERWS Management Board authorize Amendment #1 to the professional services agreement with Associated Engineering (BC) Ltd. to complete the additional full scale ASR investigation for an additional \$228,943.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nanaimo Marine Rescue Society, re Functional Support for Nanaimo Marine Rescue Society.

MOVED Director Brennan, SECONDED Director Johnstone, that this request be referred back to staff for a report.

CARRIED

Burning Bylaw.

MOVED Director Greves, SECONDED Director Bestwick, that staff prepare a report with respect to the establishment of a burning bylaw.

DEFEATED

Island Corridor Foundation, Request for Permissive Tax Exemption.

MOVED Director Greves, SECONDED Director Johnstone, that the Board authorize financial assistance in the amount of \$1, 058.56 to the Island Corridor Foundation (ICF) from the 2012 Regional Parks budget to provide funds for the ICF to pay to the City of Nanaimo the outstanding Regional District of Nanaimo taxes and interest payable to the City for 2009.

CARRIED

NEW BUSINESS

Community Forums to Explore Homelessness in Oceanside.

Director Lefebvre stated that the City of Parksville is hosting two community forums scheduled for Thursday March 22 from 11 - 2:30 at the Christian Fellowship Centre and then 5 - 8pm at the Parksville Conference Centre. The forums are sponsored by the Oceanside Task Force on Homelessness.

ADJOURNMENT

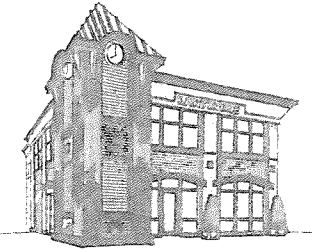
MOVED Director Holme, SECONDED Director Brennan, that this meeting terminate.

CARRIED

TIME: 8:15 PM

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

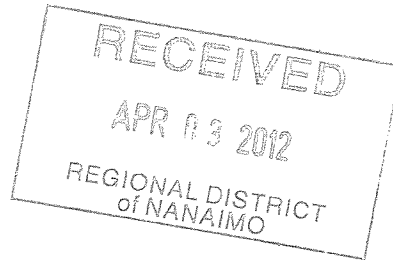


District of Lantzville

Incorporated June 2003

April 2, 2012

By Email: mpearse@rdn.bc.ca



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

Attention: Ms. Maureen Pearse, Manager, Administrative Services

Dear Ms. Pearse

Re: RDN Drinking Water & Watershed Protection Program

Please be advised that Council, and its Regular Meeting held Monday, March 26th, 2012, resolved as follows:

MOVED/SECONDED that the District of Lantzville formally participate in the Regional District of Nanaimo Drinking Water and Watershed Protection Program beginning in 2012.

CARRIED

Council of the District of Lantzville is excited in joining our neighbouring municipalities and electoral areas in this regional initiative and we look forward in learning more about water in our region through collaboration with local environmental groups, government agencies, municipalities and residents.

Yours truly

Twyla Graff
Chief Administrative Officer
District of Lantzville

File: 0470-20-RDN

G: corr/12/Council followup/Mar26_rdn_pearse_Drinking Water Protection Program

B.C. Ferry Authority

RDN REPORT	
CAC APPROVAL	
EAP	
COV	✓ <i>Carroll</i>
APR 02 2012	
RHD	
BOARD	

OFFICE OF THE CHAIR

500 – 1321 Blanshard Street
Victoria, BC V8W 0B7
Tel (250) 978-1502
Fax (250) 380-3958
www.bcferryauthority.com

March 29, 2012

Mr. Craig Anderson, Chair
Strathcona Regional District
301-990 Cedar Street
Campbell River, BC V9W 7Z8

Mr. Edwin Grieve, Chair
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6

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

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

Mr. Glenn Wong, Chair
Alberni-Clayoquot Regional District
3008 – 5th Avenue
Port Alberni, BC V9Y 2E3

APPOINTMENTS TO THE B.C. FERRY AUTHORITY BOARD OF DIRECTORS

I am writing, on behalf of the B.C. Ferry Authority, to advise you that the review of the nominations to the Board of Directors received from the Appointment Areas is now complete.

It is my pleasure to announce that the following nominees have been appointed to the Board of B.C. Ferry Authority, effective April 1, 2012:

- Randolph K. Morriss
Central Vancouver Island & Northern Georgia Strait Appointment Area
Term ending March 31, 2015
- Stephen E. Smith
Northern Coastal & North Island Appointment Area
Term ending March 31, 2015

The B.C. Ferry Authority was privileged to receive nominations of a high standard, and we thank you for the obvious effort that you put into ensuring this was the case for your appointment area. In selecting those nominees to be appointed, the Authority was mindful of the need to ensure that members of the Board, collectively, satisfy the skills and experience profile contained in the Authority's by-laws. The appointments have been made to ensure that this requirement continues to be met.

...../2

We appreciate your assistance with this nomination process and extend to you, your Board, administrators and staff, our sincere thanks for working with us to make our appointment process effective.

Sincerely,



Jane L. Peverett
Chair, Board of Directors
B.C. Ferry Authority

cc: Cynthia Lukaitis, Vice President & Corporate Secretary
Carol Mason, Chief Administrative Officer, Nanaimo Regional District
Debra Oakman, Chief Administrative Officer, Comox Valley Regional District
Brian Reardon, Chief Administrative Officer, Strathcona Regional District
Malcolm Fraser, Chief Administrative Officer, Powell River Regional District
Russell Dyson, Chief Administrative Officer, Alberni-Clayoquot Regional District



RDN REPORT		
CAO APPROVAL		
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GOV.	✓	2012/02/02
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RHD		
BOARD		

March 29, 2012

Board Chair Joe Stanhope and Members of the Regional Board
 Regional District of Nanaimo
 6300 Hammond Bay Rd
 Nanaimo BC V9T 6N2

Dear Chair Stanhope and Members of the Regional Board:

SUBJECT: *Smoke-Free Outdoor Public Places Bylaw*

Further to our correspondence to you on January 20, 2011, we are writing to provide an update of smoke-free outdoor public places bylaws in British Columbia and encourage you to implement a smoke-free outdoor public places bylaw in your Regional District. Regardless of if any of your member municipalities have such a bylaw in place, it makes sense for the Regional District to do so to provide protections to your residents from second-hand smoke in areas outside of those member municipality jurisdictions.

As little as five years ago, outdoor smoke-free public places bylaws in BC were a rarity. In what was then considered a landmark, the Capital Regional District was the first jurisdiction in BC to ban smoking on customer service patios in July, 2007. There are now close to twenty municipalities in BC that have banned smoking on customer service patios.

Smoke-free parks, playgrounds and beaches were even more of a rarity in the early years, despite the intuitive knowledge that second-hand smoke is even more dangerous for children, who are often found in these locales. In addition, lit and smouldering cigarettes and cigarette butts are an environmental hazard and potential fire risk. Many municipalities had deemed smoking bans in these locations as unenforceable. Now, over twenty municipalities in BC have implemented some sort of smoke-free parks, playgrounds, beaches bylaw, a three-fold increase in three years. These bylaws are enforceable and they do increase public health, especially for children.

A list of the thirty-one BC municipalities that have implemented some sort of smoke-free outdoor public places bylaw can be found in the attachment to this letter.

We have some excellent resources posted on our Clean Air Coalition of B.C. website on this issue, including a smoke-free outdoor public places bylaw primer. Please visit: <http://www.cleanaircoalitionbc.com/issues/smoke-free-outdoor-public-places> to access these resources (click on the "step-by-step primer" link on that page to access the primer), which we hope will assist in implementing such a bylaw.

1212 West Broadway,
 Vancouver, BC V6H 3V2
 T 604.736.4404 F 604.736.8732
 heartandstroke.ca

2675 Oak Street,
 Vancouver, BC V6H 2K2
 T 604.731.5864 F 604.731.5810
 bc.lung.ca



Again, we encourage you to increase public health in the Regional District of Nanaimo by protecting your citizens and visitors from second-hand tobacco smoke through implementation of a smoke-free outdoor public places by-law.

Sincerely,

A handwritten signature in black ink that reads "Diego Marchese".

Diego Marchese
CEO, BC & Yukon
Heart and Stroke Foundation

A handwritten signature in black ink that reads "Scott McDonald".

Scott McDonald
President & CEO
BC Lung Association

cc. Mark Collison, Heart and Stroke Foundation of BC & Yukon
Kim Bruce, Vancouver Island Health Authority

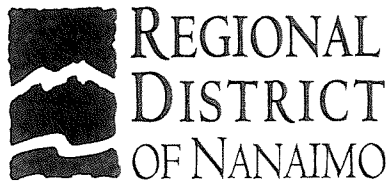
attach. Municipalities in BC with a Smoke-Free Bylaw That Exceeds Provincial Standards

Attachment.

Municipalities in BC with a Smoke-Free Bylaw That Exceeds Provincial Standards

Customer Service Patios	Parks/Playgrounds	Other
Anmore	Belcarra	Abbotsford (7 m buffer to public buildings)
Capital Regional District	Coquitlam	Delta (public events)
Coquitlam (bars excluded)	Central Okanagan RD	Mission (spectator areas)
Delta (bars excluded)	Kelowna	Kelowna (buffer zone to airport terminal)
Langley City	Nakusp	North Vancouver City (buffer to transit shelters)
North Vancouver District	Nanaimo	Pemberton (buffer to transit shelters)
Pemberton	North Vancouver District	Richmond (transit stops) (vehicles age 19)
Pitt Meadows	Pemberton	Surrey (vehicles age 19)
Port Coquitlam (bars excluded)	Pitt Meadows	
Port Moody	Port Moody	
Powell River (bars excluded)	Powell River	
Richmond	Richmond	
Squamish	Salmon Arm (Fletcher Park only)	
Surrey	Sicamous	
Vancouver City	Squamish	
West Vancouver	Tofino	
Whistler	Vancouver City	
White Rock	Metro Vancouver	
	West Kelowna	
	West Vancouver	
	Whistler	
	White Rock	

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RDN REPORT		
CAO APPROVAL <i>CS</i>		
EAP		
COW	✓	<i>Apr. 10/12</i>
MAR 30 2012		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: March 30, 2012

FROM: Tom Armet, Manager
Building, Bylaw & Emergency Planning Services

FILE: CE201200039

SUBJECT: 4153 Eld Road – Electoral Area ‘F’ – Unsafe Building

PURPOSE

To consider an Order for the remediation of an unsafe building and the registration of a Notice of Bylaw Contravention on the title of the above-noted property.

BACKGROUND

Property: 4153 Eld Road, Electoral Area ‘F’
 Legal: Lot 4, District Lot 11, Plan 33338, Cameron District
 Owner: Jason M. Chau, 13-2040 35th Ave SW, Calgary, Alberta T2T 2E1

On February 29, 2012, RDN staff inspected the subject property (*attachment No. 1*) after being notified that the RCMP had dismantled a marihuana grow operation in the dwelling unit. The building appeared to be used solely for the cultivation of marihuana and a number of structural, electrical and ventilation modifications had been made to the interior of the building without permits, to facilitate the illegal activity. The extent of the marihuana cultivation was such that environmental contamination would likely be present throughout the building. As the building appeared to be unsafe for habitation, a “Do Not Occupy” Notice was posted at the entry, prohibiting the use and occupancy of the building.

The property owner, who resides in Calgary, Alberta, was advised to contact the RDN within 7 days to make arrangements to undertake remediation of the building however this letter has gone without response. Although the building is currently unoccupied, it is possible that the property could be sold or occupied by persons unaware of the potential for dangerous levels of environmental contamination and damage due to undisclosed illegal activities.

ALTERNATIVES

1. Declaration by the Board that the building on the subject property creates an unsafe condition and impose remedial action requirements in relation to the building.
2. That a Notice of Bylaw Contravention be registered on the title of the property.
3. Take no action with respect to this property.

LEGAL IMPLICATIONS

The RDN provides building inspection services throughout the region and therefore assumes statutory responsibility (and associated liability) for the enforcement of local government and building code regulations, including those related to the health and safety of buildings. In June of 2011, the Board adopted policy B2.3; *“Building Inspection Procedure for the Remediation of Contaminated Buildings”*. This policy (*attachment No. 2*) provides a clear delineation of the statutory procedures and authorities for ordering the remediation of buildings used for illegal grow operations and drug labs. The intent of the policy is to ensure that these illegally modified buildings are returned to a safe condition for human occupancy and use. The recommendations contained within this report are consistent with Board policy and applicable legislation.

FINANCIAL IMPLICATIONS

If the Board directs that remedial action be taken (*attachment No. 3*) and a Notice registered on title with respect to the unsafe building, it is the owner’s responsibility to hire qualified professionals and obtain the necessary permits in accordance with the procedures outlined in Board Policy B2.3, Part B. If the owner fails to comply with Board direction to remediate the building, any costs incurred by the Regional District of Nanaimo or its agents with respect to the remediation or removal of the building will be billed directly to the owner. If unpaid on December 31 in the year in which the work is done, the expense may be added to taxes in arrears or be collected as a debt. Once the building is brought up to safe standards and the bylaw contravention has been corrected, the property owner may apply to have the Notice removed from the title upon payment of a \$500 fee in accordance with the RDN building bylaw.

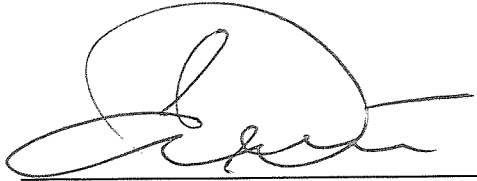
CONCLUSION

The dwelling unit on the subject property was illegally converted for use as a marijuana grow operation that was recently dismantled by police. Structural modifications and environmental contamination have rendered the building unsafe for human occupancy and the property owner has failed to respond to staff direction to undertake remediation action. The subject property could be sold or occupied by persons unaware of the potential for dangerous levels of environmental contamination and damage due to undisclosed illegal activities. Staff is therefore recommending that the Board impose remedial action requirements in accordance with Section 73 *Community Charter* and authorizes the registration of a Notice on the title pursuant to Section 57 *Community Charter* to alert prospective purchasers to the contravention.

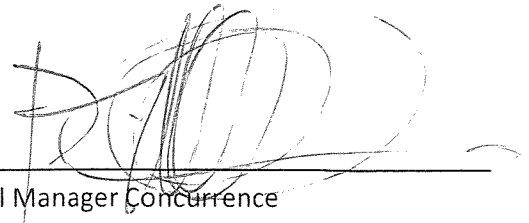
RECOMMENDATIONS

1. That the Board declares that the building at 4153 Eld Road, Lot 4, District Lot 11, Plan 33338, Cameron District, creates an unsafe condition pursuant to Section 73(1)(a) of the *Community Charter*.
2. That the Board directs the Owner of the property, pursuant to Section 72(2)(b) of the *Community Charter*, to undertake remediation of the building on the subject property within thirty (30) days of service of the attached Resolution or the work will be undertaken by the Regional District of Nanaimo’s agents at the Owner’s cost.

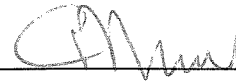
3. That staff be directed to register a Notice of Bylaw Contravention on the title of the subject property legally described as Lot 4, District Lot 11, Plan 33338, Cameron District, pursuant to Section 57 of the *Community Charter*.



Report Writer

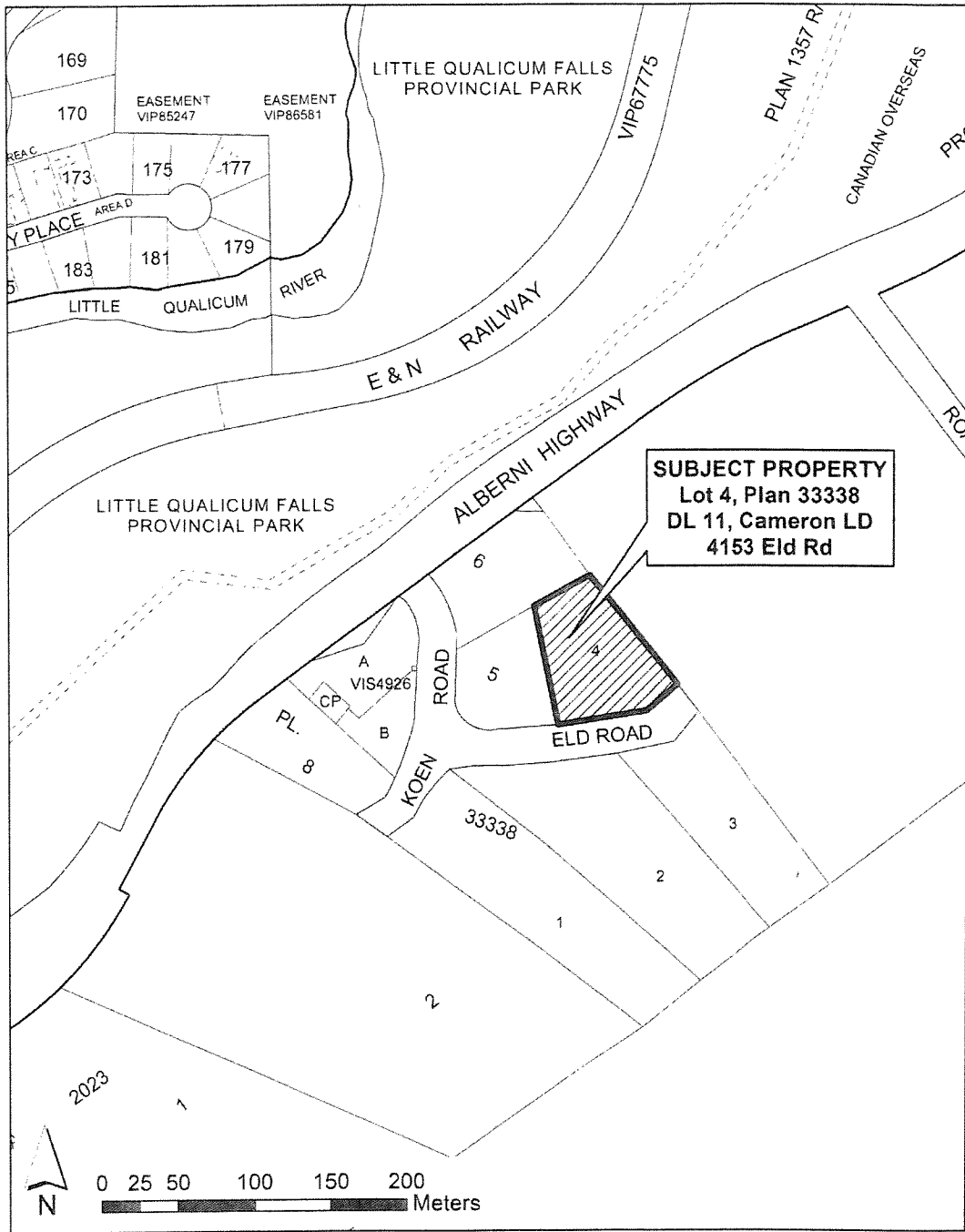


General Manager Concurrence

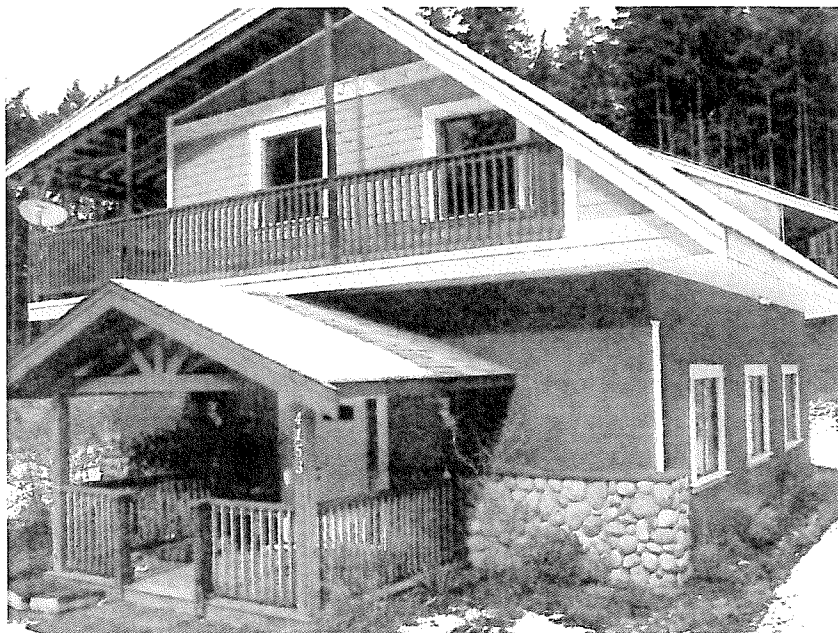
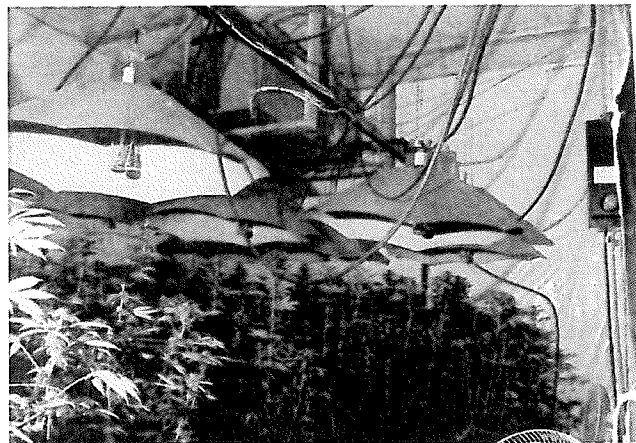
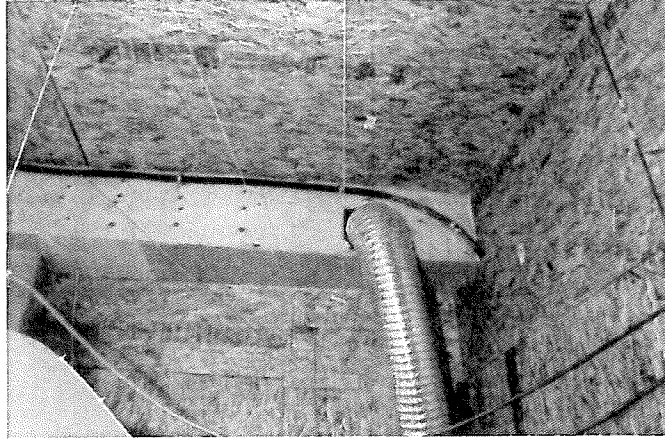


CAO Concurrence

ATTACHMENT NO. 1



ATTACHMENT NO. 1, CON'T



REGIONAL DISTRICT OF NANAIMO P O L I C Y

SUBJECT:	<i>Procedure for the Remediation of Contaminated Buildings (Grow Operations and Drug Labs)</i> (Building Inspection)	POLICY NO:	CROSS REF.:
EFFECTIVE DATE:	June 28, 2011	APPROVED BY:	Board
REVISION DATE:		PAGE:	1 of 4

PURPOSE:

This policy is intended to provide procedures and legal authority to order the remediation of buildings that are believed to be contaminated by the presence of marijuana grow operations and drug labs. The intent is to ensure that these buildings are returned to a safe condition for human occupancy and use.

POLICY:**PART A REGIONAL DISTRICT PROCESS****1. Triggering notification and conditions:**

When the RCMP informs the Regional District of Nanaimo (the "RDN") that, in executing a search warrant, the RCMP has identified an illegal grow operation or drug lab at a particular property, RDN staff may attend and inspect the buildings and structures on that property to determine if any one or more of the following conditions on that property may require remediation under *Section 73(1) (a) and (b) of the *Community Charter* (CC):

- (a) anything, related to a building or structure, that is in or creates an **unsafe condition;
- (b) anything that contravenes the British Columbia Building Code (the "Code") or a Regional District of Nanaimo bylaw regulating buildings (the "Bylaw"), such as, but not limited to;
 - a change in the occupancy (according to its classification under the Code) of a building or structure was made without a permit
 - a change in occupancy that renders any previous building permit invalid
 - work was performed without a permit required by the Bylaw
 - work was done contrary to the standards prescribed in the Code or Bylaw

* Currently, a regional district does not have the authority to take remedial action under section 74 of the *Community Charter* with regard to declared nuisances; only municipalities have that authority.

** The focus of section 73(1) (a) and (b) is on Code and Building Bylaw matters. The Regional District's jurisdiction does not extend to health safety issues governed by the *Public Health Act* and fire safety issues governed by the *Fire Services Act* (FSA). Those matters should be referred to the medical health officer and the BC Fire Commissioner respectively. The local assistant may be able to deal with some fire safety matters under the FSA.

2. Legal grounds for remedial action

If any one or more of the conditions set out in section 1 above are determined to exist on the property, the RDN (under section 698(1) and (2) of the *Local Government Act* and section 73(1) (a), (b) and (2) of the *Community Charter*) may take the remedial action that, under Section 72 *Community Charter*, is applicable to the specific condition.

3. Procedural Steps

The RDN staff will take the following steps, after ***inspecting the property and documenting the condition(s) in detail:

- (1) Post a “Stop Work/Do Not Occupy” Notice at the entry to the building (no entry permitted)
- (2) Notify the owners, lessees, occupiers and registered charge holders (collectively, the “Owner”), the same persons required by CC sections 72(2) and 77 where the Board makes the order under CC section, of the following:

Order under Step (1) has been issued and posted

- reasons for the Order (Code or Bylaw contravention: unsafe structure or an unsafe condition in the structure)
 - what needs to be done to remediate the condition(s)
 - a deadline to contact RDN for arrangements to undertake remediation according to the Owner’s Responsibility under Part B below (include details in notice or attach this policy)
 - failure of the Owner to respond by the deadline will result in a report to the RDN Board recommending remedial action and note on title.
- (3) If Owner does not respond, notify them that a Report is being sent to the Board recommending remedial action and note on title. (****specify date, time, place when they may attend and address the Board)
 - (4) Obtain the Board’s resolution authorizing staff to proceed with remedial action and Notice on title.
 - (5) Notify, as per section 77 of the *Community Charter*, same persons as in Step (2) that the Board has ordered remedial action.
 - (6) Recommend to the Board to register a Notice against the property title as an interim measure until the remedial action process is completed (to give notice to prospective purchasers in case owner sells the property in the interim).
 - (7) Reconsideration by the Board, if any, under section 78 of the *Community Charter*.
 - (8) Cost recovery to be in accordance with section 80 of the *Community Charter*.

***No inspection fees for initial attendance at property prior to Step 1.

****Although the *Community Charter* does not mention giving these persons the opportunity to be heard by the Board before the Board passes its resolution authorizing remedial action, the common law Rules of Procedural Fairness requires the opportunity be given. Therefore, the notice should contain that information. If the recommendation includes a Notice on title, the provisions of CC section 57 for notice must be complied with. Both can be dealt with at the same time.

ATTACHMENT NO. 3

**IN THE MATTER OF SECTION 73 OF
THE COMMUNITY CHARTER S.B.C 2003,
CHAPTER 26 AND AMENDMENTS**

AND

IN THE MATTER OF

Lot 4, District Lot 11, Plan 33338, Cameron District

TO: Jason M. Chau,
13-2040 35th Ave SW,
Calgary, Alberta T2T 2E1

NOTICE OF HEARING

TAKE NOTICE that the Board of the Regional District of Nanaimo, pursuant to Division 12 of Part 3 of the Community Charter will, at the hour of 7:00 pm on 10th day of April, 2012, in the Board Chambers at the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, British Columbia hear representations by the Senior Manager Corporate Administration to determine with respect to the lands more particularly described above, whether to declare the building to be in an unsafe condition and require the owner to undertake remediation of the building to return it to a safe condition for human occupancy.

AND FURTHER TAKE NOTICE that should the Board require the owner to take remedial action, and the owner defaults, the Board may direct its employees and others to enter and take the remedial action at the expense of the person defaulting. The charges for doing so, if unpaid on December 31st shall form part of the taxes payable in respect of the real property in question, as taxes in arrears, or be collected as a debt.

AND FURTHER TAKE NOTICE that should you wish to make representation to the Board regarding the lands and premises listed above, you should appear at the time, date and place to make your presentation to the Board.

THIS NOTICE is given by the Senior Manager Corporate Administration of the Regional District of Nanaimo this 2nd day of April, 2012.

Senior Manager, Corporate Administration

**ORDER UNDER DIVISION 12 OF PART 3
OF THE COMMUNITY CHARTER**

The Board of the Regional District of Nanaimo pursuant to Division 12 of Part 3 of the “Community Charter” hereby resolves that:

1. the building located at 4153 Eld Road, Qualicum Beach, British Columbia, legally described as Lot 4, District Lot 11, Plan 33338, Cameron District creates an unsafe condition; and
2. the owner of the property is hereby ordered to take the following remedial action within 30 days of the receipt of notice of this Order:

Undertake remediation requirements necessary to return the building to a safe condition for human occupancy in accordance with procedures appended to this Order.

AND BE IT FURTHER RESOLVED that employees of the Regional District of Nanaimo BE AND ARE HEREBY AUTHORIZED in default of such remedial measures being undertaken by the owner, to have such work carried out and the expense charged to the owner. If unpaid on December 31st in the year in which the work is done, the expense shall be added to and form part of the taxes to be paid on the real property as taxes in arrears or be collected as a debt.

MOVED BY DIRECTOR:

SECONDED BY DIRECTOR:

Dated at Nanaimo, British Columbia, this 25th day of April, 2012.

Certified a true copy this 25th day of April, 2012.

Senior Manager, Corporate Administration

ORDER UNDER DIVISION 12 OF PART 3 OF THE COMMUNITY CHARTER

Appendix I

PROPERTY OWNER'S RESPONSIBILITY

1. Owners must not handle or remove hazardous materials

Illegal marijuana grow operations and drug labs can be extremely dangerous to handle and must be removed by trained and properly equipped HAZMAT officials working under the authority of the federal authorities having jurisdiction. The RDN will not require property owners and occupiers to undertake this work themselves or contract out the work without complying with the requirements of this policy.

2. Building must be vacated and secured

After the initial removal of drug lab and growing equipment by the enforcement authorities, the building must be vacated and secured by the property owner.

3. Building and occupancy permits required

No remediation or other work shall commence prior to the issuance of a Building Permit by the RDN. The building shall not be occupied until remediation has been completed in accordance with this policy and an occupancy permit has been issued by the RDN.

4. Environmental assessment

The property owner must arrange for an environmental assessment of the building interior by a consultant (see Part C - Consultant) qualified in mould abatement and building remediation resulting from illegal marijuana grow operations and drug labs.

5. Qualified contractor

Under the direction of the consultant, the property owner will contact a qualified contractor to provide a "scope of work" for the remediation process or, if the damage to the building is minimal, the property owner may provide the "scope of work".

PART C CONSULTANT

1. Resume

The Consultant must provide the Regional District with a resume identifying education, qualifications and experience in mould abatement and building remediation, and references for previous work.

2. Letter of supervision

When the initial environmental assessment of the building is completed, the consultant will provide the property owner with a "letter of supervision". The letter must indicate the findings of the assessment, identify the persons qualified to perform the work, confirm his/her agreement with the scope of work if

compiled by another person and outline all work being performed by the consultant, including supervision of the contractors work.

3. Scope of work

The “scope of work” may be compiled by the consultant, the authorized contractor or the property owner. If the scope of work is being undertaken by the contractor or property owner, the consultant;

- must state in their letter of supervision that they have reviewed the “scope of work” and agree with it or have it amended, and
- confirm that the remediation conforms to the current edition of Health Canada’s standard: Fungal Contamination in Public Buildings. (i.e. up to 150 CFU/m³ is acceptable if there is a mixture of species reflective of outdoor air spores).

4. Letter of Completion

When the remediation is completed, the consultant must provide a Letter of Completion that indicates compliance with the Scope of Work has been attained. The letter must contain a summary of remedial work performed at the site and a final summary of the analytical results. The Letter of Completion must also state that the Regional District of Nanaimo can rely on the Report for making any decisions pertaining to the remediation of the building and that any reoccurrence of an amplification site for mould spores or contamination has been eliminated.

PART D CONTRACTOR

1. Resume

The Contractor must provide the Regional District with a resume identifying qualifications and experience in mould abatement and building remediation and references regarding previous work.

2. Supervision

The Contractor must work under the supervision of the consultant during the project.

3. Scope of work

The Contractor may define the “scope of work” for the property owner, if agreed to by the Consultant.

PART E REQUIREMENTS FOR BUILDING PERMIT APPLICATION

The applicant must provide the following:

1. A floor plan of each floor of the building with all rooms and spaces labeled or numbered.
2. A Scope of Work indicating the work to be undertaken in each room of the building.
3. A Letter of Supervision of the work from a recognized consultant.

PART F FINAL APPROVAL

The property owner must request final inspection from the Building Inspector when the work is complete. The consultant’s Letter of Completion is also required for the final inspection.



KUN REPORI		
CAO APPROVAL		
EAP		
COW	✓	Apr. 10/12
MAR 30 2012		
RHD		
BOARD		

MEMORANDUM

TO: Tom Armet, Manager
Building, Bylaw & Emergency Planning Services

DATE: March 30, 2012

FROM: Jack Eubank
Bylaw Enforcement Officer

FILE: CE201200041

SUBJECT: 1532 Marine Circle – Unsightly Premises

PURPOSE

To obtain Board direction regarding an ongoing property maintenance contravention.

BACKGROUND

Property: 1532 Marine Circle, Electoral Area 'G'
 Legal Description: Lot 59, Plan 30213, District Lot 28, Nanoose Land District
 Property Owner: Carol-Jayne Newman
 Zoning: Residential 1 (Bylaw 500)

Regional District staff has received several complaints over the past six (6) years concerning the unsightly condition of the subject property which is situated in an area of well maintained homes. In January 2008 the Board directed the owner, by Resolution, to clean up the property which the owner completed approximately 6 months later. Between 2009 and 2011, several more complaints were received and staff continued to work with the owner to achieve some level of compliance with property maintenance regulations.

In response to a further complaint in February 2012, staff confirmed the property contained two (2) derelict vehicles, piles of garbage bags, rubbish and debris in the front and side yards. (see photos Attachment No. 1). The owner was directed in writing to clean up the property however, two follow up inspections confirmed there was no change in the property condition nor was there a response from the owner.

It is apparent based on the history of the previously described events, that this owner will not maintain the property in compliance with Regional District of Nanaimo regulations.

ALTERNATIVES

1. That the Owner of the property be directed to remove from the premises those items as set out in the attached Resolution within thirty (30) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the Owner's cost.
2. That no further action be taken with respect to the condition of the subject property.

FINANCIAL IMPLICATIONS

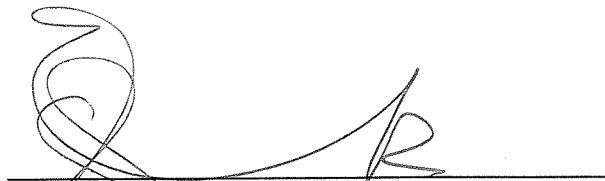
If the Board adopts a resolution to have the identified discarded and disused material removed from the property, any costs incurred by the Regional District of Nanaimo or its agents with respect to the removal may be recovered from the property owner. If unpaid on December 31 in the year in which the work is done, the expense may be added to taxes in arrears or be collected as a debt.

CONCLUSION

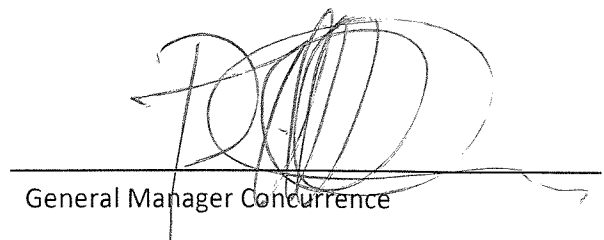
Regional District staff has received numerous complaints concerning the unsightly accumulation of derelict vehicles, debris and refuse on the subject property. Despite efforts by staff and previous direction from the Board, the property owner has demonstrated an unwillingness or inability to comply with the provisions of the Unsightly Premises bylaw or to maintain the property to a reasonable standard as compared to surrounding properties. Board direction appears, once again to be the only remaining option available to bring this property into compliance with Regional District of Nanaimo regulations.

RECOMMENDATION

That the Board directs the Owner of the property, to remove from the premises those items as set out in the attached Resolution within thirty (30) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the Owner's cost.



Report Writer



General Manager Concurrence

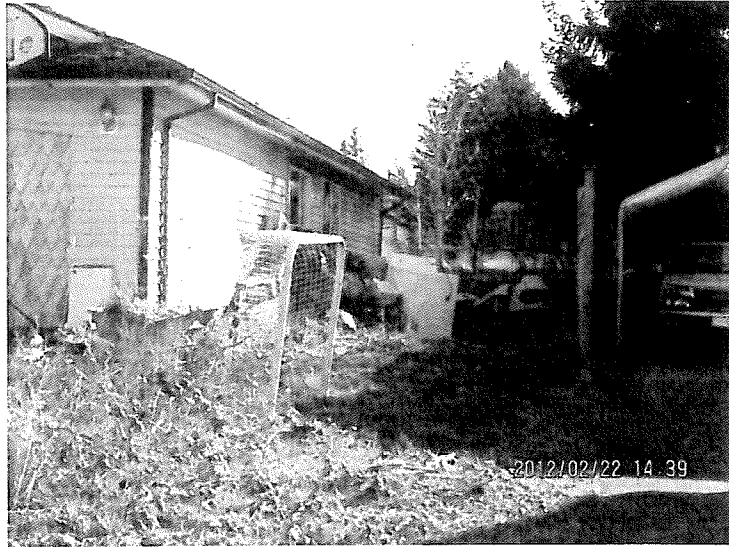


Manager Concurrence



CAO Concurrence

Attachment No. 1



Attachment No. 2

**IN THE MATTER OF SECTION 725(1) OF THE LOCAL GOVERNMENT ACT
R.S.B.C. 1996 CHAPTER 323 AND AMENDMENTS**

AND

IN THE MATTER OF

Lot 59, Plan 30213, District Lot 28, Nanoose Land District

TO: Carol-Jayne Newman
1532 Marine Circle
Parksville, BC

NOTICE OF HEARING

TAKE NOTICE that the Board of the Regional District of Nanaimo pursuant to Section 725(1) of the Local Government Act R.S.B.C. 1996 Chapter 323 and amendments and "Unsightly Premises Regulatory Bylaw No. 1073, 1996," will at the hour of 7:00 pm on the 10th day of April, A.D. 2012 in the Regional District of Nanaimo Board Chambers, 6300 Hammond Bay Road, Nanaimo, British Columbia, hear representation by the Senior Manager Corporate Administration as to whether, with respect to the lands more particularly described above, the owner(s)/occupier(s) shall be required to remove the accumulation thereon of all discarded and disused materials and debris.

AND FURTHER TAKE NOTICE that should the Board require the owner(s)/occupier(s) to remove the described accumulation, and the owner(s)/occupier(s) default, the Board may direct its employees and others to enter and effect the removal at the expense of the person defaulting. The charges for doing so, if unpaid on December 31st in the year in which the Regional District effects the removal, shall be added to and form part of the taxes payable in respect of the real property in question, as taxes in arrears.

AND FURTHER TAKE NOTICE that should you wish to make representation to the Board regarding the lands and premises listed above, you should appear at that time, date, and place to make your presentation.

THIS NOTICE is given by the Senior Manager Corporate Administration of the Regional District of Nanaimo, this 2nd day of April, A.D. 2012.

Senior Manager, Corporate Administration

Regional District of Nanaimo

RESOLUTION

“UNSIGHTLY PREMISES REGULATORY BYLAW NO. 1073, 1996”

MOVED Director _____, SECONDED Director _____ that pursuant to the provisions of the “*Unsightly Premises Regulatory Bylaw No 1073, 1996*,” and amendments thereto, IT IS HEREBY RESOLVED that the Owner(s)/Occupier(s) of the respective premises set forth below be notified to remove the accumulation of discarded and disused material/debris and to take such remedial measures as are specified:

PROPERTY DESCRIPTION: Lot 59, Plan 30213, District Lot 28, Nanoose Land District

LOCATION: 1532 Marine Circle, Electoral Area ‘G’

OWNER: Carol-Jayne Newman
1532 Marine Circle
Parksville, BC V9P 1Y6

UNSIGHTLY ACCUMULATION: Derelict and unlicensed vehicles, household garbage, cardboard boxes, discarded toys and sporting goods, disused furniture, appliances, building materials and other debris.

REMEDIAL MEASURES: To remove derelict and unlicensed vehicles, household garbage, cardboard boxes, discarded toys and sporting goods, disused furniture, appliances, building materials and other debris, leaving the property clean and tidy.

AND BE FURTHER RESOLVED that the Bylaw Enforcement Officer of the Regional District of Nanaimo BE AND IS HEREBY AUTHORIZED in default of such removal or remedial measures being undertaken by the Owner(s)/Occupier(s) within thirty (30) days of receipt of Notice to do so, to carry out or have such work carried out, and the expense charged to the Owner(s)/Occupier(s). If unpaid by December 31st in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

I hereby certify the foregoing to be a true and correct copy of a Resolution passed by the Board at its regular meeting, held April 24th, 2012.

DATED at Nanaimo, BC this 25th day of April, 2012

Senior Manager, Corporate Administration



RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP		
COW	✓	
APR 3 - 2012		
RHD		
BOARD		

MEMORANDUM

TO: Tom Osborne
General Manager of Recreation and Parks

DATE: March 27, 2012

FROM: Dean Banman
Manager of Recreation Services

FILE:

SUBJECT: Gabriola Island Recreation Services Agreement

PURPOSE

To obtain Board approval for the renewal of the Recreation Services Agreement with the Gabriola Recreation Society for the provision of local recreation services on Gabriola island within Electoral Area 'B'. Included in this agreement is the Society's role in facility use scheduling, minor janitorial maintenance and onsite monitoring of contractors at Rollo McClay Community Park and Huxley Community Park.

BACKGROUND

In May of 2002, the Regional District of Nanaimo established an agreement with the Gabriola Recreation Society (GRS) to provide recreation services to the residents of Gabriola Island, which at the time also included the scheduling of Rollo McClay Community Park.

The agreement was amended in 2006, to include the Society's role in assisting the Regional District with the maintenance and operations of Rollo McClay Community Park. For the past number of years the Society utilized a portable at the Community Park as an office and storage space. Recently, the Society has worked with School District #68 to secure an office space at the local elementary school. The portable will continue to be used by the Society for storage purposes and as an office location for work commitments related to Rollo McClay Park. The Society is committed to working with the Regional District and continues to play a role in the scheduling and maintenance of Rollo McClay.

Most recently in May 2011, the Regional District acquired Huxley Park. After acquisition of this park staff approached the Gabriola Recreation Society with the hope that the Society could take an active involvement with scheduling and monitoring the parks condition and service contractors. Schedule B of the attached agreement (*Appendix 1*) outlines the roles and responsibilities related to the maintenance and operations of Huxley Park.

The Society has been diligent in its efforts to provide quality recreation services to the community it serves on behalf of the Regional District. The working relationship between Regional District staff and

the Society's Board and staff has been very good and includes a shared commitment to the development and success of the programs and operations as outlined in the agreement. A renewal agreement has been completed for the Board's consideration and is attached as *Appendix 1*.

ALTERNATIVES

1. That the Recreation Service Agreement with the Gabriola Recreation Society be approved.
2. That the Recreation Service Agreement with the Gabriola Recreation Society not be approved and alternative direction be provided.

FINANCIAL IMPLICATIONS

Alternative 1

The Agreement provides for \$66,465 in funding to be transferred to the Society for recreation services. This funding is provided through the Electoral Area 'B' Recreation function budget.

The Agreement also provides for \$3,315 of funding to be transferred to the Society for maintenance services at Rollo McClay Park. These funds are provided through the Southern Community Recreation Services budget.

Alternative 2

If the agreement were not approved there would be significant savings in the 2012 Electoral Area 'B' Recreation function budget; however, Gabriola residents would lose a valuable community resource, at least for the short term, as the services could no longer be provided by the Society. The Recreation and Parks Department does not currently have the necessary resources to deliver comparable recreation services in Electoral Area 'B'. If the intention was to provide a similar level and quality of service an alternative means of delivery would need to be established. The Regional District would need time to explore other avenues for service provision either through direct services as was done prior to 2002 or to establish a new service agreement through another provider. Given the current relationship with the Society in providing the services and the cost to the community if the service were terminated, *Alternative 2* is not considered a viable option at this time.

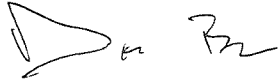
CONCLUSION

The Gabriola Recreation Society has been providing recreation services to the residents of Gabriola Island through an agreement with the Regional District since 2002.

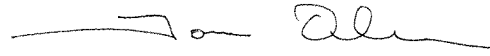
A renewal agreement has been completed and is attached as *Appendix 1*. Given the Society has met all of its obligations under the agreement and are committed to continuing to provide the services on behalf of the Regional District, staff are recommending the agreement be renewed as presented for a three year Term to December 31, 2014.

RECOMMENDATION

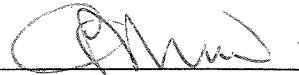
That the Recreation Services Agreement between the Regional District and the Gabriola Recreation Society be approved for the term commencing January 1, 2012 and ending December 31, 2014.



Report Writer



General Manager Concurrence



CAO Concurrence

APPENDIX 1

THIS AGREEMENT made the ____ day of _____, 2012

BETWEEN:

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

(herein called the "District")

OF THE FIRST PART

AND:

GABRIOLA RECREATION SOCIETY
PO Box 355
Gabriola, BC
V0R 1X0

(herein called the "Society")

OF THE SECOND PART

- A. WHEREAS the District did, by Bylaw No. 1023 ("Bylaw 1023") and subsequent amendments, establish a service known as the Gabriola Island Recreation Local Service Area, within a portion of the Electoral Area 'B', and did within that Local Service Area authorize the District to undertake and carry out or cause to be carried out and provide for recreation services in and for the Service Area;
- B. And WHEREAS the Society was incorporated on the February 14, 2002 and the objects of the Society are to provide recreation services;
- C. AND WHEREAS Section 176(1)(a)(i) of the *Local Government Act* provides that the Board may make agreements for the operation of services and the Board wishes to engage the Society to provide recreation and parks services as set out in this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, terms and conditions to be hereinafter contained (the receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

INTERPRETATION

In this Agreement the following terms have the following meanings:

"Board" means the Board of the Regional District of Nanaimo.

“**Lands**” means Rollo McClay Community Park and Huxley Community Park.

“**Portable**” means the manufactured building located at Rollo McClay Community Park.

“**Recreation Services**” means the services set out in *Schedule ‘A’* to this Agreement.

“**Parks Services**” means the services for both Rollo McClay Community Park and Huxley Community Park as set out in *Schedule ‘B’* to this Agreement.

“**Service Area**” means the Gabriola Island Recreation Local Services Area established under the District’s Bylaw 1023.

“**Year End**” means the calendar year ending December 31st.

TERM

1. The term (the “Term”) of this Agreement is for a three (3) year Term and will commence on January 1, 2012 and end on December 31, 2014, unless otherwise terminated under this Agreement as provided herein. The Agreement may be renewed for further terms at the sole option of the Board.

BUILDING LEASE

2. The Portable has been renovated into a space suitable for administration, operational and storage purposes for the Society’s use during the Term of this Agreement.
3. The District hereby demises and leases the Portable to the Society for the Term of this Agreement.
4. The Society shall pay nominal basic rent for the Term in the amount of one dollar (\$1.00), the receipt of which is hereby acknowledged by the District.
5. The Society shall use the Portable for the purpose of carrying out the Recreation and Parks Services under this Agreement, and for no other purposes.
6. The Society covenants with the District:
 - a) to pay all rents as provided herein;
 - b) to observe and comply with all applicable laws, regulations, bylaws, orders and directions of those authorities having jurisdiction in relation to the Portable and the provision of the services provided under this Agreement;
 - c) to pay as they become due all charges for utilities, including gas, oil, telephone, water and electricity used for the Portable;

- d) to pay all accounts and expenses incurred in relation to its use and occupation of the Portable, including without restricting the generality of the foregoing: accounts for the supply of labour, materials, or sub-trades that might give rise to liability upon the part of the District under the *Builders Lien Act* in relation to any construction upon or improvement to the Portable and will indemnify and save harmless the District from and against any and all claims of lien arising in relation thereto;
 - e) to keep and maintain the Portable in a safe, clean and sanitary condition and in good repair and condition throughout the Term and to repair any part thereof upon written notice by the District;
 - f) not to carry on or do or allow to be carried on or done in the Portable or on the Lands anything that:
 - i) may be or become a nuisance to the District or the public;
 - ii) increases the hazard of fire or liability of any kind;
 - iii) increases the premium rate of insurance against loss by fire or liability for the Portable;
 - iv) invalidates any policy of insurance for the Portable; or
 - v) directly or indirectly causes damage or waste to the Portable or Lands.
7. The Society shall permit the District's authorized officials and employees access to the Portable at all reasonable times to view the state of repair of the Portable and review the operations of the Society to ensure compliance with this Agreement.
8. On the expiration or earlier termination of this Agreement, the Society agrees:
- a) to peaceably quit and deliver vacant possession of the Portable and the Society's improvements to the District in a safe, clean and sanitary condition;
 - b) to remove any improvement the District may, in writing, direct or permit to be removed;
 - c) to neither remove nor permit removal of any building, structure or other improvements at the Portable except as expressly permitted or required by this Agreement;
 - d) not to construct anything upon, or make or place improvements inside or outside of the Portable without first obtaining written consent of the District, which consent shall not be unreasonably withheld and if said consent is obtained, to ensure that all construction, additions or renovations comply with the British Columbia Building Code.
9. The Society shall not assign, sublet nor otherwise permit the occupation or use of the Portable by any other association, person or agency without first obtaining the written approval and consent of the District, which consent shall not be unreasonably withheld.

SERVICE AREA

10. The Society will, under the terms hereof and subject to any applicable bylaw of the District and any Federal or Provincial enactment, provide the Recreation and Parks Services in and for the Service Area.

COST

11. It is acknowledged, understood and agreed that the cost of providing for establishing and equipping the Society for the purpose of carrying out the Recreation and Parks Services within and for the Service Area shall be borne by the owners of land within the Service Area.

RECREATION AND PARKS MANAGEMENT SERVICES

12. The Society shall provide the Recreation and Parks Services attached as *Schedules 'A', 'B'*, respectively, in accordance with the Society's Constitution and Bylaws.

FUNDING AND PAYMENT

13.
 - a) In consideration of the Society providing the services outlined in *Schedules 'A' and 'B'*, the District will provide funds to support the Society as outlined herein.
 - b) In addition to the annual funding provided under this Agreement, the District agrees to pay the annual fees associated with the preparation of the Society's review engagement statement as described in Paragraph 17. The Society shall inform the District, upon submission of the annual Recreation Services budget, of a quote for completing a review engagement statement.
14. The funding described herein is subject to the District being satisfied in each year of the Term that the Society has performed in accordance with *Schedules 'A' and 'B'* and has satisfied all other terms of this agreement.
15. The Society shall annually by September 15 of each year provide the District for the upcoming year of the Term:
 - a) a detailed proposed budget showing the revenues and expenditures projected for the Recreation Services;
 - b) a statement of the goals and objectives for the following year with respect to the Recreation Services being provided, including program content related specifically to the Recreation Services;
 - c) a brief written narrative highlighting any significant Recreation Services program changes, deletions, and/or additions in relation to specific line items in the budget;

- d) a summary of the Parks Services provided at Rollo McClay and Huxley including roles and responsibilities, monitoring and inspection frequencies, contact information of sub-contractors and other related information; and,
 - e) any other significant issues that may pertain to the Recreation and Parks Services being provided.
16. On or before February 15 of each year of the Term, the Society shall provide the District, an annual report regarding the Recreation and Parks Services. The annual report shall include at a minimum:
- a) a preliminary summary of Recreation Services operating results showing revenues and expenditures to December 31st of the preceding year;
 - b) a summary of Recreation Services programs showing registration statistics and number of sessions held; and,
 - c) a brief narrative summary reviewing the goals, objectives and the results achieved for the year for the Recreation and Parks Services; which would also include challenges encountered, Recreation Services program cancellations, and any other significant issues addressed.
17. On or before March 31 of the year following the end of the Society's Year End, the Society will have prepared by a Certified General Accountant or Chartered Accountant qualified to practice publicly in British Columbia, a review engagement statement of its accounts containing particulars of assets and liabilities, and a statement of revenue and expenditures for the year which shall include the public funds provided under PAYMENTS in this Agreement. The statements shall be submitted to the Manager of Recreation Services.
18. The District shall provide the following funding with the respect to this agreement:
- a) **FOR THE CALENDAR YEAR 2012**
 - For the **Recreation Services**, two installments equal to the sum of \$66,465:
 - i. On or before January 10th, \$32,550
 - ii. On or before July 1st, \$33,915
 - For **Parks Services** related to Rollo McClay Park as outlined in *Schedule 'B'*; two installments equal to the sum of \$3,315:
 - i. On or before January 10th, \$1,580
 - ii. On or before July 1st, \$1,735

b) **FOR THE CALENDAR YEARS 2013-2014**

- i. Funding for 2013 shall be \$66,465 and \$3,315 respectively for the Recreation Services and the Parks Services, each increased by the change in the Consumer Price Index for Vancouver Island (Victoria) as stated as November 30, 2012.
 - ii. Funding for 2014 for each service shall be the amount calculated under 18 (b)(i) above and adjusted for the change in the Consumer Price Index for Vancouver Island (Victoria) as stated at November 30, 2013.
 - iii. In each year, on or before January 10th – 50% of the funding for the year.
 - iv. In each year, on or before July 1st – 50% of the funding for the year.
19. The Society shall administer the funds in accordance with the budget approved by the District.
20. It is the Society's responsibility to determine whether or not it is required to be registered for HST purposes. The amount of funding provided in this Agreement includes any HST which may be payable by the District. Any liability for HST required in respect of this Agreement, will be the responsibility of the Society.

SEPARATE FUNDS AND FINANCIAL STATEMENTS

21. The books of account of the Society shall be kept in such manner and provide such detail as may be required from time to time by the District's General Manager of Finance and Information Services or their designate.
22. The public funds provided under PAYMENTS in this Agreement shall be accounted for separately from any other funds of the Society and shall be separated in its books of account.
23. The Society shall maintain a separate bank account for District PAYMENTS as well as revenues from the Recreation Services and shall keep all operating revenues and expenditures pursuant to this Agreement separate from other activities that may be undertaken by the Society from time to time.
24. The District's auditors may rely on the Society's review engagement report, but in any case may require and shall have access to the working papers of the Society's accountant for examination during the Year End audit of the District.
25. The Society will prepare, in a form approved by the District's General Manager of Finance and Information Services, a budget related to the Recreation Services being provided, which reflects its anticipated income and expenses for its next fiscal year as referenced in Section 15 a).
26. The Recreation Services budget shall contain details as to the funds anticipated to be required by the Society for the annual operation of the Portable and its Recreation Services, both of a

capital and operating nature for the purpose of operating, maintaining and improving the buildings, equipment and other facilities and chattels utilized by the Society for the purpose of providing and carrying out the Recreation Services.

27. The budget shall be presented to the District's General Manager of Finance and Information Services on or before September 15 of each year of the Term to prepare the District's budget for the following calendar year. The District will review the budget and may either approve the budget or return the budget for amendment by the Society, which will return the budget as amended to the District for its approval on or before the day specified by the General Manager of Finance and Information Services for the purpose of completing the District's budget for the following calendar year.
28. Any accumulated surplus or deficit from the prior year as recorded in the Society's records must be carried forward and be applied to the next year's budget in accordance with accounting rules established for Regional Districts in the Province of British Columbia.
29. A deficit incurred in a prior year may or may not be funded by the District and is subject to the District's approval of the Society's budget which forms part of the District's overall financial plan for the relevant year.
30. The Society will not expend or contract for or otherwise commit the Society to any expenditure in any calendar year except one that has first been approved in a budget by the District as above provided and will not incur any liability in any year beyond the amount of the funds to be paid to the Society by the District, as provided in the budget adopted for that year by the Board.

RIGHT OF AUDIT

31. At any time, the District may give to the Society written notice that it desires its representatives to examine the books of account of the Society, and the Society shall produce for examination to such representative within ten days after receipt of such notice, its books of account, and the said representative shall have a right of access to all records, documents, books, accounts and vouchers of the Society and shall be entitled to require from the Directors and Officers of the Society such information and explanations as, in his/her opinion, may be necessary to enable the staff to report to the Board on the financial position of the Society.

OPERATION

32. The Society will provide and carry out the Recreation and Parks Services without negligence and in accordance with standards comparable to those of similar services provided within the Regional District of Nanaimo, and in accordance with any operational guidelines as may be established from time to time by the District in consultation with the Society.
33. The District may consult the Society with respect to operational guidelines but shall retain the sole right to determine whether a guideline shall apply to the Society.

CAPITAL ASSETS

34. The parties to this Agreement acknowledge and agree that all the items, furniture, supplies and equipment, currently owned by the District and all other items, furniture, supplies and equipment purchased by the Society with public funds, listed in *Schedule 'C'* to this Agreement, will remain the property of the District free and clear of any claim by the Society and the Society shall not mortgage, charge, pledge, hypothecate or otherwise post such property as security for any purposes whatsoever. *Schedule 'C'* shall be updated for additions and replacements annually after the Year End and a certified copy shall be forwarded to the District's Manager of Financial Services. Subsequent amendments to *Schedule 'C'* shall automatically replace previous schedules and shall become a part of this Agreement.
35. During the Term of this Agreement, the Society, subject to the terms of this Agreement, shall have possession at all times, of the Portable and equipment listed in *Schedule 'C'* and all other items, furniture, supplies and equipment subsequently purchased out of funds obtained from the District, for the purpose of providing the Recreation and Parks Services within the Service Area.

MAINTENANCE

36. The Society will, to the satisfaction of the District, maintain the Portable, all items, furniture, supplies and equipment, and any chattels paid for out of funds obtained through the District and provided by the District to the Society for the purpose of providing the Recreation and Parks Services in a good working condition so that the Portable and equipment are available at all times for the purpose of providing the Recreation and Parks Services.
37. The Society agrees to return District owned equipment to the District upon request.

INSURANCE

38. The Society may, at its cost, take out and maintain insurance for the personal effects of the volunteers, Directors and Officers of the Society.
39. The Society hereby agrees to provide property insurance on a replacement cost basis for the Portable and all equipment used to provide the Recreation Services whether or not purchased from funds provided by the District under this agreement.
40. The Society shall take out and maintain, during the Term of the Agreement, a policy of comprehensive general liability insurance, including without limitation non-owned automobile insurance and tenant fire and legal liability insurance and declaring the District as an additional named insured, against claims for personal injury, bodily injury, death or property damage arising out of the Recreation and Parks Services provided by the Society in an amount of not less than three million (\$3,000,000) dollars per single occurrence or such amount as the District may require from time to time. The Policy shall include a cross liability clause and a waiver of subrogation in favour of the District. The Society shall provide a copy of each year's renewed policy to the District's General Manager of Financial and Information Services.

41. In the event of any injury to person(s) on the premises and/or involved in the Recreation and Parks Services or loss of or damage to the Portable, the Society shall forthwith notify the District of such event. Failure to notify the District within one week of knowledge of an injury or loss may result in the termination of this Agreement.
42. Should any additional agencies or associations use the Portable then a requirement of their use shall be that they hold liability insurance in the form described herein of not less than two million (\$2,000,000) dollars per occurrence.

INDEMNITY

43. The Society shall indemnify and save harmless the District from and against all actions, causes of action, claims, liabilities, damages, losses, costs, fees, fines, charges or expenses which the District may incur, be threatened by or be required to pay by reason of or arising out of the provision of the Recreation and Parks Services by the Society, the Society's use of and occupation of the Portable or any facility where Recreation and Parks Services are provided, the breach by the Society of any term of this Agreement, or by the Society's contravention of any law, enactment or regulation of a federal, provincial or local government.
44. This indemnity shall survive the expiry or sooner termination of this Agreement.

COMPLIANCE WITH LAWS

45. The Society will comply with all enactments as defined in the Interpretation Act and all orders and requirements under an enactment including orders and requirements under and authorized by the *Workers Compensation Act*.
46. The Society shall file a copy of its annual Society Act filing with the District's Manager of Financial Services.

DIRECTORS

47. At all times, while this Agreement is in force, a representative of the District nominated by the District shall be entitled to attend all meetings of the Board of Directors of the Society.

REMEDIAL ACTION

48. If the Society fails to do anything required of the Society under this Agreement, the District may fulfill or complete such thing at the cost of the Society and may, if necessary, by its agents, Officers, employees or contractors enter onto the Lands or into the Portable to fulfill and complete all or part of such thing as the District determines in its sole discretion. If the Society leaves any property, goods or chattels on the Lands or in the Portable after the expiry of the Term, the District may remove them and dispose of them in its sole discretion, and may retain any proceeds of its disposition to cover all costs incurred as a result of the default of the Society to fulfill such thing.
49. The Society releases the District, its elected officials, appointed Officers, employees and agents from and waives any claim, right, remedy, action, cause of action, loss, damage, expense, fee or

liability which the society may have against any or all of them in respect of an act of the District under Section 48 except insofar as such claim, right, remedy, action, cause of action, loss, damage, expense, fee or liability arises from the negligence of the District, its elected officials and appointed Officers, employees, agents or contractors.

TERMINATION

50. The District may terminate this Agreement upon giving ninety (90) days written notice to the Society should the District or any successor to the District provide alternate Recreation and Parks Services, within the Service Area.
51. The District may terminate this agreement immediately without notice to the Society or other party should:
 - a. the Society, in the opinion of the District, fail to perform any of the terms of its obligations or covenants of the Society hereunder and such failure shall continue beyond thirty (30) days from delivery by the District to the Society of written notice specifying the failure and requiring remedy thereof;
 - b. should the Society fail to file its annual report or provide an annual audited financial statement;
 - c. the Society makes an assignment in bankruptcy or is declared bankrupt;
 - d. the Society ceases, for any reason, to be current in its obligations under the *Society Act* and fails to maintain the Society in good standing.
52. The Society may terminate this Agreement upon giving not less than ninety (90) days written notice to the District of its intention to so terminate in the event of breach by the District of a material term of this Agreement.

DISPUTE RESOLUTION

53. The parties agree that both during and after the performance of their responsibilities under this Agreement, each of them shall:
 - a. make bona fide efforts to resolve any disputes arising between them by amicable negotiations; and
 - b. provide frank, candid and timely disclosure of all relevant facts, information and documents to facilitate those negotiations.
54. If the dispute cannot be settled within sixty (60) days the parties will refer the matter to the arbitration of a single arbitrator mutually agreed to by the parties. If the parties cannot agree on an arbitrator, the dispute shall be referred to and finally resolved by arbitration pursuant to the *Commercial Arbitration Act* (B.C.). The cost of arbitration shall be borne equally by the parties.

NOTICE

55. It is hereby mutually agreed that any notice required to be given under this Agreement will be deemed to be sufficiently given:

- a) if delivered by hand or
- b) if mailed from any government postal outlet in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the DISTRICT:

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

if to the Society:

President
Gabriola Recreation Society
PO Box 355
Gabriola, BC
V0R 1X0

56. Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed seventy-two (72) hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

MISCELLANEOUS

57. Time is to be the essence of this Agreement.

58. The execution and delivery of this Agreement and the completion of the transactions contemplated by this Agreement, if any, have been duly and validly authorized by all necessary corporate action of the Society, and this Agreement constitutes a legal, valid and binding obligation of the Society enforceable against the Society in accordance with its terms and the persons signing this Agreement on the Society's behalf are duly authorized to do so.

59. In consideration of being granted the use of the Portable, the Society agrees to be bound by the terms and conditions of this Agreement, and if the Society represents a group or organization, the Society agrees to inform all responsible persons associated with the group or organization of the terms and conditions of this Agreement.
60. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and permitted assignees.
61. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
62. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
63. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
64. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

For the REGIONAL DISTRICT OF NANAIMO

Chairperson

(Seal)

Senior Manager of Corporate Administration

For the GABRIOLA RECREATION SOCIETY

Authorized Signatory

(Seal)

Authorized Signatory

SCHEDULE 'A'

Recreation Services

The Gabriola Recreation Society (GRS), as part of this agreement will provide the following Recreation Services:

1. Offer a wide variety of structured and unstructured recreation programs and/or special events, and other related recreation services deemed appropriate by the Board throughout the year in a variety of community venues in the Service Area, whether coordinated by volunteer or paid staff.
2. Provide a Grant program for the purpose of providing funds to assist local recreation organizations in providing a variety of recreation services to residents of Gabriola Island in addition to the services provided by the Society.
3. Maintain an accurate service evaluation program to include numbers of residents being served and a qualitative and quantitative evaluation of recreation programs and services being offered.

SCHEDULE 'B'

Parks Services

Rollo McClay Community Park:

The Gabriola Recreation Society (GRS), as part of this agreement will provide the following Rollo McClay Community Park Services:

GRS Responsibilities:

1. GRS is responsible for all field scheduling. GRS will coordinate between all sports groups, recreation programmers and special events organizers in an attempt to meet the scheduling requirements of all users. GRS will consider the wear and tear on the field when scheduling and will provide for field recovery time between heavy use groups. GRS will close the field when it is too wet for use, after discussion with the District and the mowing contractor, and will inform the user groups and post signage.
2. GRS will ensure that the Field House is clean and safe for the public. This will include regular janitorial work such as cleaning and stocking of the washrooms, cleaning of the coaches room, cleaning and garbage pick-up around the building, and coordinating the emptying of garbage containers with the contractor. Any damage, vandalism or equipment failures will be reported to the District immediately.
3. GRS will monitor the fence around the detention pond to ensure it is secure. Any damage, vandalism or major equipment failures will be reported to the District immediately. GRS will work with the contractor when setting the irrigation timer to ensure that the field receives adequate water while giving consideration to the fact that the pond must remain at a level to serve the field throughout the season. The irrigation system and timer are the responsibility of the contractor and any proposed changes to the system need to be vetted through the District and contractor. The contractor is responsible for cleaning the filter system. The drilled well is not to be used for irrigation at any time.
4. GRS will monitor the field maintenance and garbage collection contractors to ensure those services are delivered in a timely manner and that the services meet the standards set out by the District in the contracts. Any issues related to these services that arise to be reported to the District. Minor issues can be discussed directly with the contractor.
5. Coordination of Permits and Commercial events – GRS will provide information, permit applications and permit requirements to parties interested in holding special events. The GRS will liaise with and provide information to the District and will forward the completed application and documentation.

Regional District of Nanaimo Responsibilities:

The Regional District of Nanaimo will, as part of this agreement, carry out and be responsible for the duties listed below.

1. General Maintenance to Field House/Well Water System – The District will undertake repairs to the Field House and Well Water System. This includes repairs/replacements of fixtures, doors, eaves troughs and any major structural damage. The District will regularly test the concession water through the Vancouver Island Health Authority (VIHA).
2. General Pump House/Irrigation System – The District will repair any damage or equipment failure to the pump, pond lining, the fence surrounding the pond and the pump house building.
3. Contracting of Field Maintenance and Garbage Collection – The District will tender, select and award contracts for Field Maintenance and Garbage Collection in accordance with Regional District Purchasing Policies. The District will pay for these services. The District will establish the scope of work and standards, in collaboration with the GRS.
4. Capital Improvements – The District is responsible for all capital improvements to the field, buildings and fixtures. The District will work with the GRS to ensure timely asset replacement. The District will create plans and the budget for asset replacement with input from the GRS. The District will award any contracts in accordance with District Policy.
5. Issuing of Permits – The District will approve or deny any permit application forwarded from the GRS and will notify both the GRS and the applicant of the decision. The District reserves the right to deny any permit applications which are in contravention to the Parks Bylaw 1399 or could damage the field.

SCHEDULE 'B' (Continued)

Huxley Community Park:

The Gabriola Recreation Society (GRS), as part of this agreement will provide the following Huxley Community Park Management Services:

GRS Responsibilities:

1. Scheduling of Huxley Community Park – GRS is responsible for park facility and event scheduling and ensuring this information is effectively disseminated to the community including accurate and up to date signage information on site if required.
2. GRS will monitor park maintenance contractors to ensure that service is delivered in a timely manner and that the service meets the standards set out by the District in the contract. Any issues related to these works that arise to be reported to the District. Minor issues can be discussed directly with the contractor.
3. Coordination of Permits and Commercial events – GRS will provide information, permit applications and permit requirements to parties interested in booking park facilities for scheduled use and/or holding special events in close consultation with the RDN. The GRS will forward the completed application and documentation to the District for approval.
4. GRS will coordinate with the Vancouver Island Health Authority (VIHA) for the issuance of any operation/health permits if required. All vendors must be Foodsafe certified.

Regional District of Nanaimo Responsibilities:

The Regional District of Nanaimo will, as part of this agreement, carry out and be responsible for the duties listed below.

1. Capital Improvements/Replacement – The District is responsible for all capital improvements/replacements to Park facilities. The District will work with the GRS to ensure timely asset replacement. The District will create plans and the budget for asset replacement with input from the GRS. The District will award any contracts in accordance with District Policy.
2. Issuing of Permits – The District will approve or deny any permit application forwarded from the GRS and will notify both the GRS and the applicant of the decision. The District reserves the right to deny any permit applications which are in contravention to the Parks Bylaw 1399 or could damage the park.
3. Contracting of general park maintenance services – The District will tender, select and award the contracts in accordance with District Purchasing Policies. The District will pay for these services. The District will establish the scope of work and standards, in collaboration with the GRS.

SCHEDULE 'C'

GABRIOLA RECREATION SOCIETY – Equipment Inventory February, 2012

MISCELLANEOUS

- 1 computer – Dell Studio One
- 1 computer – old (disposal?)
- 1 Dell laptop
- 1 printer – Brother MFC
- 1 microwave (not working – disposal?)
- 1 T.V.
- 1 V.C.R. (not working – disposal?)
- 1 paper cutter
- 4 filing cabinets
- 1 long blue cabinet
- 1 long wooden cabinet
- 7 black chairs
- 1 office desk
- 2 office chairs
- 15 gray folding chairs
- 3 folding tables (two broken) / 1 non-folding
- 1 large whiteboard / 1 small corkboard
- 1 dustpan / 3 brooms
- 1 aluminum ladder
- 1 phone / 1 Panasonic portable stereo
- Totes – 3 gray, 3 green, 1 blue
- 1 Foosball table? (at Gathering Place?)
- 2 large mesh net ball bags
- 3 nylon mesh badminton nets
- 3 Wilson beach volleyballs
- 7 junior tennis racquets
- 5 first aid kits
- 18 Dragon Boat paddles
- 6 yoga mats / 6 yoga blocks
- 40 fitness bands
- 1 football
- 1 Yakima van roof storage unit

FENCING

- 6 masks
- 8 foils
- 8 jackets
- 1 epee

BASKETBALL

- Balls – 6 (7 – 9 lbs.); 1 (4 – 6 lb.)
- 2 ball pumps
- Pinnies – 15 blue; 14 red
- Balls

SOCCER

- 19 (size 4); 12 (size 3)
- Pinnies
10 red, 10 yellow, 9 blue, 9 green
- 2 hand pumps
- 2 metal frame soccer goals (one broken)
(2 on soccer field Rollo McClay or possibly 2 stored at the Gathering Place?)
- 1 Genie 50 field liner
(Virginia to explore whereabouts?)
- 4 corner markers
- 8 (9") safety cones/ 20 saucer markers

GYMNASTICS

- Incline mats – 1 small, 1 large
- 1 junior jumper
- 1 step/ 1 donut
- 1 cartwheel mat
- Trapezoids – 1 small, 1 large
- 1 large trampoline
- 10 2" x 4' x 8' blue Team Skyline
- 4 panel mats (medium density)
- 5 2" x 4' x 8' black Team Skyline
- 4 panel mats (high density)
- 10 5' blue single panel mats
- 10 4' blue single panel mats
- 2 large 6" x 8' blue/red floor mats
- 1 large rollout blue floor mat (approx. 4' x 20')

SAILING

- 5 Sabots (incl. sails, rigging, etc.)
- 1 utility trailer
(stored at Andre's home)

SWIMMING

- 6 kick boards
- 1 spineboard
- 8 youth lifejackets

AEROBICS

- 9 2 lb. weights
- 8 5 lb. weights



RDN REPORT		[Signature]
CAO APPROVAL		
EAP		
COW	✓	
APR 03 2012		
RHD		
BOARD		

MEMORANDUM

TO: Sean De Pol
Manager of Wastewater Services

DATE: March 12, 2012

FROM: Ellen Hausman
Wastewater Program Coordinator

FILE: 5340-05

SUBJECT: Vancouver Island University Woodlot Groundwater Study

PURPOSE

To inform the Board of the implications of undertaking a groundwater study on the application of biosolids at the Vancouver Island University woodlot.

BACKGROUND

In 2003, Piteau and Associates conducted an assessment of the potential impact that land application of biosolids at the Vancouver Island University (VIU) Woodlot would have on local groundwater supplies, with particular reference to the impact on Lantzville’s Harby Road well field. Based on proposed operations at that time, the report concluded that the application of biosolids would not have any impact on groundwater quality in any of the wells located in the region, including the Harby Road well field.

At the February 28th, 2012 Board Meeting, the Board directed staff to prepare a report on the implications of undertaking a groundwater study on the application of biosolids at the VIU woodlot. Staff requested a proposal and cost estimate from Piteau and Associates to review and update the 2003 assessment based on current operations on the woodlot to confirm that the conclusions from the 2003 report are still valid. The estimated cost to complete this update is \$7,335, excluding taxes. Piteau and Associates are able to mobilize staff to complete the study in May 2012, with results available to the Board in June 2012.

Since biosolids are generated by the treatment of wastewater from all four RDN sewer service areas, staff are recommending that the cost to complete this study be apportioned between all four service areas. This study has not previously been included in the Wastewater Services budgets. Therefore, the Board will need to provide RDN staff with direction on source funding for this study.

ALTERNATIVES

1. Transfer funds from reserves in each service area to complete the groundwater study.
2. Defer the study to 2013, to allow for the study to be budgeted and paid through tax requisition.
3. Remove item(s) from the 2012 budgets and reallocate funds to the groundwater study.

FINANCIAL IMPLICATIONS

Alternative 1

Transferring funds from existing reserves to complete projects not previously planned for, can result in delays to other projects that were planned to be funded with this money. However, in this case the cost to complete the groundwater study is not significant, so it is not expected to have any major impacts to the completion of other reserve funded projects.

The cost to complete the study would be apportioned as follows:

	Cost (\$)
Southern Community Local Sewer Service Area (55%)	\$ 4,034.25
Northern Community Local Sewer Service Area (40%)	\$ 2,934.00
Nanoose Bay Service Local Sewer Service Area (3.5%)	\$ 256.73
Duke Point Service Local Sewer Service Area (1.5%)	\$ 110.02
Total (excluding taxes)	\$ 7,335.00

Staff are recommending this option, as it would allow Piteau and Associates to proceed with the study immediately. The information from the study would then be available to the RDN Board this year to assist in the review of the new five year biosolids management agreement currently under negotiation with Vancouver Island University and Sylvis Environmental Inc.

Alternative 2

Deferring the study to 2013 would allow for the study to be included in the budget for each service area which would not affect current or future budgets. However, under this alternative, the conclusions would not be available for consideration during the review of the new five year biosolids management agreement.

Alternative 3

While this alternative would not have any short term financial implications to the overall 2012 budget, it would result in a deferral or reduction in fund for other projects, which may have an impact on subsequent budgets. Where possible, budget items not critical to Wastewater Services' operations have already been removed as part of the 2012 budget process. RDN staff do not recommend this option.

SUMMARY/CONCLUSIONS

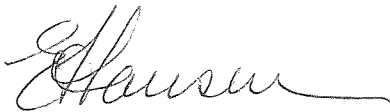
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At the February 28th, 2012 Board meeting the Board directed staff to prepare a report on the implications of undertaking a groundwater study on the application of biosolids at the VIU woodlot. Staff requested a proposal and cost estimate from Piteau and Associates to review and update the 2003 assessment based on current operations on the woodlot to confirm that the conclusions from the 2003 report are still valid. The estimated cost to complete this update is \$7,335, excluding taxes.

This study has not previously been included in the Wastewater Services budgets. Staff are recommending that the Board approve the release of funds from the Southern Community, Northern Community, Nanoose Bay and Duke Point Local Sewer Service Areas reserve funds to complete the groundwater study in 2012. The information from this study would then be available in June 2012 to assist the Board in the review of the new five year biosolids management agreement currently under negotiation with Vancouver Island University and Sylvis Environmental Inc.

RECOMMENDATION

That the Board approve the release of funds from the Southern Community, Northern Community, Nanoose Bay and Duke Point Local Sewer Service Area reserve funds to complete the Vancouver Island University Woodlot Groundwater Study in 2012.



Report Writer



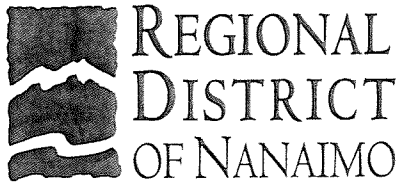
Manager Concurrence



General Manager Concurrence



CAO Concurrence



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	✓
MAR 28 2012	
RHD	
BOARD	

MEMORANDUM

TO: Sean De Pol
Manager of Wastewater Services

DATE: March 13, 2012

FROM: Ellen Hausman
Wastewater Program Coordinator

FILE: 2240-20-CMP

SUBJECT: Conditional Management Plan for
French Creek Pollution Control Centre’s Pump Stations

PURPOSE

To obtain approval from the Board to enter into a Conditional Management Plan between the Regional District of Nanaimo, Canadian Food Inspection Agency, Environment Canada, Fisheries and Ocean Canada, and the BC Ministry of Environment.

BACKGROUND

The Canadian Shellfish Sanitation Program (CSSP) is a federal food safety program, jointly administered by the Canadian Food Inspection Agency (CFIA), Environment Canada (EC) and Fisheries and Ocean Canada (DFO). The purpose of the program is to provide assurance that bivalve molluscan shellfish (i.e. mussels, oysters, and clams) meet food safety and quality standards for both domestic and international markets, thereby protecting the public from the health risks of consuming shellfish that could be contaminated by biotoxins, bacteria or viruses.

Under the CSSP, a Conditional Management Plan (CMP) can be developed that allows for harvesting of shellfish from areas that meet the standards for safe harvest of bivalve molluscan shellfish, with the exception of times where intermittent or temporary sources of pollution occur. As long as the pollution source is not present, the CMP allows the area to remain open for shellfish harvesting. The plan clearly identifies what trigger events will initiate a temporary closure of the area, and the response protocol required from each participating agency if this trigger event was to occur.

In the Pacific Region, there are currently four CMP’s in place. Three of these cover harvest areas located near wastewater treatment facilities in Ladysmith, Chemainus and Crofton. The plans are in effect to manage the potential risk of the release of wastewater materials beyond the normal operations of these treatment facilities. The fourth CMP applies to shellfish harvesting in Baynes Sound, where water quality can be impacted by high rainfall.

The Bay Avenue and Hall Road Pump Stations are part of the conveyance system that conveys wastewater from the City of Parksville and Town of Qualicum Beach to the French Creek Pollution Control Centre for treatment. These pump stations are located near the foreshore and were each designed with a bypass to allow for the discharge of untreated wastewater to the marine environment in situations where the volume of wastewater entering the pump station exceeds their capacity. The purpose of each bypass is to prevent damage to the pump station and interceptor infrastructure, and to reduce the risk of flooding of private residences.

These bypasses have been in place since the system was built in the 1970's, and during this time there have been no reported discharges from these bypasses. Furthermore, pump redundancy, back-up power and a Supervisory Control and Data Acquisition System (SCADA) make it unlikely that a discharge will occur from these bypasses.

However, the existence of these bypasses is still considered a potential contamination risk for bivalve molluscan shellfish harvesting in the area, such that Environment Canada has recommended to the Pacific Regional Interdepartmental Shellfish Committee (PRISC) that the area within 6.5 km of each bypass be classified as Conditionally Approved (excluding existing prohibited zones of 300 meters around each bypass) for shellfish harvesting under a CMP.

Significant harvesting of bivalve shellfish takes place within these proposed Conditionally Approved areas. Wild commercial clam and commercial geoduck fisheries are periodically open; First Nations may also harvest for food, social and ceremonial purposes; and recreational fishing may occur at any time of year. If a CMP is not established, then the alternative is an increase in the size of the prohibited zones to include the entire area within 6.5 km of both pump station bypasses; this would have a significant impact on these harvesting activities.

RDN staff have worked with DFO to develop a CMP, based on a nationally accepted template, that clearly defines the roles and responsibilities of the RDN, the BC Ministry of Environment (MOE) and each CSSP partner. The CMP outlines immediate actions to be taken to close and reopen these conditionally approved areas should a discharge of untreated wastewater occur from the Bay Avenue and/or Hall Road Pump stations bypasses.

Under the proposed CMP:

- The conditionally approved areas remain open for shellfish harvesting unless the RDN notifies the CMP partners of a discharge of wastewater from Bay Avenue and/or Hall Road Pump Station bypasses.
- The conditionally approved areas can be quickly closed for shellfish harvest if a discharge does occur without waiting for Environment Canada to model the discharge and make recommendations.
- Harvesters and processors of shellfish in the areas can be quickly notified if a discharge does occur so that contaminated shellfish are not harvested and consumed.
- The conditionally approved area can reopen for shellfish harvest within 21 days of the discharge ending or 7 days if water quality and shell stock samples are collected by trained samples and meet approved standards.

The Qualicum First Nation has also been informed of the development of this CMP, and its implications on shellfish harvesting. Contact details for a representative from the Qualicum First Nation has been included in the CMP so that harvesters from the First Nations community can be informed in a timely manner in the event of a discharge, thereby avoiding harvest and consumption of contaminated shellfish.

The RDN's commitments within the CMP are as follows:

1. Notify the Provincial Emergency Program (PEP) and DFO Radio Room within 1 hour of discharge to the marine environment from the Bay Avenue and/or Hall Road Pump Station bypass(es).
2. Provide immediate notification to PEP and DFO Radio Room when the discharge has ceased and the pump stations and interceptor are functioning properly.
3. Maintain up-to date records of the operations and maintenance of the wastewater treatment facility and interceptor, as per the requirements of its operating permit (PE-4200), issued by the MOE.
4. Provide results of routine final effluent analysis to MOE, as per the requirements of the operating permit (PE-4200), issued by the MOE.
5. Submit an annual report by January 31 of each year summarizing any trigger events. The reporting period will be January 1 to December 31 of the previous year.

Signatories to the CMP will include representatives from the RDN, CFIA, EC, DFO and BC MOE. Staff are recommending that the Board sign the CMP which will be effective May 1, 2012 to December 31, 2015.

ALTERNATIVES

1. Sign the Conditional Management Plan, which would allow shellfish harvesting within the Conditionally Approved areas adjacent to the Bay Avenue and Hall Road Pump Stations bypasses (excluding a 300 meter prohibited zone around the bypasses).
2. Do not sign the Conditional Management Plan, which would result in an increase in the size of the prohibited zones to include an area within 6.5km of both pump stations bypasses. This would have a significant impact on shellfish harvesting.

FINANCIAL IMPLICATIONS

As part of Wastewater Services' ISO 14001 certified Environmental Management System, emergency response procedures have already been established to deal with environmental incidents like untreated wastewater discharges to the marine environment. Only minor changes to these procedures will be required in order to comply with the RDN's responsibilities in the CMP. No additional financial implications to the Regional District of Nanaimo are anticipated by signing the CMP.

SUMMARY/CONCLUSIONS

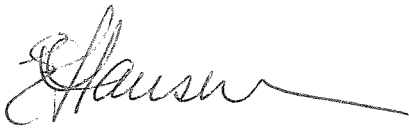
The Canadian Shellfish Sanitation Program (CSSP) is a federal food safety program, jointly administered by the Canadian Food Inspection Agency (CFIA), Environment Canada (EC) and Fisheries and Ocean Canada (DFO). The purpose of the program is to provide assurance that bivalve molluscan shellfish (eg. mussels, oysters, and clams) meet food safety and quality standards for both domestic and international markets, thereby protecting the public from the health risks of consuming contaminated shellfish that could be contaminated by biotoxins, bacteria or viruses.

The Bay Avenue and Hall Road Pump Stations are part of the conveyance system that conveys wastewater from the City of Parksville and Town of Qualicum Beach to the French Creek Pollution Control Centre for treatment. These pump stations are located near the foreshore and were each designed with a bypass to allow for the discharge of untreated wastewater to the marine environment in situations where the volume of wastewater entering the pump station exceeds their capacity. The purpose of each bypass is to prevent damage to the pump station and interceptor infrastructure, and to reduce the risk of flooding of private residences. To date, there have been no reported untreated wastewater discharges from bypass at either pump station.

Environment Canada has recommended to the Pacific Regional Interdepartmental Shellfish Committee (PRISC) that the areas within 6.5 km of the Bay Avenue and Hall Road Pump Station bypasses be classified as Conditionally Approved (excluding prohibited zones of 300 meters around each bypass) to allow shellfish harvesting, provided that the area is managed under a Conditional Management Plan. Staff have worked with DFO to develop a Conditional Management Plan, based on a national template, and recommend that the Board sign the CMP which will be effective May 1, 2012 to December 31, 2015.

RECOMMENDATION

That the Board approve a Conditional Management Plan that will allow shellfish harvesting within Conditionally Approved areas adjacent to the Bay Avenue and Hall Road Pump Stations bypasses, effective May 1, 2012 to December 31, 2015.



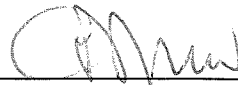
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

CONDITIONAL MANAGEMENT PLAN (CMP)

BETWEEN THE:

Canadian Food Inspection Agency (CFIA),
Fisheries and Oceans Canada (DFO),
Environment Canada (EC),
British Columbia Ministry of Environment, Environmental Protection Division (MOE), and
The Regional District of Nanaimo (RDN)

(the “Parties”)

**FOR THE MANAGEMENT OF SHELLFISH HARVESTING IN
CONDITIONALLY CLASSIFIED HARVEST AREAS ADJACENT TO THE
WASTEWATER TREATMENT PLANT LOCATED AT:**

957 Lee Road, Parksville, British Columbia
(the “French Creek Pollution Control Centre”)

INTRODUCTION

The Canadian Shellfish Sanitation Program (CSSP) is delivered by three federal institutions, Fisheries and Oceans Canada (DFO), Environment Canada (EC) and the Canadian Food Inspection Agency (CFIA). The CSSP provides reasonable assurance that molluscan shellfish are safe for consumption, thus supporting the industry and providing confidence for Canadians and export markets. This Conditional Management Plan (CMP) between CSSP federal partner institutions, the Province of British Columbia Ministry of Environment Environmental Protection Division (MOE), and the Regional District of Nanaimo (RDN) outlines the roles and responsibilities of the signatories in the event of a discharge of wastewater into the marine environment from the collection system pump stations that carry wastewater to the wastewater treatment plant (WWTP) in the City of Parksville, British Columbia, known as the French Creek Pollution Control Centre (FCPCC).

The present CMP does not affect legal requirements existing under Federal or Provincial statutes. For greater certainty, where there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof, the person that causes or contributes to the deposit (or danger thereof) has a legal obligation to report such occurrences to a *Fisheries Act* inspector or to any other person or authority as is prescribed by regulations under subsection 38(4) of the *Fisheries Act*.

This CMP does not affect the legal rights and responsibilities of the RDN as a local government under the Community Charter and the Local Government Act, or as a WWTP operator subject to all applicable regulatory licences and permits, but reflects the RDN's commitment to assist Federal CSSP partners in ensuring that bivalve shellfish harvested adjacent to the pump stations conveying wastewater to the FCPCC are safe for human consumption.

DURATION OF THE CONDITIONAL MANAGEMENT PLAN

This Conditional Management Plan (CMP) shall come into effect on May 1, 2012 and expire on December 31, 2015 and is subject to each participant signing this CMP prior to coming into force.

1. PURPOSE AND SCOPE

Full cooperation is required to achieve timely detection and notification of any release/discharge of wastewater into the marine environment from the collection system pump stations carrying wastewater to the FCPCC, along with the necessary response actions to ensure continued food safety of harvested bivalves. This initiative stems from the CSSP and the requirements related to Conditional Area Management as described in the *CSSP Manual of Operations*, a copy of which is located at <http://www.inspection.gc.ca/english/fssa/fispoi/man/cssppccsm/cssppccsme.shtml>. Conditional Area Management will be supplemented by Hazard Analysis Critical Control Points (HACCP) controls implemented by registered fish processing establishments.

This CMP provides enhanced management of the bivalve molluscan shellfish harvest waters adjacent to the FCPCC and its collection system, and more specifically, stipulates actions to be taken immediately to close conditionally classified areas in the event of a discharge of wastewater into the marine environment from the collection system pump stations located on Hall Road in the Town of Qualicum Beach and on Bay Avenue in the City of Parksville as described in Section 4.

This CMP does not address discharges of treated or untreated wastewater directly from the FCPCC. Any such discharges outside the normal operation of the WWTP, including rare events such as catastrophic failures at the treatment facility or ruptures in the collection system that result in wastewater discharges to the marine environment that are not specifically listed under the Trigger Event definition in this CMP, remain subject to reporting under subsection 38(4) of the *Fisheries Act*, with any subsequent closures of shellfish harvesting areas addressed under Appendix VIII of the *CSSP Manual of Operations*.

The area described in Section 4 of this CMP has been classified based upon the area hydrographical data and the performance characteristics of the FCPCC and its collection system. A classification map of the harvest area is provided in Appendix A.

2. BACKGROUND

2.1 Conditional Management

The CSSP Manual of Operations outlines the authorities (statutes and regulations), policies, procedures and activities governing the control of shellfish growing areas, and the harvesting, processing and distribution of shellfish.

Shellfish harvest areas that are subject to intermittent microbiological contamination may be classified as Conditionally Approved or Conditionally Restricted Areas (see Chapter 2 of the CSSP Manual). If the conditions set out in this CMP cannot be met, the CSSP partners will determine whether the area will be reclassified as Prohibited.

2.2 WWTP description

The FCPCC operates under provincial authorization (PE-4200) issued by the MOE. The FCPCC facility provides secondary treatment with no disinfection stage prior to discharge to the marine environment. The plant consists of a headworks, three primary sedimentation tanks, a trickling filter, a solids contact tank, followed by secondary clarifiers and an outfall. Solids wasted from the clarifiers are digested in Autothermal Thermophilic Aerobic Digesters (ATAD) and dewatered through a centrifuge.

The main outfall is located at 49°22.07' north latitude and 124°21.24' west longitude at a depth of approximately 60m. The maximum rate at which effluent may be discharged via the outfall under PE-4200 is 16,000 m³/day. The plant is designed with an overflow bypass, but in order to activate, a manual bypass valve must be opened.

The FCPCCs collection system consists of an RDN owned and operated main sanitary sewer line, running for the most part along the foreshore, which is used to convey wastewater to the treatment facility. The collection system, also referred to as the Interceptor by RDN staff, includes three pump stations.

Two of the pump stations in the FCPCCs collection system are equipped with bypass pipes that could discharge wastewater into the marine foreshore. The first one is located at 300 Hall Road (49° 21.55' north longitude and 124° 25.49' west longitude) in the Town of Qualicum Beach (Appendix A, Figure 1), and the second one is located at 385 Bay Avenue (49° 19.54' north latitude and 124° 19.41' west longitude) in the City of Parksville (Appendix A, Figure 2).

The FCPCC and the pump stations are monitored via a Supervisory Control and Data Acquisition (SCADA) system. In addition, the RDN also has an after hours toll-free number available for the public.

The RDN's Wastewater Services Department has had an ISO 14001 certified Environmental Management System in place since 2005 to assist in meeting regulations, to demonstrate due diligence in the event of non-compliance, to improve environmental performance, and to assure the public of the RDN's commitment to demonstrable environmental management. A copy of Wastewater Services Environmental Policy is available at www.rdn.bc.ca.

2.3 Description of the Shellfish Fisheries (including aquaculture) within the CMP Area

Fisheries and Aquaculture Management

Significant harvesting of bivalve shellfish takes place within the Conditionally Approved areas adjacent to the Hall Road and Bay Avenue pump stations that carry wastewater to the FCPCC. First Nations may harvest for food, social and ceremonial purposes (FSC), and recreational fishing may occur at any time of year. Wild commercial clam and commercial geoduck fisheries are periodically open in the area. There are currently no fisheries operating under the Management of Contaminated Fisheries Regulations (MCFR) within any of the adjacent restricted areas.

3. ROLES AND RESPONSIBILITIES

The roles and responsibilities of each signatory participant are specified in Section 3 and Sections 5 to 8 of this CMP. Additional responsibilities for the CSSP partners can be found in Appendix 5 of the CSSP Manual of Operations.

The roles and responsibilities of the RDN and the MOE are as follows:

The RDN is responsible for the operation of the FCPC located at 957 Lee Road, Parksville, BC and its wastewater collection system. The RDN will:

- a) immediately notify the DFO Radio Room and PEP (Provincial Emergency Program) verbally by telephone of any planned or unplanned changes in operations of the FCPCs wastewater collection system which may result in a Trigger Event as described in Section 5.1; notification must take place within the timelines described in Section 5.2 and should include the relevant information outlined in the template for a Discharge of Wastewater Notice (Appendix C);
- b) immediately notify the DFO Radio Room and PEP verbally by telephone when the Trigger Event conditions have terminated and the FCPCs wastewater collection system is again functioning properly; notification should include the relevant information outlined in the template for a Discharge of Wastewater Notice (Appendix C). This notification which is equivalent to written confirmation that the collection system is functioning properly, is forwarded by PEP to MOE, EC, and the Canadian Coast Guard Marine Communication and Traffic Services (MCTS). The MCTS then forwards the notification to the DFO Radio Room. This confirmation is required each time the area is to be re-opened after a closure event and is the initial step in the re-opening process;
- c) maintain up-to-date records of the operations and maintenance of the wastewater collection system and/or treatment facilities as per the requirements of the operating permit (PE-4200) issued by MOE;
- d) provide the results of routine final effluent analysis to MOE and EC, as described in the operating permit (PE-4200) issued by the province, within the timelines specified in the operating permit;
- e) provide an annual report of the results of activities under the CMP (i.e. Trigger events as defined in Section 5.1) to MOE and DFO for the 12 month period starting January 1st and finishing December 31st of each year. The report must state whether any Trigger Events occurred, and if applicable, contain a summary of the occurrences, dates, estimates of discharges (if available), and the notifications provided to DFO and PEP (e.g. PEP report number), as well as the notification given when the event ceased. The report must be submitted by January 31st of the year following the reporting period, and may contain recommendations for changes to this CMP if any are necessary. This annual report does not take the place of any reporting requirements to MOE, as described in the operating permit (PE-4200) issued by the province which may have different reporting periods and deadlines.

The MOE is responsible for the regulation of municipal WWTPs. The MOE will:

- a) verify through annual report reviews, and any other communications with the RDN staff that release/discharge events, described as Trigger Events in this CMP, are reported by the methods described in this CMP, as they occur.
- b) provide an annual summary report of the results of compliance with provincial authorization requirements and confirmed Trigger Event reporting as defined in Sections 5.1 and 5.2 of this CMP by March 1st for the previous calendar year, including recommendations for changes to this CMP.

4. DESCRIPTION OF CONDITIONALLY CLASSIFIED AREAS

This CMP deals specifically with the harvesting of shellfish in the Conditionally Approved Areas adjacent to the Hall Road and Bay Avenue pump stations which carry wastewater to the FCPCC, described as:

<p>4.1 Conditionally Approved Area 1 – Emergency Closure 14.hh: Hall Road, Town of Qualicum Beach:</p>
<p>The waters and intertidal foreshore inside a circular arc with a radius of 6500 m, and excluding the areas already included in Annual Closures 14.6, 14.10, and 14.16 centered at a point on land at 49° 21.55' north latitude and 124° 25.49' west longitude, which intersects the shoreline at 49° 22.037' north latitude and 124° 30.81' west longitude and again at 49° 20.43' north latitude and 124° 20.43' west longitude, near Hall Road in the Town of Qualicum Beach [NAD 83] (Appendix A, Figure 1).</p>
<p>4.2 Conditionally Approved Area 2 – Emergency Closure 14.ii: Bay Avenue, City of Parksville:</p>
<p>The waters and intertidal foreshore inside a circular arc with a radius of 6500 m, and excluding the area already included in Annual Closure 14.10, centered at a point on land at 49° 19.54' north latitude and 124° 19.41' west longitude, which intersects the shoreline at 49° 21.46' north latitude and 124° 23.88' west longitude and again at 49° 18.64' and 124° 14.20, near Bay Avenue in the City of Parksville [NAD 83] (Appendix A, Figure 2).</p>
<p>4.3 Boundaries and Orders may Change</p>
<p>Classification boundaries and Prohibition Orders may be amended during the term of this CMP as required according to on-going sampling data and advice from EC and/or CFIA. See Appendix A.</p>

5. DETECTION / NOTIFICATION / RESPONSE TO A TRIGGER EVENT

An effective regime for the detection, notification and response, as defined in the CSSP Manual of Operations, to disruptions in the normal operation of a WWTP or collection system is a prerequisite to the harvest of shellfish in the conditionally classified areas described in this CMP. The maximum timeframe within which detection, notification, and response should occur is 5.0 hours, based on the timelines described in Sections 5.1.5, 5.2.3, and 5.3.3, and taking into account best and worst case scenarios (during and after working hours including weekends and holidays).

5.1 Detection

The RDN must have in place and maintain a detection system by which wastewater discharges to the marine environment from the Hall Road or Bay Avenue pump station bypasses are noticed in a timely manner, and must be able to make the appropriate notifications within the timelines described in Section 5.1.5, therefore allowing corrective actions to be initiated without delay.

The conditional areas described in Section 4 of this CMP may be closed to the harvesting of bivalve molluscan shellfish in response to the detection of any event or disruption that results in untreated

wastewater being released from the FCPCCs collection system pump station bypasses to the marine environment in the conditional areas. Such discharges, referred to as Trigger Events, are described in Section 5.1.3 and have the potential to pose a contamination risk to bivalve molluscan shellfish beyond the boundaries of the existing prohibited zones adjacent to the outfalls.

Rare events such as catastrophic failures at the wastewater treatment facility or ruptures in the collection system that result in wastewater discharges to the marine environment that are not specifically listed under the Trigger Event definition in this CMP, remain subject to reporting under subsection 38(4) of the Fisheries Act, with any necessary closures of harvesting areas enacted under the CSSP Emergency Closure Protocol in Appendix VIII of the CSSP Manual of Operations.

5.1.1 The Positions Responsible For Monitoring Trigger Event Detection.

The Hall Road and Bay Avenue pump stations are monitored via SCADA. The pump stations are configured to immediately notify an alarm service contractor.

The alarm service contractor uses a pager system to send a message to RDN Operations Staff if an alarm is triggered. If the alarm service contractor does not receive a response to the page within 20 minutes, the alarm service contractor will initiate an escalation protocol to notify additional RDN staff.

RDN Operations Staff are responsible for responding to pages from the alarm service contractor.

5.1.2 Description of the normal operating conditions (performance standards or values permitted by provincial regulators)

The FCPCCC operates under MOE authorization PE-4200. The maximum rate at which effluent may be discharged via the main outfall is 16,000 m³/day. The plant is fed by a collection system that includes the Hall Road and Bay Ave pump stations which carry wastewater from the Town of Qualicum Beach and City of Parksville to the plant for treatment and discharge. Under normal operating conditions there is no discharge to the marine environment through the Hall Road and Bay Avenue pump station bypasses.

5.1.3 Description of scenarios that are likely to occur resulting in a Trigger Event

Trigger Events include, but are not limited to, the following conditions:

- Any discharge of wastewater from the FCPCCC collection system pump station bypasses at Hall Road or Bay Avenue into the marine environment.

5.1.4 Description of how each of the Trigger Event types noted above are detected (SCADA, visual, others)

The Hall Road and Bay Avenue pump stations are monitored via SCADA. The pump stations are configured to immediately notify an alarm service contractor when a high level alarm is triggered, in advance of a trigger event occurring. The high level alarm is triggered when the wet well level reaches 2 metres. If the wet well level reaches 7 metres, wastewater will discharge via the bypass.

Alarms are communicated by the alarm service contractor to RDN Operations staff by pager system. Following receipt of the page RDN Operations Staff will proceed to the site and will monitor the wet well levels. Once the wet well reaches the maximum levels listed above, RDN Operations Staff will complete

a visual check of the bypass to confirm that wastewater is actually discharging to the marine environment, constituting a trigger event as described in Section 5.1.3.

The RDN also has an after hours toll-free number available for the public. This is monitored by a telephone answering service provider who uses a pager system to send a message if an urgent call is received. Generally, wastewater events reported by the public would be rare events such as catastrophic failures at the treatment facility or ruptures in the collection system that result in wastewater discharges to the marine environment that are not specifically listed under the Trigger Event definition in this CMP, and thus are outside the scope of this CMP. Such events remain subject to reporting under subsection 38(4) of the Fisheries Act, with any necessary closures of harvesting areas enacted under the CSSP Emergency Closure Protocol in Appendix VIII of the CSSP Manual of Operations.

5.1.5 Time lines for detection of each Trigger Event type, in hours, taking into account best and worst case scenarios (during and after working hours including weekends and holidays)

Detection of a trigger event as described in Section 5.1.3 by RDN Operations staff takes up to 1.0 hours as a worse case scenario.

5.2 Notification

Any Trigger Event as described in Section 5.1 requires a notification of the event by the RDN as follows.

1. When a Trigger Event, as described in Section 5.1 is detected, RDN Operations staff will notify the DFO Radio Room and PEP (Provincial Emergency Program) verbally by telephone. The verbal emergency report should include the relevant information outlined in the template for a Discharge of Wastewater Notice and is equivalent to a written notice (Appendix C);

Note: a notification under the current CMP does not replace or otherwise affect reporting to be done to a Fisheries Act inspector or to any other person or authority as is prescribed by regulations pursuant to subsection 38(4) of the Fisheries Act when there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof.

2. When the Trigger Event conditions have terminated and the FCPCCs collection system is again functioning properly, the RDN Operations staff will notify the DFO Radio Room and PEP verbally by telephone, following the template for a Discharge of Wastewater Notice (Appendix C). This verbal confirmation is equivalent to written confirmation and is required each time the area is to be re-opened after a closure event, and is the initial step in the re-opening process.

5.2.1 The positions responsible for providing notification.

When a Trigger Event described in Section 5.1 is detected or ceases, the following are responsible for providing notification:

1. RDN Operations staff are responsible for detecting a Trigger Event as per Section 5.1 and providing notification to PEP and the DFO Radio Room.
2. PEP is responsible for notifying MOE, EC and the Canadian Coast Guard Marine Communication and Traffic Services (MCTS).

3. MCTS is responsible for notifying the DFO Radio Room.
4. The DFO Radio Room is responsible for notifying the DFO CSSP Resource Manager (during business hours) or the DFO Conservation and Protection (C&P) Fishery Officer (outside business hours).
5. The DFO CSSP Resource Manager or Fishery Officer is responsible for notifying the CFIA Inspector on standby. The standby list is to be used both within and outside business hours.

5.2.2 Description of how notification is provided to all CSSP partners and other parties (phone/fax/email)

Notification that a Trigger Event described in Section 5.1 has occurred or ceased is provided in the following manner:

1. RDN Operations staff notify PEP and the DFO Radio Room verbally by telephone.
2. PEP completes a Dangerous Goods Incident Report (DGIR) and faxes the DGIR to EC and the Canadian Coast Guard Marine Communication and Traffic Services (MCTS).
3. MCTS faxes the DGIR to the DFO Radio Room.
4. The DFO Radio Room completes an incident report and
 - a) during business hours, provides the information in the incident report and/or DGIR verbally by telephone to the DFO CSSP Resource Manager and faxes the incident report and/or DGIR to the DFO South Coast Area Headquarters Office and to the appropriate DFO Field Office;
 - b) outside business hours, the DFO Radio Room refers to the DFO Conservation and Protection (C&P) Fishery Officer standby call out list, provides the information in the incident report and/or DGIR verbally by telephone to the appropriate Fishery Officer, and faxes the incident report and/or DGIR to the DFO South Coast Area Headquarters Office and to the appropriate DFO Field Office and the standby Fishery Officer.
5. The DFO Resource Manager or Fishery Officer, when notified that a Trigger Event has occurred, immediately refers to the list of CFIA Inspectors on standby and provides the information in the incident report and/or DGIR verbally by telephone to the appropriate individual. The standby list is to be used both within and outside business hours.
6. The DFO Resource Manger, when notified that a Trigger Event has ceased, notifies the EC/CFIA/RDN DFO CSSP Contacts in Appendix D by email during business hours.

5.2.3 Description of the timelines for providing notification to CSSP partners in hours, taking into account all reasonable delays (e.g. during and after working hours, including weekends and holidays)

Notification of CSSP partners that a Trigger Event described in Section 5.1 has occurred takes up to 3.0 hours as a worse case scenario. Timelines for notifications are as follows:

1. Notification of PEP and the DFO Radio Room by RDN Operations staff takes up to 1.0 hours.

2. Notification of MOE, EC and MCTS by PEP takes up to 0.25 hours.
3. Notification of the DFO Radio Room by MCTS normally takes up to 0.25 hours. Note that this is a built in redundancy, as the DFO Radio Room has already been notified in (1) by the RDN Operations staff.
4. Notification of the DFO CSSP Resource Manager or Fishery Officer by the DFO Radio Room takes up to 0.5 hours.
5. Notification of the CFIA Inspector on standby by the DFO CSSP Resource Manager or Fishery Officer takes up to 1.0 hours

5.2.4 Contact information of the parties to be notified of Trigger Events during and after working hours, including weekends.

Contact information of the parties to be notified of Trigger Events is provided in Appendix D.

5.3 Response

Upon receiving notification as outlined in Section 5.2, each department/agency will respond as per respective authority.

- The regional office of DFO receiving notification of a discharge incident by the RDN is to treat such a notification in the same manner as a formal recommendation for closure made by EC.
- Upon notification under section 5.2, DFO will set in motion an internal process which may result in the affected area being closed to harvesting. Where the notification provides the DFO Regional Director General (RDG) with reasons to believe that fish of any species in any area are contaminated, he/she may issue an order prohibiting fishing in that area for that species.
- DFO will communicate to the parties herein (including First Nations and general public as appropriate) the issuance of a prohibition order and notice of the order will be published to inform harvesters to cease harvesting immediately in the area subject to the order.
- CFIA will notify registered bivalve molluscan shellfish processing establishments in writing (fax) that the conditionally classified areas have been closed or are about to be closed to harvesting.

Response procedures are as follows:

5.3.1 Positions Responsible for Responding to Notifications of Trigger Events

When a Trigger Event described in Section 5.1 is detected, the following are responsible for responding to stop harvest, to close the area, and to stop product distribution.

1. The DFO Resource Manager or C&P standby Fishery Officer notifies affected harvesters including First Nations as per the contact information provided in Appendix D.
2. The DFO Resource Manager or Fishery Officer requests a Prohibition Order to close the area under the Management of Contaminated Fisheries Regulations.

3. The CFIA Inspector on standby notifies all registered bivalve molluscan shellfish processing establishments.

5.3.2 Description of how affected stakeholders and First Nations are notified.

1. Affected harvesters including First Nations are notified by the DFO Resource Manager and/or DFO C&P in the following way:
 - a) Once notified of a Trigger Event, DFO will communicate without delay to the Parties herein (Appendix D) as well as affected First Nations, commercial harvesters and the general public via Fishery and Public Notice as appropriate, that an event has occurred at the FCPCCs collection system, that harvesting should cease, and that a closure is pending.
 - b) Public Notices will be prepared and posted at key access points in the closed area to inform harvesters to cease harvesting immediately in the area
 - c) Where there is known harvest or reason to believe active harvest is underway in the affected area, a patrol will be initiated immediately and Public Notices will be posted at harvest sites.
2. Within business hours after the Prohibition Order to close the area has been approved by the Regional Director General (RDG), the DFO Resource Manager and/or DFO C&P standby Fishery Officer initiates the following:
 - a) A Fishery Notice will be prepared detailing the closed status of the Conditional Areas described herein and issued by fax and/or email to MOE, EC, CFIA, the RDN and to a stakeholders distribution list maintained by DFO. The Notice will be published as an internet posting, which will be available on the DFO 24hr toll free information line, and may be relayed to other parties or local media if required. The stakeholders fax and email distribution list contains contacts for local First Nations, registered bivalve molluscan shellfish processing establishments, depuration or relay licence holders, commercial, aquaculture and recreational harvesters as self identified.
 - b) The DFO Shellfish Contamination website will be updated (www.pac.dfo-mpo.gc.ca/psp) with a map and the legal description of the area affected.
 - c) Patrol activities will continue throughout the closed/prohibited period according to regional CSSP patrol standards
3. Outside of business hours after the Prohibition Order to close the area has been approved by the RDG, DFO C&P Fishery Officer on standby initiates the following:
 - a) A Fishery Notice will be prepared detailing the closed status of the Conditional Areas described herein and issued by fax and/or email to MOE, EC, CFIA, the RDN and to a stakeholders distribution list maintained by DFO. The Notice will be published as an internet posting the next business day and will be available on the DFO 24hr toll free information line, and may be relayed to other parties or local media if required. The stakeholders fax and email distribution list contains contacts for local First Nations, registered bivalve molluscan shellfish processing establishments, depuration or relay licence holders, commercial, aquaculture and recreational harvesters as self identified.

- b) The DFO Shellfish Contamination website will be updated (www.pac.dfo-mpo.gc.ca/psp) with a map and the legal description of the area affected on the next business day.
 - c) Patrol activities will continue throughout the closed/prohibited period according to regional CSSP patrol standards within and outside of business hours.
4. Once notified of a Trigger Event, the CFIA Inspector on standby will notify without delay all registered bivalve molluscan shellfish processing establishments in writing (by fax) that the conditionally classified areas have been closed or are about to be closed to harvesting. In British Columbia, the BC Provincial Fish Inspection Regulations require that all molluscan shellfish is processed at a federally registered processing plant. As such, all molluscan shellfish harvested from affected areas will undergo scrutiny regarding date and location of harvest as per the processing plant's HACCP plan.

5.3.3 Description of the timelines for providing notification to affected stakeholders and First Nations in hours, taking into account all reasonable delays (e.g. during and after working hours, including weekends and holidays)

Notification of stakeholders and First Nations that a Trigger Event described in Section 5.1 has occurred takes up to 1.0 hours. Timelines for notifications are as follows, and are not additive:

1. Initiation of a closure and broadcast of closure information to affected harvesters including First Nations by DFO takes up to 1.0 hours.
2. Notification of registered bivalve molluscan shellfish processing establishments by CFIA takes up to 1.0 hours.

5.3.4 Contact information of the parties to be notified of closures during and after working hours, including weekends, as provided by the province, EC, and CFIA.

Contact information of the parties to be notified of closures is provided in Appendix D.

6. RE-OPENING CRITERIA

The harvest areas described in this document will remain closed to harvesting until the re-opening criteria are met. After each trigger event, EC will determine if the size of the closure should be modified and make appropriate recommendations to DFO.

Commencement of re-opening criteria does not begin until after the RDN has provided notification, as outlined in Section 3 and Section 5, that the Trigger Event(s) have ceased and the FCPCCs collection system is again functioning under normal operating conditions.

Areas will be returned to their classification status when conditions outlined in Chapter 2 of the CSSP Manual of Operations have been met.

6.1 Process and responsibilities for sample collection, sample locations, and sample analysis.

The area must remain in closed status for a minimum of 7 days after the latest Trigger Event has ceased.

EC and CFIA will make a recommendation to DFO to revoke the closure and the harvesting prohibition under the following circumstances:

- when 21 days have elapsed, or
- when marine water and shellstock samples from the conditional areas are confirmed to meet the standards for harvest set forth in the CSSP, AND a minimum of 7 days have elapsed following the most recent Trigger Event.

In order to re-open sooner than 21 days after the latest Trigger Event, EC and CFIA trained samplers may collect water and shellstock samples from established verification stations outlined in Appendix A. Water and shellstock should be collected no earlier than 5 days after the most recent Trigger Event has ceased.

The sampling methodology must comply with the established procedures outlined in Appendix 1 of the CSSP Manual of Operations and the Sampling Policy and Procedures found in the CFIA's Fish Products Standards and Methods Manual (<http://www.inspection.gc.ca/english/fssa/fispoi/man/samnem/sameche.shtml>). The sample locations are identified on a map in Appendix A.

The samples must be analysed at laboratories accredited to the international standard *ISO/IEC 17025:2005 General Requirements for the Competence of Testing and Calibration Laboratories* by a recognized accrediting body. The laboratories' scope of accreditation must include the analytical tests required by the EC or CFIA Scientific Authority.

7. ANNUAL REPORTING

All signatories to this plan will provide input into an annual report on the management of the area as outlined in Appendix IX of the CSSP for the reporting period January 1 – December 31. The report will then be provided to the Pacific Region Interdepartmental Shellfish Committee (PRISC) for its review. This report shall include, as a minimum, the information outlined in Appendix B. Concerns and recommendations may be provided by all signatories and will be included in the Annual Report.

- DFO will lead the development of the annual report, including compiling the supporting documentation and information from the contributing parties, completing the written components of the report, and presenting the report to PRISC at the April meeting of the year following the reporting period.
- CFIA and EC will participate in the development of the report, and will provide information on their activities in support of the CMP (timelines, sampling, audits, recommendations for changes, etc.).
- RDN will submit a report to MOE and DFO as described in Section 3, stating whether any Trigger Events occurred during the reporting period, and if applicable, including a summary of the occurrences, dates, estimates of discharges (if available), and the notifications provided to the DFO Radio Room and PEP, as well as the notifications given when the event(s) ceased. The report must be submitted by January 31st of the year following the reporting period, and may contain recommendations for changes to this CMP if any are necessary.
- MOE will submit a report to EC and DFO as described in Section 3, containing a review of the report of activities under the CMP submitted by the RDN, and verifying that the RDN is reporting any failures for the FCPCCs collection system as described in section 5.2 of this CMP. The report must be submitted by March 1st of the year following the reporting period, and may contain recommendations for changes to this CMP if any are necessary.

- RDN will provide the results of routine final effluent analysis to MOE and EC, as described in the operating permit (PE-4200) issued by the province within the timelines specified in the operating permit.

8. AMENDMENT AND TERMINATION

If at any time any party to the Conditional Management Plan fails to fulfill the requirements as set forth in the Plan, the Pacific Region Interdepartmental Shellfish Committee (PRISC) will determine whether the area classification or status will be changed.

This CMP may be amended at any time subject to the written approval of all the parties.

9. APPENDICES

The Appendices herein form part of this CMP.

- Appendix A – Classification Maps and Sample Collection Locations
- Appendix B – Annual Report Template
- Appendix C – Template for a Discharge of Wastewater Notice
- Appendix D – Contact list
- Appendix E – CSSP and Conditional Management Plan Definitions

10. APPROVALS

10.1 Canadian Food Inspection Agency

Approved at _____, this _____ day of _____, 2012.

Dr Harpreet S Kochhar
A/Executive Director
CFIA Western Area Operations

10.2 Fisheries and Oceans Canada

Approved at _____, this _____ day of _____, 2012.

Susan Farlinger
Regional Director General
Fisheries and Oceans Canada
Pacific Region

10.3 Environment Canada

Approved at _____, this _____ day of _____, 2012.

Darren Goetze
Executive Director, Water Quality Monitoring and Surveillance Division
Environment Canada
Science and Technology Branch

10.4 British Columbia Ministry of Environment

Approved at _____, this _____ day of _____, 2012.

Jim Standen
Assistant Deputy Minister
British Columbia Ministry of Environment

10.5 Regional District of Nanaimo

Approved at _____, this _____ day of _____, 2012.

Joe Stanhope
Board Chair
Regional District of Nanaimo

Maureen Pearse
Senior Manager, Corporate Administration
Regional District of Nanaimo

APPENDIX A – CLASSIFICATION MAPS AND SAMPLE COLLECTION LOCATIONS

A.1 Classification maps

Shellfish harvesting will become prohibited in Conditionally Approved Areas (Figures 1 and 2) when a wastewater discharge meeting the criteria of a Trigger Event is reported. The response lines identified on the classification area maps in Figures 1 and 2 are relevant only for CFIA registered fish processing establishments. Further guidance of how registered fish processing establishments maintain control of shellfish harvested from areas situated between the prohibited area and the response line is contained in CFIA policy documents found in Bulletin 25 of the CFIA Fish, Seafood and Production Division's Facilities Inspection Manual (<http://www.inspection.gc.ca/english/fssa/fispoi/man/fimmii/bull25e.shtml>).

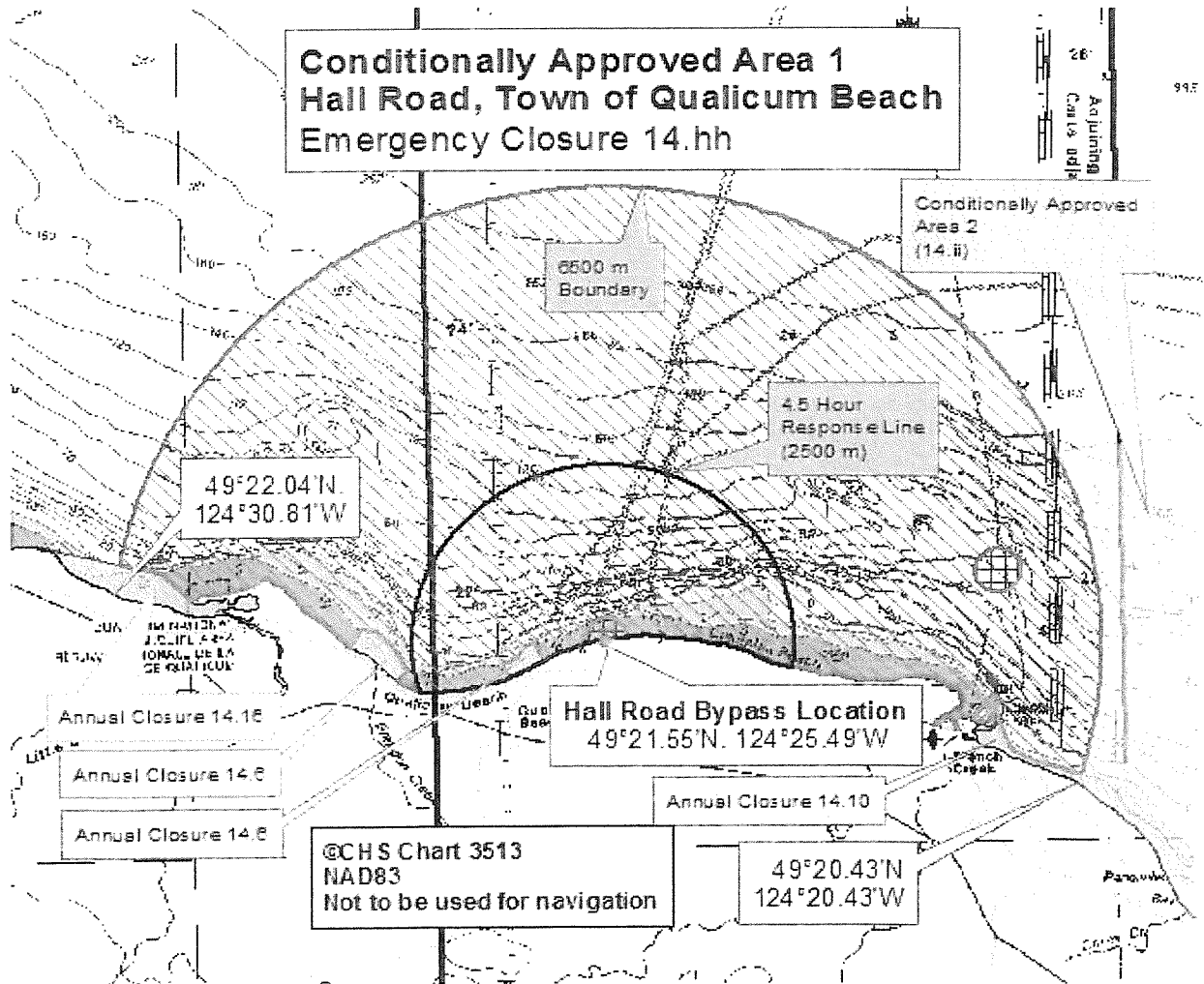


Figure 1. Conditionally Approved area adjacent to the Hall Road Pump Station in the Town of Qualicum Beach (French Creek Pollution Control Center) which can be closed with Emergency Closure 14.hh.

Appendix A.1 con't – Classification maps

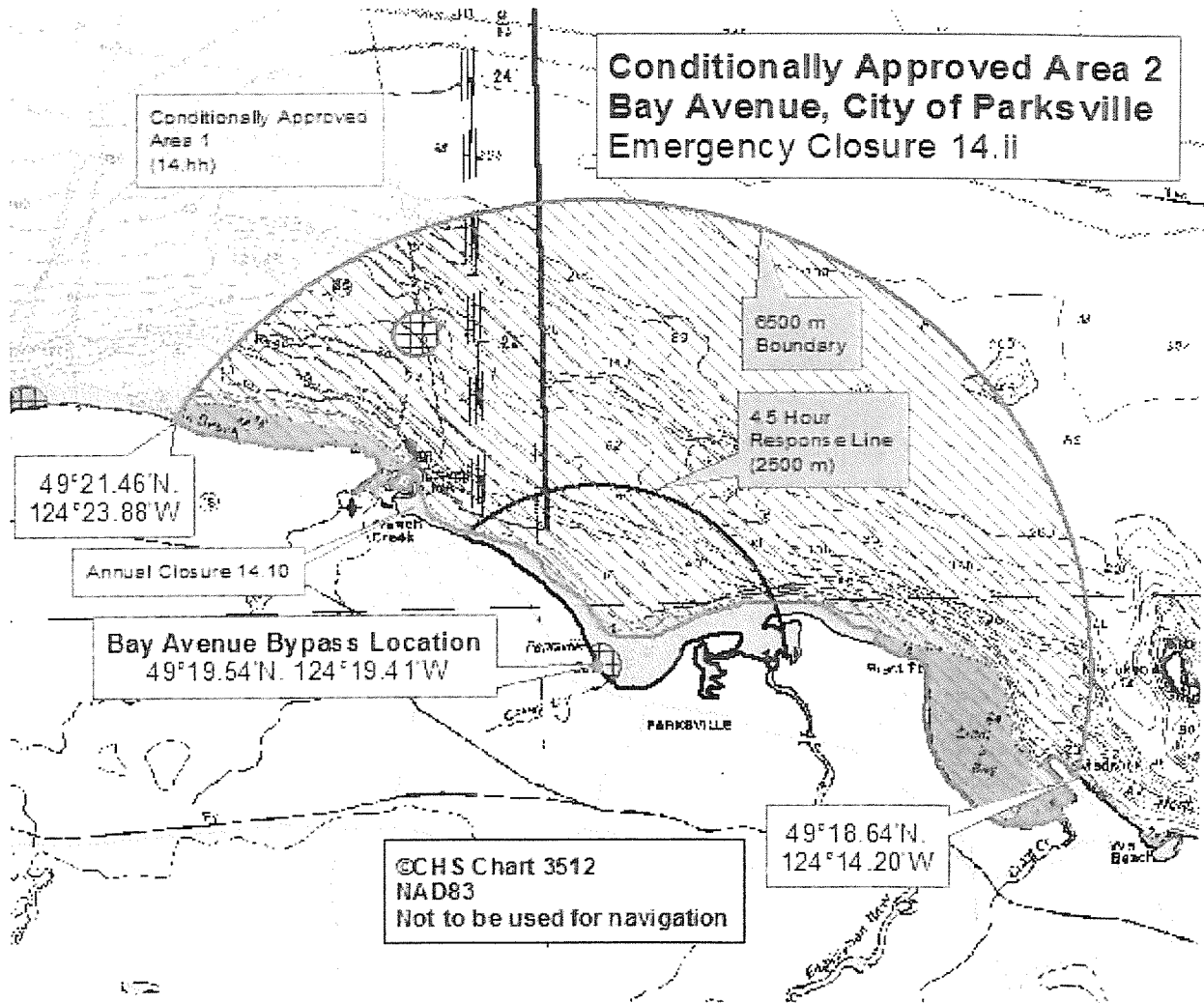


Figure 2. Classically Approved area adjacent to the Bay Avenue Pump Station in the City of Parkville (French Creek Pollution Control Center) which can be closed with Emergency Closure 14.ii.

A.2. Water and Shellstock Sample Collection Locations

As described in Section 6.1, in order for conditional areas to re-open sooner than 21 days after the latest Trigger Event, marine water and shellstock samples are required from the sample locations specified in Figures 3 and 4 in order to verify that the classification conditions outlined in Chapter 2 of the CSSP Manual of Operations have been met.

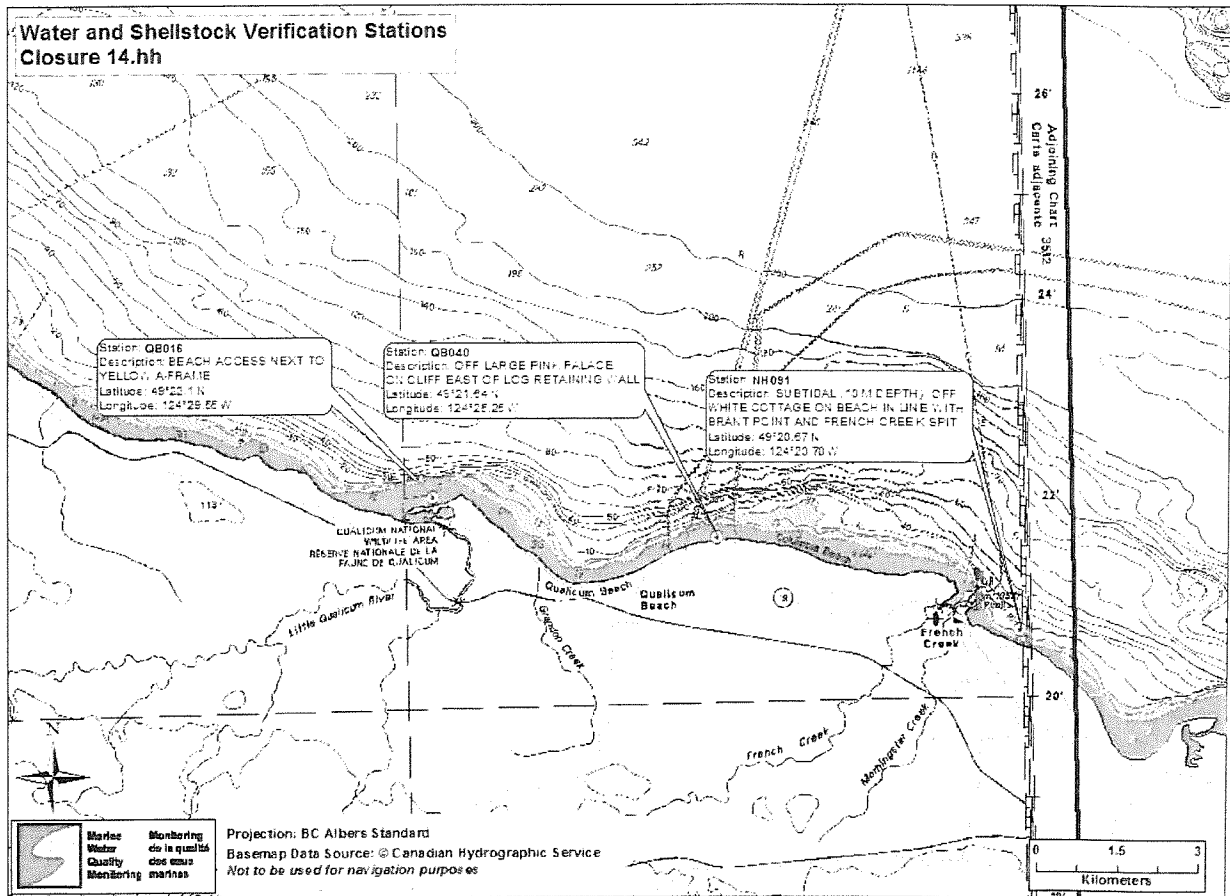


Figure 3. Marine water and shellstock sample locations for Closure 14.hh.

Appendix A.2 con't – Water and Shellstock Sample Collection Locations

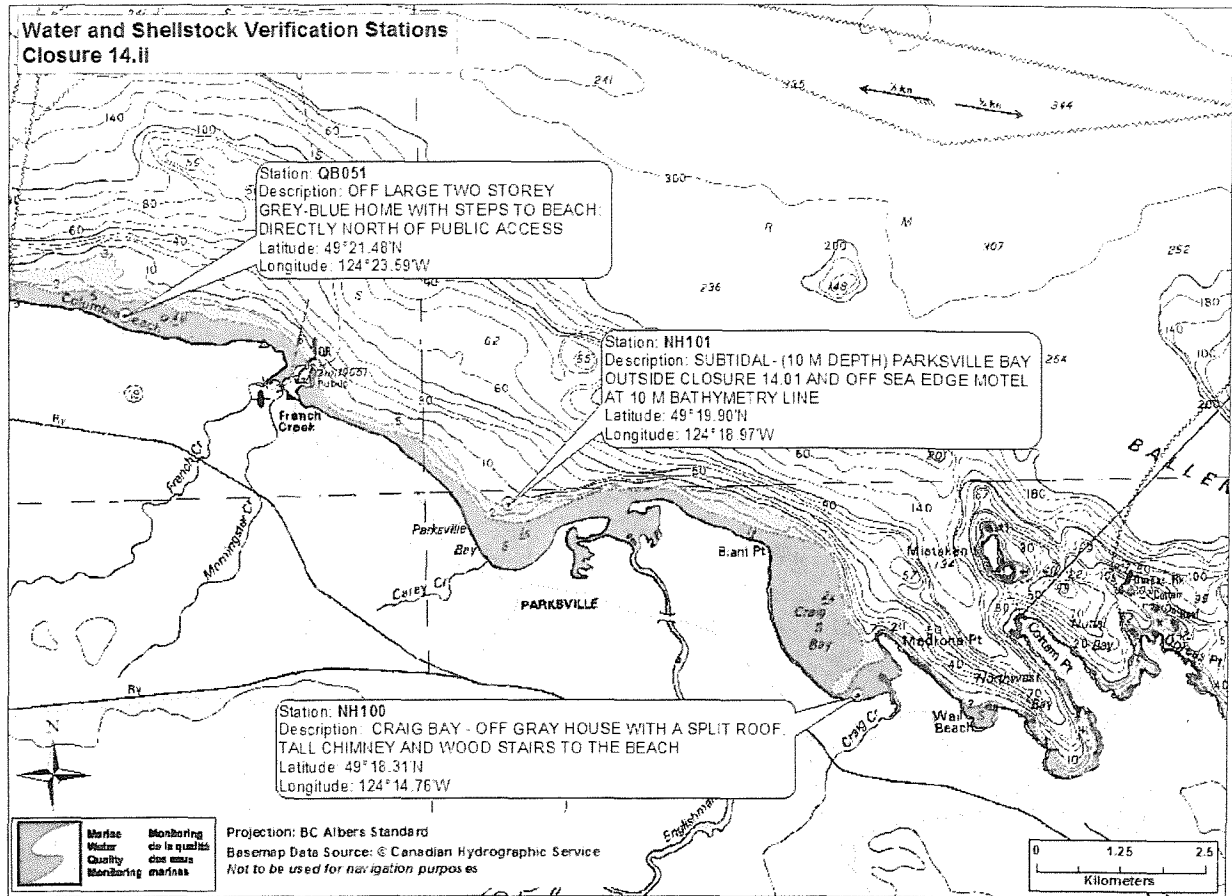


Figure 4. Marine water and shellstock sample locations for Closure 14.ii.

APPENDIX B – ANNUAL REPORT TEMPLATE

**Conditional Management Plan Annual Report
For French Creek Pollution Control Center
January 1 – December 31, [year]**

**957 Lee Road, Parksville, British Columbia
(the “French Creek Pollution Control Center”)**

Introduction

Area

- WWTP, collection system, and outfall
- Classified Areas and Marine Water Quality Sampling Areas
- Shellfish Fisheries (Including Aquaculture) within the CMP Area
- Definition of Closure Criteria (Trigger Events)
- Detection and Response Times for Trigger Events

Summary of Activities for Reporting Period

- Number of openings/closures during the year
- Supporting documentation for closing a conditional area, including time required for detection, notification, and response by all parties (actual documents to be included in an appendix)
 - Notices from RDN and/or PEP (Event, dates, duration)
 - Prohibition order numbers and dates from DFO
 - Fishery notices and dates from DFO
 - Comparison of actual times for detection, notification, and response with timelines specified in CMP, including any corrective measures taken for delays, and suggestions for improvement.
- Supporting documentation for re-opening a conditional area (actual documents to be included in an appendix)
 - Water and shellstock microbiological data to re-open the area (dates, results)
 - Recommendations from EC, CFIA
 - Fishery notices and dates from DFO
- Surveillance, enforcement, and control activities
 - number of patrols, number of occurrences, violations

Report from CFIA on Decontamination Plans and HACCP Plans (if applicable)

Report from Province

Report from RDN

Concerns/ Recommendations (all signatories)

Appendices

- Copy of Management Plan
- Map(s) of Classified Areas
- Map(s) of Marine Water Quality and Shellstock Sampling Locations
- Supporting Documentation for Closing and Opening Decisions

APPENDIX C – TEMPLATE FOR A DISCHARGE OF WASTEWATER NOTICE

From: French Creek Pollution Control Center Collection System			
INSTRUCTIONS:			
<p>On detection of a Trigger Event as per Section 5.1: Immediately report by phone to the Provincial Emergency Program (PEP) at 1-800-663-3456 and the DFO Radio Room at 1-800-465-4336.</p> <p>When the Trigger Event ceases: Report by phone to the Provincial Emergency Program (PEP) at 1-800-663-3456 and the DFO Radio Room at 1-800-465-4336.</p> <p>Include in your notification the information below:</p>			
Discharge Location (check one):			
<input type="checkbox"/> Hall Road Pump Station, Town of Qualicum Beach (Emergency Closure 14.hh) <input type="checkbox"/> Bay Avenue Pump Station, City of Parksville (Emergency Closure 14.ii) <input type="checkbox"/> Other (<i>please specify</i>):			
Current Status of WWTP collection system (check one):		<input type="checkbox"/> currently undergoing Trigger Event <input type="checkbox"/> functioning normally (Trigger Event terminated) <input type="checkbox"/> discharge planned for: _____	
Classification of Trigger Event (check one):			
<input type="checkbox"/> Discharge of wastewater from the pump station bypasses into the marine environment. <input type="checkbox"/> Other (<i>please specify</i>):			
Name of RDN Operations Staff member:			
Trigger Event Start Date:		Termination Date:	
Start Time:		Stop Time:	
Cause of Trigger Event:			
Estimated flow rate:		Total Estimated Discharge:	
Comments:			
Sent by:			
Date:			
		Position:	

APPENDIX E – CSSP AND CONDITIONAL MANAGEMENT PLAN DEFINITIONS

Approved Area - The classification of a shellfish growing area which has been approved by the shellfish control authority for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the shellfish control authority in accordance with Chapter 2 of the CSSP Manual of Operations. An approved shellfish growing area may be temporarily placed in the closed status when a public health emergency, resulting from for instance, a hurricane or flooding, is declared.

Bypass – Untreated or partially treated wastewater flow that bypasses a wastewater treatment plant and is discharged to the marine environment, or the system that diverts untreated or partially treated wastewater flow from any part of the treatment process at a wastewater treatment plant and/or collection system

Canadian Shellfish Sanitation Program (CSSP) - A program to classify harvesting areas and control the commercial and recreational harvesting of molluscs and processing of product for the consumer market.

Closed Area - A growing area where the harvesting of shellfish is temporarily or permanently not permitted, except by special permit for specific purposes.

Closed Status - Any classified area where shellfish harvest is not authorized.

Collection System – The system of sewer lines and pump stations which carry wastewater to a wastewater treatment plant.

Conditionally Approved Area - The classification of a shellfish growing area which has been determined by the shellfish control authority to meet approved area criteria for a predictable period. The period is conditional upon established performance standards specified in a conditional management plan.

Controlled Purification – see Depuration.

Conditional management plan (CMP) - An agreement signed by relevant parties for the management of shellfish in conditionally classified areas.

Conditionally Restricted Area – The classification of a shellfish growing area which has been determined by the shellfish control authority to meet, at a minimum, the restricted classification criteria for a predictable period. The period is conditional upon established performance standards specified in a conditional management plan.

Deleterious Substance - A toxic compound occurring naturally or added to the environment that may be found in shellfish for which a regulatory tolerance limit or action level has been established or may be established to protect public health. Examples of naturally occurring substances would be paralytic shellfish toxins and trace elements, such as mercury,

geologically leached from the environment. Examples of added substances would be wastewater (sewage), agricultural pesticides and polynuclear aromatics from oil spills.

Depuration - The process of using a controlled, aquatic environment to reduce the level of bacteria and viruses in live shellfish. May also be referred to as Controlled Purification.

Detection: The point in time at which a wastewater treatment or collection system release / discharge incident (as defined in the relevant CMP) is first detected by a wastewater treatment plant operator (or delegate).

Emergency Closure - A shellfish harvesting area in the open status may be placed in the closed status when it is suspected that shellfish may be contaminated as a result of an emergency situation. These emergency situations may include natural or operational events such as hurricanes, flooding, and oil, toxic chemical and major sewage spills.

Growing Area - An area which supports or could support live shellfish.

Harvester - A person who takes shellfish, by any means, from a growing area.

ISO 14001:2004 – An internationally recognized standard developed by the International Organization of Standardization (ISO) describing requirements for an environmental management system to enable an organization to develop and implement a policy and objectives which take into account legal requirements and other requirements to which the organization subscribes.

ISO/IEC 17025:2005 - An internationally recognized standard describing the General Requirements for the Competence of testing and Calibration Laboratories jointly developed by the International Organization of Standardization (ISO) and the International Electrochemical Commission (IEC).

Natural Relaying – see Relay.

Notification – The point in time at which one of the federal CSSP partners receives notice from a wastewater treatment or collection system operator (or delegate) of a release / discharge incident (as defined in the relevant CMP).

Open Status - Any classified area where shellfish harvest is authorized.

Prohibited Area - The classification of a shellfish growing area determined by the shellfish control authority where shellfish harvesting for food purposes is not permitted.

Prohibition Order – An order issued under the authority of the Management of Contaminated Fisheries Regulations by a DFO Regional Director General (RDG) prohibiting fishing in an area for any species which the RDG has reason to believe is contaminated.

Pump Station – an above ground and/or underground structure that includes pumps, built as part of a collection system to convey wastewater to a wastewater treatment plant

Relay - The transfer of shellfish from conditionally restricted or restricted areas in the open status to approved areas for natural biological cleansing using the ambient environment as a treatment system (Houser 1964), and licensed under Management of Contaminated Fisheries Regulations. May also be referred to as Relaying or Natural Relaying.

Pacific Regional Interdepartmental Shellfish Committee (PRISC) – The committee established under the Canadian Shellfish Sanitation Program (CSSP), composed of area/regional Department of Fisheries and Oceans (DFO), Environment Canada (EC), Canadian Food Inspection Agency (CFIA), and Provincial staff to, manage, prioritize, and coordinate CSSP activities. PRISCs provide input, advice and final decisions on the classification of shellfish growing areas and on the management of microbiological, chemical and /or biotoxin contamination.

Response: A series of actions taken by the federal shellfish control authorities as defined in the relevant CMP based on the classification of the area that will serve to ensure that product does not reach market and the implicated area is placed in closed status.

Response Line - The boundary at which the sewage effluent plume is predicted to lie during a wastewater treatment plant or collection system release/ discharge incident before the competent shellfish control authority will respond.

Restricted Area - The classification of a shellfish growing area determined by the shellfish control authority where shellfish shall not be harvested for direct consumption.

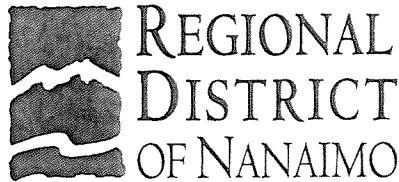
Shellfish Control Authority – The department or agencies of the Government of Canada that are signatories to the interdepartmental Memorandum of Understanding which is found in Appendix V of the CSSP Manual of Operations and that have the responsibility to provide reasonable assurance that shellfish are safe for human consumption (the Canadian Food Inspection Agency, Environment Canada and Fisheries and Oceans Canada).

Shellfish - All edible species of oysters, clams, mussels and scallops (except for the adductor muscle) either shucked, in the shell, fresh or fresh frozen or whole or in part. For the purposes of marine biotoxin control predatory gastropod molluscs shall also be included.

Shellstock - Shellfish in the shell.

Status - Describes whether shellfish harvest is permitted and is independent of the classification of the area

Trigger Event – Any event or disruption that results in untreated or partially treated wastewater being released from a wastewater treatment and/or collection system that causes action to commence closure of an area to shellfish harvest.



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RHD	
BOARD	

MEMORANDUM

TO: Sean De Pol
Manager of Wastewater Services

DATE: March 21, 2012

FROM: Ellen Hausman
Wastewater Program Coordinator

FILE: 5330-20-GNPCC

SUBJECT: Contract Award for the Preliminary and Detailed Design for the Replacement of the Land Section of the Greater Nanaimo Pollution Control Centre Marine Outfall

PURPOSE

To consider awarding a contract for engineering services to AECOM to complete the preliminary and detailed design for the Replacement of the Land Section of the Greater Nanaimo Pollution Control Centre Marine Outfall.

BACKGROUND

The Greater Nanaimo Pollution Control Centre (GNPCC) outfall was built in the mid-1970's to discharge treated wastewater from GNPCC into the Strait of Georgia. Up until now, no major upgrades or replacements have occurred on this outfall. The outfall was scheduled for a capacity upgrade as part of the Stage IV treatment plant expansion and secondary treatment upgrade in 2015. The intent was to upgrade the outfall capacity to accommodate ultimate Stage V flows, which would allow the facility to service a population equivalent of approximately 160,000 people (double the current population capacity of the facility).

Over the last few years, RDN staff have been managing minor failures in the marine section of the outfall. In 2009 and 2010, two significant failures occurred in the inter-tidal zone where the land and marine sections of the outfall connect, resulting in environmental incidents and costly emergency repairs. These failures were attributed to deterioration of the protective coating on the outfall, resulting in corrosion of the steel outfall pipe.

As a result of the failures, Wastewater Services' contract engineers, AECOM, were asked to provide an estimate for the replacement of both the land and marine section of the outfall, sufficiently sized to accommodate ultimate Stage V flows. A Class D estimate of \$17.8 million was proposed, with the majority of that budget allocated to the replacement of just the marine section of the outfall.

AECOM also provided a strategy for a staged approach to the replacement of the outfall:

- Stage 1: outfall replacement on land and on the inter-tidal zone. (Land Section)
- Stage 2: outfall replacement of the marine section. (Marine Section)

There are several benefits to this staged approach:

- Replacement of the land section of the outfall (Stage 1) can be completed in 2013 to address immediate concerns over further land section failures. Concerns associated with these failures include risk of damage to private properties adjacent to the outfall, costly emergency repairs, and environmental impacts such as disturbances to the foreshore and fish habitats due to beach excavations.
- There will be no impact on the schedule for the Stage IV treatment plant upgrade and expansion in 2015. Replacement of the land section of the outfall (Stage 1) will provide an increase in capacity that is sufficient to accommodate flows from the Stage IV expansion, without the need to immediately replace the marine section.
- Based on current population growth projections, the marine section may not need to be upgraded until 2026. This will provide the RDN additional time to collect reserves to fund the replacement of the marine section of the outfall (Stage 2).
- Upon completion of Stage 2 the outfall will accommodate Stage V flows, with no further capacity upgrade requirements until the population served exceeds 160,000 people.

The next stage of this project is to complete the preliminary and detailed design for the replacement of the land section of the outfall (Stage 1). AECOM has proposed a budget of \$150,156, excluding HST, for preliminary and detailed design services. As this project will benefit both existing and future users, 50% of the project will be funded through the Southern Community Development Cost Charge reserve fund.

ALTERNATIVES

1. Award the preliminary and detailed design services for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall to AECOM for \$150,156, excluding HST.
2. Issue a Request for Proposals to attract design proposals from other engineering consulting firms.

FINANCIAL IMPLICATIONS

Alternative 1

The costs for the preliminary and detailed design are as follows:

	Total Costs
Preliminary Design	\$ 73,146
Detailed Design	\$ 45,700
Fees and Disbursements	\$ 11,310
Contingency	\$20,000
Total	\$ 150,156

As part of this project, it is intended that a portion of the outfall be realigned through City of Nanaimo parkland. City of Nanaimo staff have been informed of this proposed realignment. Preliminary design includes fees for Geotechnical, Archeological and Topographical studies associated with this new alignment. A contingency of \$20,000 has also been included in the budget in the event that unforeseen circumstances arise as a result of the archeological and geotechnical studies.

Class D cost estimates for the construction phase of the Stage 1 replacement are as follows:

	Total Costs
Mobilization/Demobilization	\$ 100,000
General Construction	\$ 2,023,000
Engineering (15%)	\$ 318,000
Contingency (25%)	\$ 531,000
Total	\$ 2,972,000

This cost will be refined following the completion of the detailed design phase.

Staff propose to tender this project for construction in early 2013, to ensure that excavation and civil works can be completed before the wet weather season in the fall of 2013.

Alternative 2

RDN staff do not believe there is any advantage gained by requesting proposals from other engineering companies. Although other engineering firms may offer comparable rates, efficiencies can be gained by engaging AECOM for the engineering services component of this project. They are the RDN contract engineers, they already have experience with this project, and they can mobilize immediately to continue to move this project forward. RDN staff are eager to keep this project moving forward in order to reduce the possibility of another environmental incident occurring before the replacement can be completed.

SUSTAINABILITY IMPLICATIONS

To improve accessibility, reduce risk of damage to private properties, and to reduce future operations and maintenance costs, a realignment of the outfall through City of Nanaimo parkland is proposed, rather than using the existing outfall right of way through the back sections of eight properties along Hammond Bay Road.

This new alignment would bring the outfall into close proximity to Hammond Bay School. During the design process, RDN staff and AECOM will assess the feasibility of constructing an effluent heat recovery system to provide heat to the school, similar to the Saanich Peninsula Thermal Energy Project, which uses recovered heat energy from effluent from the Saanich Peninsula Wastewater Treatment Plant to supplement pool heating requirements for the Panorama Recreation Centre. Grant opportunities will also be considered as part of this assessment. The results of this assessment will be presented to the Board for information and direction.

SUMMARY/CONCLUSIONS

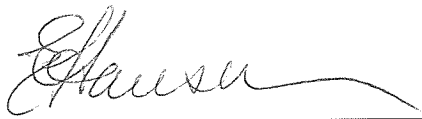
The Greater Nanaimo Pollution Control Centre (GNPCC) outfall is nearing capacity and was scheduled for a capacity upgrade as part of the Stage IV treatment plant expansion and secondary treatment upgrade in 2015. However, there have recently been two significant outfall failures in the intertidal zone which have resulted in environmental incidents and costly emergency repairs.

AECOM has provided the RDN with a strategy for a staged approach to the replacement of the outfall that would see the land section replaced in 2013, while allowing the marine section to be completed at a later date. This approach would still provide the necessary capacity to accommodate the Stage IV treatment plant upgrade and expansion in the short term, mitigate concerns associated with further failures in the land section of the existing outfall, and allow the RDN additional time to collect reserve funds for the replacement of the marine section. The predesign construction cost estimate (Class D) for the replacement of the land section of the outfall is \$2,972,000. This cost will be refined following preliminary and detailed design.

AECOM has submitted a proposal of \$150,156 for engineering services to complete the preliminary and detailed design for the replacement of the land section of the outfall. Staff are recommending that the Board award the contractor for the preliminary and detailed design services to AECOM, with 50% being funded by the Southern Community Development Cost Charge reserve fund. It is important for project implementation that this design work is underway by June 2012 to allow for tendering early in 2013 and completion of excavation and civil works prior to the wet weather season in the fall of 2013.

RECOMMENDATIONS

1. That the Board award the contract for preliminary and detailed design services for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall to AECOM for \$150,156.00.
2. That the Board approve that funds from the Southern Community Development Cost Charge Reserve Fund be used for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall.



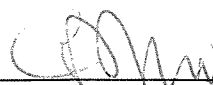
Report Writer



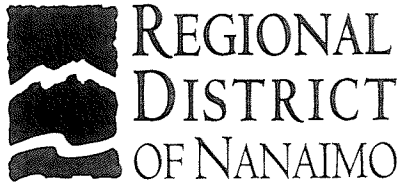
Manager Concurrence



General Manager Concurrence



CAO Concurrence



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
CoW	✓
APR 03 2012	
RHD	
BOARD	

MEMORANDUM

TO: John Finnie, P.Eng.
General Manager, Regional and Community Utilities

DATE: April 3, 2012

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

FILE: 5330-20-FCPC-HALL

SUBJECT: Hall Road Pump Station Upgrade - Detailed Design and Tendering Services

PURPOSE

To consider awarding the engineering services for the detailed design and tendering to upgrade the Hall Road Pump Station in Qualicum Beach to Koers & Associates Engineering Ltd.

BACKGROUND

The Hall Road Pump Station is in need of upgrading. Initial work was completed for a pre-design and cost estimate to upgrade the station. This initial work was awarded to Koers & Associates Engineering Ltd. (Koers) in 2011 as they had local experience and were already working on an associated force main replacement near the pump station. Associated Engineering (BC) Ltd., who had previously completed the Lee Road Pump Station upgrade, was the sub-consultant for the pre-design project. The pre-design has been completed and Koers has estimated the construction budget at \$600,000, excluding tax.

Final engineering design and tendering of this project is now required to enable reconstruction of this pump station in 2012. Subsequent to completing the pre-design phase of the project, Koers submitted a proposal for the detailed engineering design and tendering services for a cost of \$71,800.

ALTERNATIVES

1. Award the detailed design and tendering services for the Hall Road Pump Station to Koers & Associates Engineering Ltd.
2. Issue a Request for Proposal for design proposals from other engineering consulting firms.

FINANCIAL IMPLICATIONS

Alternative 1

The costs for completion of this project are as follows:

Preliminary engineering work in 2011 (completed and paid from 2011 budget)	\$ 40,000
Detailed design services to tender award (letter of proposal)	\$ 71,800
Construction services, civil, electrical etc. (estimated)	\$ 60,800
Construction services, environmental/archaeological (estimated)	\$ 2,500
Geotechnical services (estimated)	\$ 5,000
Permits (estimated)	\$ 5,000
Project construction including contingency	<u>\$600,000</u>
TOTAL ESTIMATED PROJECT COST	\$785,100.00

The RDN budgeted \$40,000 for the preliminary work completed in 2011 and this was paid in the 2011 budget year. The balance of the work for 2012, including construction, is estimated to cost \$745,000. The 2012 budget for the Hall Road Pump Station is \$860,000 (including HST), funded through DCC Reserves (85%) and Operating Reserves (15%).

Alternative 2


Although other engineering firms may offer comparable rates, Koers has done previous work on this project and staff believes it is advantageous to engage them for the detailed design and tendering services. Staff does not believe there is any advantage gained by this alternative and it would delay the design and construction of the project to the 2012/2013 winter season which may involve higher construction costs.

SUMMARY/CONCLUSIONS


Upgrading of the Hall Road Pump Station is required in 2012 and is included in the 2012 budget. The pre-design for this project was completed in 2011 by Koers & Associates Ltd. and Associated Engineering (BC) Ltd. Koers has submitted a proposal for engineering services to continue with the detailed design and tendering services for this project for a cost of \$71,800. Koers has pre-design experience on this project and continuing with their services will allow the project to proceed expeditiously. It is important that detailed design work be started this spring to allow for tendering in the late spring/early summer and completion of the excavation and civil works prior to the wet weather in the fall of 2012.

RECOMMENDATIONS


1. That the Board award the detailed design and tendering services for the Hall Road Pump Station Upgrade to Koers & Associates Engineering for the upset price of \$71,800.
2. That funds from the Northern Community Development Cost Charge Reserve Fund and the French Creek Operations Reserve Fund be used for this project.



Report Writer



General Manager Concurrence



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA 'B' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
MONDAY, FEBRUARY 27, 2012, 7:00PM
AT GABRIOLA ISLAND COMMUNITY HALL

Attendance: Howard Houle, Director, RDN Board, Chair
Jacinthe Eastick
Megan Dickinson
Nancy Crozier
Catherine Williams
Stephen O'Neill
Randy Young

Staff: David Palidwor, Acting Manager of Park Services
Elaine McCulloch, Parks Planner

CALL TO ORDER

Chair Houle called the meeting to order at 7:04pm.

Committee members were introduced and welcomed to the Committee.

ELECTION OF SECRETARY

Chair Houle called for nominations for the position of Secretary.

MOVED N. Crozier, SECONDED S. O'Neill, that Mr. Young be nominated for the position of Secretary.

CARRIED

As no other nominations were received, Chair Houle declared Mr. Young Secretary.

MINUTES

MOVED N. Crozier, SECONDED C. Williams, that the Minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held September 6, 2011, be approved.

CARRIED

It was noted the October 13, 2011, minutes should reflect Mr. O'Neill as absent from the meeting.

MOVED N. Crozier, SECONDED C. Williams, that the Minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held October 13, 2011, be approved as amended.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

MOVED S O'Neil, SECONDED M. Dickinson, that the following Correspondence be received:

- Gabriola Land Conservancy, Re: Parkland For Affordable Housing Use.
- T. Osborne, RDN, to Gabriola Land Conservancy, Re: Cox Community Park/Affordable Housing.

CARRIED

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects

Ms. McCulloch reviewed the Community Parks and Regional Parks and Trails Project for May 2011 through to February 2012, noting the following additional information:

- The Rollo McClay Community Park irrigation pond repair budgeted for \$60,000 (\$50,000 pond liner, \$10,000 pump house upgrades) will be covered by the Regional District Reserve Fund for Electoral Area B Community Parks.
- Bank stabilization at the 707 Community Park is in progress.
- The Tin Can Alley water crossing upgrade and 707 Community Park access project are in process.
- Huxley Park cleanup (including a new garbage can) is underway as part of the management plan process.
- The \$25,000 South Road beach stairway replacement project is underway. A Municipal Insurance Association grant will cover \$10,000 of the project cost.
- A survey for the placement of a berm and an upgrade of the pond leveler will be undertaken as a possible solution to the flooding issue at Coats Marsh Regional Park.
- The existing well near Huxley Park may be used for a Regional District groundwater level recording project.
- The stair repairs at Joyce Lockwood were recommended by the Municipal Insurance Association.
- A proposed Regional Park DCC Bylaw would generate a building cost charge throughout the Regional District with the revenue raised used for acquisition of regional parkland.
- Repairs to the Rollo McClay building roof and downpipe are in progress.

Five Year Project Plan

Ms. McCulloch presented the Five Year Project Plan for 2012 to 2015.

Detailed Project Plan

Ms. McCulloch presented the Detailed Project Plan for 2012. She noted the following projects:

- 707 Community Park Signs - Ms. McCulloch stated that Parks staff will coordinate the installation of the 707 Community Park signage, using an updated version of the existing 707 Community Park Trail Naming and Signage Plan. The Regional District will be responsible for the wood post caps, the drilled metal sign plates, implementing the trail names and the signage plan. A contractor will provide the 10" diameter post holes at the required locations. Gabriola Land and Trails Trust volunteers will assist with the

installation immediately following the post hole digging, to ensure the open holes are not left unattended. Park staff will be responsible for the concrete mix and water.

- Tin Can Alley Crossing – The project is underway.
- Mudge Island Consultations – The residents of Mudge Island will be consulted on the usage of their MoTI water accesses. The RDN will take into consideration the wishes of Mudge Island residents regarding which accesses they would like to see developed and how they would like to see them developed.
- Huxley Park – Community consultation will begin in the latter part of 2012.
- South Road Stairs – The construction project is underway.

MOVED N. Crozier, SECONDED C. Williams, that the Reports be received.

CARRIED

NEW BUSINESS

MOVED R. Young, SECONDED J. Eastick, that the Regional District apply to the Ministry of Transportation and Infrastructure for a permit to construct an eighteen inch high walkway covering the wet areas of the road allowance from McDonald Road to Patterson Road, with the understanding that the Gabriola Land and Trails Trust will provide all engineering, construction materials and installation.

CARRIED

ADJOURNMENT

MOVED S. O'Neill that the meeting be adjourned at 8:26pm.

Chair

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA 'F' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
MONDAY, FEBRUARY 20, 2012, 7:00PM
AT ERRINGTON WAR MEMORIAL HALL

- Attendance:** Julian Fell, Director, RDN Board, Chair
Leanne Salter, Alternate for Reg Nosworthy, District 69 Recreation Commission
Electoral Area 'F' Appointee
Skye Donald
Steve Chomolok
Alfred Jablonski
Barbara Smith
Kebble Sheaff
- Staff:** David Palidwor, Acting Manager Park Services
Joan Michel, Parks and Trails Coordinator
Elaine McCulloch, Parks Planner
- Regrets:** Reg Nosworthy

CALL TO ORDER

Chair Fell called the meeting to order at 7:05pm.

ELECTION OF SECRETARY

Chair Fell called for nominations for the position of Secretary.

MOVED A. Jablonski, SECONDED S. Donald, that Ms. Barbara Smith be nominated for the position of Secretary.

CARRIED

As no other nominations were received, Chair Fell declared Ms. Smith as Secretary.

MINUTES

The following errors in the October 24, 2011, minutes were noted:

- On page six, the misspelling of Mr. Sheaff's surname.
- On page six, first paragraph, should read "...#1 budget was increased from \$15,000 to \$22,000...".
- On page six, fourth paragraph second line, should read "...dated October 2011, be received.....".

MOVED A. Jablonski, SECONDED K. Sheaff, that the Minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held October 24, 2011, be approved as amended.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

MOVED A. Jablonski, SECONDED K. Sheaff, that the following Correspondence be received:

- S. Cross, Re: Malcolm Property Trail Name Request.
- E. McCulloch, RDN, to Arrowsmith Agricultural Association, Re: Facility Upgrade Funding Request Denied.

CARRIED

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects

Ms. McCulloch summarized the Community Parks and Regional Parks and Trails projects reports for October through to January 2012.

Ms. Michel stated, as requested by Ms. Smith, she would investigate why a team from the Coastal Invasive Plant Committee had not been requested to assess Electoral Area 'F' parks.

MOVED A. Jablonski, SECONDED S. Chomolok, that the Reports be received.

CARRIED

Bylaw No. 804.04

Further to a request from the POSAC at their October 24, 2011 meeting, the Committee reviewed the Bylaw No. 804.04, which outlines the intent to support other community facilities for funding. The process requires a letter of request forwarded to the Regional District.

Errington Elementary Trail Project Update

Ms. Michel provided a verbal update on the trail to Errington Elementary School, the first official Arrowsmith Community Trail or ACT 1. The official trail opening event is scheduled for Saturday, April 28, 2012. The Friday prior, the school will be sending all classes out for a tour of the new trail.

Ms. Michel discussed naming the new trail and sought ideas from the Committee. Ms. Smith suggested the Errington Elementary School students be tasked with bringing forward suggestions for a name for the new trail.

The next phase of the community trail and low-traffic road route project, ACT 2, involves completion of roughed in trail along undeveloped Carrothers Road. This narrow and somewhat difficult route has been surveyed. A hazard tree assessment is required after which a permit can be concluded with the Ministry of Transportation and Infrastructure. The goal is see the trail developed to at least rough footpath standards in 2012.

Ms. Michel referred the Committee to the ACT Project map handout showing proposed ACT 3 to 6 projects. By year-end 2012, the goal is to see surveys completed for as many of these phases as possible. She noted that the ACT project map currently only covers Errington and part of Coombs, so needs to be expanded to include all of Area 'F'.

Meadowood Community Park Grant Application/Phase 1 Concept Plan Review

Ms. McCulloch advised that the Meadowood Way Park project was one of three 2011 Provincial Small Community Recreation Program grant applications submitted by the Regional District. She stated information on grant approval should be received by the end of March. The proposed project budget of \$100,000, includes \$54,500 in grant funding, \$5,000 raised by the Meadowood/Corcan residents with the balance of \$40,500 to be funded through the Electoral Area 'F' Community Parks budget.

Meadowood Community Park Planning Process

Mr. Palidwor reviewed the Meadowood planning process being undertaken in conjunction with the Little Qualicum River Regional Park and the "in kind" services being offered by Meadowood/Corcan residents.

Ms. Michel suggested the Committee review the Regional District website regarding Moorecroft Regional Park to get insight into the park management planning process.

Committee Appointments to Little Qualicum River Regional Park Management Plan/Meadowood Community Park Design Advisory Committee

MOVED A. Jablonski, SECONDED S. Donald, that Mr. Nosworthy be appointed to the Little Qualicum River Regional Park Management Plan/Meadowood Community Park Design Advisory Committee.

CARRIED

MOVED B. Smith, SECONDED K. Sheaff, that Mr. Jablonski be appointed to the Little Qualicum River Regional Park Management Plan/Meadowood Community Park Design Advisory Committee.

CARRIED

Five Year Project Plan and the Detailed Project Plan

Ms. McCulloch reviewed the Five Year Project Plan for 2012 to 2015 and the Detailed Project Plan for 2012, including how her working hours are allocated for Electoral Area 'F' projects.

Ms. McCulloch advised the Malcolm Park Plan will be completed when the park access from the parking lot of the Whiskey Creek Store is finalized.

MOVED A. Jablonski, SECONDED S. Chomolok, that the Five Year Project Plan be received.

CARRIED

Chair Fell advised he will request information for the Electoral Area 'F' Community Parks Budget beginning with the year 2007 when the Parks and Open Space Advisory Committee was struck.

MOVED B. Smith, SECONDED L. Salter, that the yearly breakdown of the Electoral Area 'F' Community Parks Budgets from and including the year 2007, be provided to the Committee.

CARRIED

Chair Fell stated should the grant application for the Meadowood Way Park project be successful, this project would be the main focus of attention in the near term, as he feels as there is a strong local need for this project to be completed.

BUSINESS ARISING FROM COMMUNICATIONS/CORRESPONDENCE

In regard to the request to name the main trail in Malcolm Community Park after Steve Cross, the community volunteer who was instrumental in seeing the trail developed, Ms. Michel reviewed policy and protocol regarding the naming of parks and trails. A geographical name is the first and preferred choice for place names. Naming parks or trails after a person, while not prohibited, does require special consideration and community support. Examples where this has been done were discussed, e.g., the recently named Alice Antonelli Trail in Wildwood Community Park (Area 'H').

MOVED A. Jablonski, SECONDED K. Sheaff, that the trail in the Malcolm Community Park, be named after Steve Cross.

CARRIED

MOVED L. Salter, SECONDED K. Sheaff, that the Correspondence S. Cross, re: Malcolm Property Trail Name Request, be referred to staff for follow-up.

CARRIED

ADJOURNMENT

MOVED L. Salter, SECONDED A. Jablonski, that the meeting be adjourned at 9:10pm.

Chair

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA 'E' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
MONDAY, MARCH 5, 2012, 7:00PM
AT NANOOSE PLACE

Attendance: Frank Van Eynde, Alternate Director, RDN Board
Gabrielle Cartilidge
Gordon Wiebe
Robert Rogers
Peter Law
Randy Orr
Glenn Thornton

Staff: David Palidwor, Acting Manager of Park Services
Elaine McCulloch, Parks Planner

Regrets: George Holme, Director, RDN Board, Chair

CALL TO ORDER

In the absence of Mr. George Home, Mr. Van Eynde called the meeting to order at 7:10pm.

Mr. Van Eynde introduced and welcomed the Committee members.

Ms. McCulloch briefly reviewed the Orientation Binder contents. Ms. McCulloch distributed the RDN Electoral Area 'E' – 2012 Detailed Project Plan to be discussed under new business.

ELECTION OF SECRETARY

Ms. McCulloch called for nominations for the position of Secretary.

MOVED R. Orr, SECONDED F. Van Eynde, that Mr. Peter Law be nominated for the position of Secretary.

CARRIED

As there were no other nominations, Ms. McCulloch declared Mr. Law as Secretary.

DELEGATION

MOVED P. Law, SECONDED B. Rogers, that the Late Delegation, Ms. Alex King, be received.

CARRIED

Ms. A. King addressed the Committee, referencing Ms. Alex King's letter dated February 29, 2012, included as late correspondence in the agenda. She requested the Parks and Open Space Advisory Committee consider the development of the Blueback Drive Community Park (E-04).

She stated the park is well used by the residents and the diving community but is overrun with blackberries, is lacking washroom facilities and the beach path can be covered with drainage water making it a muddy mess.

Ms. McCulloch noted the Blueback Drive Community Park is scheduled as a 2013 item on the Five Year Plan to be discussed later in the meeting. As Ms. King volunteered assistance with the project, Ms. McCulloch suggested she could assist with the distribution of a survey to local property owners and the diving community about development opportunities at the park.

MINUTES

MOVED R. Orr, SECONDED G. Wiebe, that the Minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held October 3, 2011, be approved.

CARRIED

BUSINESS ARISING FROM THE MINUTES

Ms. Cartlidge requested clarification on when researching potential locations for a boat launch became a priority project for the POSAC. E. Ms. McCulloch stated the POSAC directed staff to investigate subsequent to a request by the Schooner Cove Yacht Club in July 2010.

Mr. Van Eynde requested the status of the proposed POSAC (all areas) workshop that was requested in March 2011. Mr. Palidwor responded the report is on the workplan and is moving forward.

Mr. Law thanked RDN staff for providing the Regional Rail-Trail Feasibility Study to the Committee.

COMMUNICATIONS/CORRESPONDENCE

MOVED G. Cartlidge, SECONDED G. Thornton, that the Correspondence T. Montgomery, Schooner Ridge Strata Council and the Late Correspondence A. King, re: Development Blueback Community Park, be received.

CARRIED

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects

Ms. McCulloch provided a brief summary of the Community Parks and Regional Parks and Trails project for May 2011 through to January 2012.

At Mr. Law's inquiry, Ms. McCulloch stated the DL 137 Woodlot owner had indicated interest in enhancing trail networks in the area to link Moorecroft Regional Park with Davingham Community Trail, which is proposed for 2014.

MOVED G. Cartlidge, SECONDED B. Rogers, that the Reports be received.

CARRIED

Five Year Project Plan and 2012 Detailed Project Plan

Ms. McCulloch reviewed the Five Year Project Plan for 2012 to 2016 and the Detailed Project Plan for 2012, noting the following high priority projects:

- Boat Launch – Ms. McCulloch provided a brief verbal update on the September 2011 investigation into suitable boat launch sites, using the *Boat Launch Criteria* developed by the Boat Launch Sub-Committee. A number of sites were assessed, with the conclusion being no public access options exist in Electoral Area 'E' for future development of a boat launch. The findings report will be forwarded to the Committee members.
- Fairwinds – A comprehensive development plan is expected from Fairwinds in the coming months. RDN Parks staff will be involved in reviewing the plan and providing advice to Planning.
- Schooner Ridge Footpath Rockhampton Rd Access – Following up from Mr. Montgomery's correspondence regarding the Schooner Ridge Strata Corporation's disinterest in entering into a License of Access Agreement with the RDN, a legal survey of the existing panhandle access was completed. Staff has also received a cost estimate of \$16,000 to \$20,000, from a local excavating company to develop the path to Schooner Ridge Park from Rockhampton Road. However only \$7,000 is allocated in the 2012 budget for the development of this access. Although the trail project is still possible, due to topographic constraints, an agreement will need to be negotiated with the Schooner Ridge Strata to allow a portion of the trail over their property. The Committee tabled the project until further land acquisitions come forward with the phased development of Fairwinds. Staff was directed to follow up with the Strata once again to see if they are amenable to the development of the entrance trail and the necessary access across a corner of their common property.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Noting Ms. King's presentation at the meeting for a more accessible Blueback Drive Community Park and to make it a useful park asset for the local community, the Committee agreed to move the project forward as a priority park project for 2012.

MOVED P. Law, SECONDED R. Orr, that staff allocate the majority of the Electoral Area 'E' Community Park 2012 work hours to the development of a Blueback Drive Community Park Plan.

CARRIED

Ms. McCulloch stated with regard to Mr. Montgomery's correspondence regarding the licence of access agreement at Schooner Ridge Path, a legal survey of the area has been completed to ensure the Regional District is clear about the location of the mapped access. Using the survey information, staff have also received a cost estimate of \$16,000 to \$20,000, from a local excavating company to develop the path to Schooner Ridge Park from Rockhampton Road.

Further discussion regarding this matter was deferred until later in the meeting under the Five Year Project Plan agenda item.

ADJOURNMENT

MOVED R. Orr, SECONDED G. Cartlidge, that the meeting be adjourned at 9:00pm.

Chair

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE EAST WELLINGTON AND PLEASANT VALLEY
PARKS AND OPEN SPACE ADVISORY REGULAR COMMITTEE MEETING
HELD, MONDAY, MARCH 12, 2012, 7:00PM
AT EAST WELLINGTON FIRE HALL

Attendance: Maureen Young, Director, RDN Board, Chair
Judith Wilson
Doug Cawthorne
Cheryl Knapp
Bruce Erickson

Staff: Elaine McCulloch, Parks Planner

Regrets: Rick Heikkila

Also In Attendance: Charles Pinker, Alternate Director, RDN Board

CALL TO ORDER

Chair Young called the meeting to order at 7:05pm.

Ms. McCulloch provided a brief overview of the information included in the Orientation Binder.

ELECTION OF SECRETARY

Chair Young called for nominations for the position of Secretary.

MOVED D. Cawthorne, SECONDED J. Wilson, that Mr. Bruce Erickson be nominated for the position of Secretary.

CARRIED

As no other nominations were received, Chair Young declared Mr. Erickson as Secretary.

MINUTES

MOVED J. Wilson, SECONDED D. Cawthorne, that the Minutes of the regular East Wellington and Pleasant Valley Parks and Open Space Advisory Committee meeting held September 12, 2011, be approved.

CARRIED

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects

Ms. McCulloch provided a brief review of the Community Parks and Regional Parks and Trails projects for September 2011 through to January 2012.

Five Year Project Plan

Ms. McCulloch presented the Five Year Project Plan for 2012 to 2015. She noted that the Creekside Community Park trail and/or bridge will likely be postponed until 2014 due to a shift in priorities onto Ander's and Dorrit's Community Park.

Detailed Project Plan

Ms. McCulloch reviewed the 2012 Detailed Project Plan. The Committee discussed the following items:

- Meadow Drive Community Park – The installation of a toilet (with holding tank), shrub planting, signage, or a larger building which would include a washroom, storage and a covered barbecue /picnic area.
- Anders and Dorrit's Park (Olesen Property) – A risk assessment of the house and property is required before the park is open to the public. Once the risk assessment has been completed a date and time will be set for the Committee to visit Dorrit's Park for a house and site tour. The official park opening will be scheduled for June or July.

NEW BUSINESS

MOVED J. Wilson, SECONDED C. Knapp, that Mr. Cawthorne investigate the cost of a structure which would house a locked storage room, a washroom and a covered barbecue area at Meadow Drive Community Park and report back to the Committee.

CARRIED

A Committee meeting will be scheduled to review Mr. Cawthorne's report regarding the proposed structure costs at Meadow Drive Community Park when the information is available. The agenda for the meeting will also include planning for the official opening of Ander's and Dorit's Park.

MOVED B. Erickson, SECONDED D. Cawthorne, that staff contact MOTI to request the installation of two "Children At Play" signs at Meadow Drive Community Park.

CARRIED

COMMITTEE ROUND TABLE

Mr. Pinker stated that the East Wellington Fireman's Guy Fox Night celebration was well received.

Ms. Young and Ms. Knapp discussed the shoulder condition of Jingle Pot Road and the need for a roadside trail. It was suggested a petition from the community might be necessary as a way to get the attention of MoTI.

ADJOURNMENT

MOVED C. Knapp, that the meeting be adjourned at 9:45pm.

Chair