

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, OCTOBER 28, 2014
7:00 PM**

(RDN Board Chambers)

A D D E N D U M

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- 2. LATE DELEGATIONS** (requires motion – All Directors – One Vote)
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- 8 **Ken Collingwood**, re Maz-Can RDN Draft Agreement (Parker Road Well).
- 9 **Melissa MacNeill**, re Well on Parker Road.
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- (All Directors – One Vote)
- 20-68 **UBCM**, re Feedback Requested on First Nation Tax Report.
- 69-73 **Rick and Sharon Andersen**, re Development Permit with Variance Application No. PL2014-089 – Johnson – 235 Driftwood Road, Electoral Area ‘H’.

- 74 **Malcolm Menninga**, re Development Permit with Variance Application No. PL2014-089 – Johnson – 235 Driftwood Road, Electoral Area ‘H’.
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- 77 **Len Walker**, re The Absurdity of Marijuana.
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7.5 SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES

Northern Community Economic Development Select Committee

- 79-81 **Minutes of the Northern Community Economic Development Select Committee meeting, held Thursday, October 16, 2014** (All Directors – One Vote).

Northern Community Economic Development Program – Fall 2014 Proposals (Parksville, Qualicum Beach, Electoral Areas ‘E’, ‘F’, ‘G’, ‘H’ – Weighted Vote).

1. *The proposal from Central Vancouver Island Job Opportunities Building Society/ BladeRunners’ pilot youth employment program for RDN North be awarded funding in the amount of \$9889.75.*
2. *That the Lighthouse Country Business Association/LCBA – Website proposal be awarded 50% of the estimated cost to a maximum of \$2000, be approved.*

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

1. *That all Northern Community Economic Development funds not disbursed in 2014 be carried forward as surplus for additional funding for the service in 2015.*

District 69 Community Justice Select Committee

- 82-83 **Minutes of the District 69 Community Justice Select Committee meeting, held Monday, October 20, 2014** (All Directors – One Vote).

- 84-96 **2015 Requisition for D69 Community Justice Funding** (Parksville, Qualicum Beach, Electoral Areas ‘E’, ‘F’, ‘G’, ‘H’ – Weighted Vote).

That the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at \$111,800 and that the Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006” be amended accordingly.

Community Safety Grant-In-Aid Applications (Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', 'H' – Weighted Vote).

1. *That a 2014 grant in the amount of \$4,500 for the Citizens on Patrol Society, District 69 be approved.*
2. *That a 2014 grant in the amount of \$4,500 for the Oceanside Community Safety Volunteers, D69 Speedwatch be approved.*
3. *That the grant request from Errington Preschool Parents Society be referred to the next intake of the regular Grants in Aid.*

Wembley Road Safety Issue (All Directors – One Vote).

That given the critical nature of the Wembley Road safety issue as well as similar issues in other jurisdictions, that staff be requested to continue to liaise with the Ministry of Transportation and Infrastructure, electoral area directors and the Oceanside RCMP Detachment to review possible assistance that can be provided by the RDN to assist with resolving and mediating pedestrian safety concerns.

Regional Parks and Trails Select Committee

97-99

Minutes of the Regional Parks and Trails Select Committee meeting, held Tuesday, October 21, 2014 (All Directors – One Vote).

100-132

Morden Colliery Regional Trail Bridge Report (All Directors – Weighted Vote)

1. *That the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor.*
2. *That subsequent design and assessment work proceed under the Steel Truss Bridge option.*
3. *That the equestrian accessible bridge option be vetted through local residents and equestrian groups prior to subsequent design work in order to ensure public support and user demand in consideration of higher construction and maintenance costs.*

Fairwinds Management Plan Committee (All Directors – One Vote)

That Director Stanhope and Director de Jong represent the Regional Parks and Trails Select Committee on the Fairwinds Management Plan Committee, with Director Young acting as an alternate.

8. ADMINISTRATOR'S REPORTS

- 133-135 **Bylaw 1479.01 – A Bylaw to Amend the Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006** (Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', 'H' – Weighted Vote / 2/3 Weighted).
- 136-139 **Bylaws No. 1716 and 1717 – Reserve Fund Establishment Bylaws**
- (Recommendations 1 & 2: Electoral Areas 'A', 'E', 'G' – Weighted Vote / 2/3 Weighted)
 - (Recommendations 3 & 4: All Directors – One Vote / 2/3)



Islands Trust

Sheila Malcolmson
Gabriola Island Local Trustee
Islands Trust

700 North Road, Gabriola Island, BC VOR 1X3
smalcolmson@islandstrust.bc.ca
250-247-8078

Thursday, October 23, 2014

Dear Chair Stanhope and Regional District of Nanaimo Board members;

Re: Delegation Request on Gabriola Island Bicycle Route Plan in OCP

I'd be grateful for the opportunity to present the Bicycle Route Plan adopted in the Gabriola Island Local Trust Committee's Official Community Plan. Area B Director Howard Houle suggested I present as a delegation at your October 28 Board meeting, as our approved bicycle route plan might help advance RDN objectives in our region.

I have attached three pages of excerpts from Gabriola's Official Community Plan, which include transportation policies relevant to our shared jurisdiction.

Thanks for your consideration,

Sheila Malcolmson
Gabriola Local Trustee

cc Islands Trust Victoria office

Preserving Island communities, culture and environment

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender
Thetis

(excerpts from Gabriola OCP)

7.1 Land Transportation

Background: For purposes of this plan, land transportation includes public roads, facilities for cyclists and pedestrians, public transit and on and off-street parking. The Ministry of Transportation and Infrastructure is responsible for the provision and maintenance of roads on Gabriola. In addition, through its subdivision approval function it has authority over the standard at which roads in new subdivision are constructed.

In 1992, in light of the unique character of the Gulf Islands, the Islands Trust and the then Ministry of Transportation and Highways (MOTH) reached an agreement to work together in establishing road standards and road classifications which are appropriate for the Islands Trust area. The MOTH-Islands Trust agreement also includes provision for the designation of scenic/heritage roads and bicycle routes in the Trust Area. A bicycle route plan allows for the adjustment of shoulder width standards when roads are upgraded by MOTI.

Land Transportation Objectives

- ..3. To support alternative transportation initiatives that reduce dependency on private automobile use and reduce greenhouse gas emissions, including, but not limited to, public transit, car stops, neighbourhood zero emission vehicles, car shares, bicycle routes, and walking trails that link population to services;*
- 4. To provide a network of bicycle routes and ensure island roads are able to accommodate cycling safely;*
- 5. To encourage the provision of a network of public pathways island-wide and safe pedestrian access along the Island's main roadways;*
- 6. To support the initiation of a practical and efficient public transportation system;*
- 7. To oppose any fixed link or bridge to Vancouver Island or ferry connection to the BC Lower Mainland;*
- 8. To require that adequate off-street parking and encourage that bicycle racks be provided, particularly in the vicinity of the BC Ferry terminal at Descanso Bay and in the Village Centre commercial area..*

Land Transportation Policies

- ..g) Provisions shall be made for bicycle and pedestrian paths in new developments.*
- h) Roads designated as being part of the bicycle route plan developed in accordance with the agreement with MOTH and the Islands Trust attached to this bylaw as Figure 5 shall include provision for a paved bicycle shoulder lane, and a painted line should be provided on the road surface to delineate a separation between the vehicle and bicycle shoulder lane portions of the road surface. Bicycle shoulder lanes should be provided on both sides of the roads designated as bicycle routes.*

Information Note: The Shared Roadways – Gabriola Island Bicycle Route Plan, dated March 29, 2010, developed by the Gabriola Cycle Paths, was used as a resource for the bicycle related policies and bicycle path mapping in this Plan.

- i) All on-road bicycle shoulder lanes shall be a minimum of 1.2 metres (4 feet) in width but may be a minimum of 0.6 metres (1.97 feet) in width in the following situations only:
 - i. changes to natural geographic features, such as escarpments, would be required in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane; and
 - ii. mature trees would need to be removed in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane.
- j) Commercial, multi-dwelling developments and public facilities should provide structures for the convenient and secure parking and locking of bicycles.
- k) The creation of an off-road bicycle and pedestrian trail along Gabriola’s busiest traffic corridor from the ferry hill to Tin Can Alley should be considered when land use decisions, rezonings, subdivisions, road resurfacing or other development occurs along this route.
- l) Identification signs should be provided along scenic/heritage roads and bicycle routes in the Planning Area.
- n) The development of a bridge or other form of fixed transportation link of any kind connecting Gabriola to Vancouver Island or any other island or the B.C. Lower Mainland is not supported and is contrary to the provisions of this Plan.
- o) A suitable location for off-street parking for persons travelling by boat to Mudge Island and leaving their vehicle on Gabriola Island needs to be identified which does not cause unnecessary parked vehicle congestion in the El Verano Drive and Green Wharf areas. In order to resolve this situation, it is recommended that a committee comprised of representatives from Mudge Island, the El Verano residential area, the Trust Committee and MOTI be established.
- p) BC Transit and the Regional District of Nanaimo are encouraged to consider providing a limited mini-bus transit service, including for handicapped persons.
- q) When the public transit bus route for Gabriola is in place, it should be referred to when considering land use and planning decisions.

Page 52 of the PDF, Figure 5 at <http://islandstrust.bc.ca/ltc/gb/pdf/gbbylbaseocp0166.pdf> shows the Bicycle Route Plan referred to in the OCP policies above.

(all from Bylaw No. 166, cited as the “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997”, as amended November 2011.)

Re: Maz-Can RDN draft agreement. (Parker Road Well)

From: Ken

Sent: Thursday, October 23, 2014 2:46 PM

Subject: Delegation to the upcoming Board Meeting

Please accept this E mail as my request to attend as a delegation concerning the Maz-Can RDN draft agreement. (Parker Road Well)at this upcoming RDN Board Meeting.

I am also requesting a copy of the staff report that will address the the motion made by Mr. George Holmes at the October 14th meeting of the Committee of the Whole.

Thank you

Ken Collingwood

Re: Well on Parker Road

From: melissamacneill

Sent: Monday, October 27, 2014 9:36 PM

Subject: Re: Tuesday meeting delegation

We will both be speaking regarding the well on Parker Road.

Melissa MacNeill

melissamacneill@shaw.ca

Home 250-821-8213

Cell 250-927-4242

From: melissamacneill

Sent: Monday, October 27, 2014 10:24 AM

Subject: Tuesday meeting delegation

Hi Matt,

I would like to register as a delegate for the board meeting this Tuesday evening. Please confirm that you have received this.

Many thanks,

Melissa

Melissa MacNeill

melissamacneill@shaw.ca

Home 250-821-8213

Cell 250-927-4242

Re: Nanoose Aquifer Steering Committee

From: Janet Thony

Sent: Monday, October 27, 2014 4:24 PM

Subject:

I request permission to speak briefly, at the RDN Board Meeting, Tuesday Oct. 28th, in support of the Nanoose Aquifer Steering Committee. I will be representing a broad base of agricultural interests in the the greater RDN area.

Janet Thony, Crocker Creek Farm
President, Coombs Farmers' Institute
3449 Slaney Road, Qualicum Beach. V9K 1X5
250-738-0888 crocker1@telus.net

Re: Well on Parker Road

From: melissamacneill

Sent: Monday, October 27, 2014 9:36 PM

Subject: Re: Tuesday meeting delegation

We will both be speaking regarding the well on Parker Road.

Melissa MacNeill

melissamacneill@shaw.ca

Home 250-821-8213

Cell 250-927-4242

From: melissamacneill

Sent: Monday, October 27, 2014 11:50 AM

Subject: Fw: Tuesday meeting delegation

I would like to register Howie Griessel as a delegate for the board meeting this Tuesday evening. Please confirm that you have received this.

Many thanks,

Melissa

Melissa MacNeill

melissamacneill@shaw.ca

Home 250-821-8213

Cell 250-927-4242

Re: Water Issue on Parker Road

From: Robert Gould

Sent: Tuesday, October 28, 2014 9:17 AM

Subject: tonight meeting

Could you put Robert Gould on your visitor/speaker list for the water issue on parker road.

Re: Support for Well on Parker Road

From: vlbrucker

Subject: Re: Oct 28 Board mtg, request to speak

My name is Virginia Brucker. I would like to speak at the Oct. 28th board meeting tonight to support the well on Parker Rd. We have been waiting for 7 1/2 years for this well to come online.

Please confirm my request.

Thank you so much,
Virginia

Re: Maz Can Investment's Parker Rd. well

From: databasics

Sent: Tuesday, October 28, 2014 10:12 AM

Subject: Delegation request

Please register me as a delegate to tonite's RDN Board mtg, October 28, 2014 at 7:00pm. I would like to address the Board on the matter of Maz Can Investment's Parker Rd. well.

Please confirm my status by email.

With kind regards,

Jim Lettic

2855 Ashcraft Rd

Nanoose Bay

250.468.7243

Re: Water Development on Parker Road in Nanoose Bay

From: Gareth Slocombe

Sent: Tuesday, October 28, 2014 11:16 AM

Subject: RDN Committee Meeting

I am emailing to request that I be given a opportunity to speak at tonight's Board Meeting regarding the water development on Parker Road in Nanoose Bay.

Thank you,

Gareth Slocombe

Re: Well on Parker Road

From: Helen Sims

Sent: Tuesday, October 28, 2014 11:24 AM

Subject: late delegation request

I would like to be a late delegation to address the Board at tonight's meeting with regard to the well on Parker Road.

Please confirm my request.

thanks

Helen

Helen MacPhail Sims

Sims Associates Land Surveying Ltd & Fern Road Consulting Ltd

223 Fern Road West, Qualicum Beach, BC V9K 1S4

Phone: 250 752 9121

Opposition to Yellowpoint Medical Marijuana Facility

From: Frances Lasser [

Sent: Wednesday, October 22, 2014 1:50 PM

Subject: Delegate at RDN meeting October 28th

I would like to confirm that I would like to present at the RDN meeting on October 28th.

The topic of my presentation will be: Opposition to Yellowpoint Medical Marijuana Facility

I understand that I will be speaking for the allotted 5 minutes. I will send my powerpoint presentation to you by Monday, October 27th.

Thank you.

Best regards, Frances

Frances Lasser

Tel: 250 245 2552

Re: Opposition to Yellow Point Medical Marijuana Facility

From: Jim Russell

Sent: Monday, October 27, 2014 1:42 PM

Subject: RDN Delegation request please

Importance: High

I would like to confirm that I would like to present at the RDN meeting on October 28, 2014 and wish to speak after Ms. Frances Lasser.

My topic is "Opposition to Yellow Point Medical Marijuana Facility" for the allotted 5 minutes. My powerpoint presentation will be sent to you by Monday, October 27

All the best,

Jim Russell

Re Responsibility of RDN Board

From: Dianne Eddy

Sent: Friday, October 24, 2014 11:35 AM

Subject: FW: Re: Industrial Marijuana Grow-op in Deep Bay

Please add the seaweed issue as well. The direction my talk will take is: What is the moral responsibility of the RDN Board regarding all issues profoundly affecting residents within the RDN boundaries? These issues include those that affect residents' quality of life, safety and property values not just zoning and setbacks from property lines. I will provide more clarity on this presentation early next week.

Dianne Eddy

Mapleguard Ratepayers' Association

From: Dianne Eddy

Sent: October-24-14 10:50 AM

Subject: Re:Industrial Marijuana Grow-op in Deep Bay

Re: Industrial Marijuana Grow-op in Deep Bay

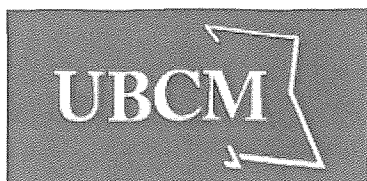
Please put me down for a presentation to the RDN Board on Tuesday Oct. 28 regarding the Industrial Marijuana Grow-op proposed for Deep Bay. I will have a slide show for this and get it to you early next week.

I presume I will have 10 minutes. Please confirm.

Thanks!

Dianne Eddy

Mapleguard Ratepayers' Association



Feedback Requested on First Nation Tax Report

Oct 22, 2014

For the next 4 weeks, local governments will have an opportunity to provide feedback on a report that explores First Nation taxation, the development of local government service agreements, and related legislative developments. The report was prepared by Professor Robert Bish and Fiscal Realities Economists, and jointly released for discussion by the First Nations Tax Commission and UBCM. Member feedback is requested by November 19, 2014.

This report *First Nation Property Tax, Services and Economic Development in British Columbia* provides information on the evolution of First Nation taxation, the development of local government service agreements, and related legislative developments. Members will also have an opportunity to examine and comment on five suggestions for future action presented by the authors, who hope to build on the positive relationships that currently exist between First Nations and local governments (including UBCM) in British Columbia.

Senior local government staff are invited to comment on the report. The feedback received will be presented at the November UBCM First Nations Committee meeting. Comments may be submitted to UBCM Policy Analyst Bhar Sihota at (604) 270-8226 x113.

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First Nation Property Tax, Services and Economic Development in British Columbia

**Presented to:
the First Nations Tax Commission and
the Union of BC Municipalities**

This paper reflects the views of the authors only and not necessarily those of the First Nations Tax Commission or the Union of BC Municipalities.



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I. First Nation Property Tax, Services, and Economic Development in British Columbia

First Nations in British Columbia have made more progress toward becoming part of the Canadian federal system in the 26 years since the introduction of First Nation taxation in 1988 than they did in the more than one hundred previous years, dating back to the passage of the *Indian Act* in 1876. In this short policy analysis we will briefly review the problems that led to the 1988 *Indian Act* amendments, the progress since that time, and the kinds of policies that will contribute most toward continued benefits for First Nations, other governments, and all citizens of Canada.



II. First Nation Taxation and Service Issues before First Nation Property Tax (pre-1988)

Before 1988, forty five reserves were considered within the boundaries of municipalities and the remaining reserves within regional districts, school districts, and other kinds of local governments. These local governments all levied property taxes on leaseholds held by non-Aboriginals on reserves, as did the provincial government on reserves outside of municipal boundaries. None of these governments had any legal requirement to provide services to the lease-paying taxpayers.¹ The levying of taxes by the local and provincial government on reserve lands, a practice abandoned in other provinces, while generating significant revenues for a few local governments, also resulted in problems for both First Nations and local governments, especially municipalities.

Complaints about the levying of property taxes on reserves by non-Aboriginal governments had been voiced by First Nations since the 1970's. The complaints from First Nations included that such taxation lowered the market value of leaseholds because leaseholders had to pay taxes but did not receive service benefits in return. First Nations also objected to their lack of political control over taxation levied on their territories.

The findings of a study of taxation and service relationships in 1987 concluded²:

- Overall tax revenues from reserve lands for all governments in BC were \$7.6 million, less than 1% of all provincial property tax revenues.
- Some municipalities obtained significant revenues (Vancouver, West Vancouver, District of North Vancouver) and others derived a significant share of their property tax revenue (Burns Lake 28.9%, Duncan 15%) from reserve leaseholds.

¹ In a technical sense these BC governments were not levying a "property tax" on reserve lands, but rather were levying a tax on the non-Aboriginal leaseholder with the amount calculated as if it were a property tax.

² Robert L. Bish, Property Taxation and the Provision of Government Services on Indian Reserves in British Columbia. Center for Public Sector Studies, University of Victoria, March 1987. (53pp).



- On average, only 25% of the on-site services provided to other municipal tax payers were provided to leaseholders without additional contractual relationships and payment, but some municipalities provided full services while others provided none (on-site services include fire protection, water, sewers, roads, etc).

The most important problem for local governments was that there was no way to enforce the collection of delinquent taxes, but as collectors for the provincial government (school taxes), regional districts and other local governments, they had to pass on the amounts levied by those governments whether or not they actually collected the taxes from leaseholders. With no way to enforce collection, and the lack of cooperation from First Nations who objected to the taxation in the first place, delinquency rates were very high. While delinquency data for individual municipalities was not available, the Provincial Surveyor of Taxes reported that delinquencies on current and back taxes were 59.8% of the 1986 levy on reserve.

Complicating the tax-service-delinquency issues were several other issues in the relationship between First Nations and other governments. While provincial legislation required municipalities to tax leaseholders on reserves, there was no obligation to provide services, and municipal regulatory by-laws such as zoning, noise, and animal control were not applicable to reserve lands. Further complicating matters for both First Nations and municipalities was the uncertain status of legal contracts between First Nations and municipalities, and subsequently, regional districts. While the *BC Municipal Act* provided that municipalities had the authority to contract with First Nations and court decisions concluded that First Nations had the power to contract without Indian and Northern Affairs Canada (INAC) involvement, some British Columbia lawyers advised their clients that contracts with First Nations had to be signed by the Minister. Earlier research indicated that the Minister was historically involved in contracts for capital projects between First Nations and municipalities, but that INAC also was a very poor contract manager, a problem that was complicating First Nation-local government relationships in several communities. In spite of these difficulties there were many contracts for services between First Nations and municipalities that were working well and did not have the involvement of INAC.



Provincial government property taxes in rural areas are used to provide partial funding for policing and roads. Policing was always provided to reserves under the subsidized provincial contract with the RCMP, but because roads on First Nation reserves were not owned by the Provincial government, they provided no roads or road maintenance to the tax-paying leaseholders on reserve. Throughout the province, the provincial and municipal governments collected property taxes for schools. Because these taxes are submitted to the provincial government, which in turn provides financing to school districts on a formula basis, there is no relationship between school property taxes and school services. All children in the province are entitled to attend public schools and this included children residing on reserve leaseholds. The federal government also finances public schooling for Aboriginal children with transfer payments to the province.



III. Clarifying Property Taxation and Service Responsibility on Reserves: Bills C-115 and 64 (post-1988)

While the 1987 study of tax-services relationships was underway, Kamloops Indian Band Chief Manny Jules and INAC developed Bill C-115, the 1988 amendment to the *Indian Act*. The amendment clarified that conditionally surrendered reserve lands (land leased to non-Aboriginals and called "designated lands" in the legislation) remained under jurisdiction of the First Nation and that all First Nations were authorized to levy property taxation. The Bill did not exclude provincial and local government taxation of leasehold land on reserves, but legal opinions held that if a First Nation introduced property tax that was specifically for the benefit of the First Nation, courts would rule to exclude provincially sponsored taxation. A consequence of the legislation was the creation of the Indian Taxation Advisory Board (ITAB) to regulate First Nation property tax. Following the passage of the legislation, ITAB proceeded to sponsor information workshops, provide informative publications, conduct research, and provide training in implementing property tax to representatives of interested First Nations.

As part of INAC funded research, a very detailed analysis of the implications of Bill C-115 was published in 1991³. Because of its use of specific case studies, it revealed an additional problem in the relationship between local property taxes and service provision that was not revealed by the previous province-wide study. This study analyzed taxes, service arrangements, service costs, and the revenue-service cost balance for the Cowichan, Musqueam, Westbank, Burns Lake, and Lake Babine First Nations and all BC governments within whose tax jurisdiction they were located. The leaseholds on these reserves accounted for approximately 30% of all leasehold property taxes in the province and represented a variety of situations.

³ Robert L Bish, Eric G. Clemens, and Hector G. Topham. Study of the Tax and Service Implications of Bill C-115 (Taxation amendments to the Indian Act). Center for Public Sector Studies, University of Victoria, October 1991. (134pp).



The study concluded that where leaseholds were primarily commercial (Cowichan, Burns Lake) or very high-value residential (Musqueam), property tax revenues exceeded the average share of service costs funded by property taxes in the respective local governments. However, where leaseholds were primarily residential (Westbank), especially if low-valued, property tax revenues did not cover the average share of service costs financed from property tax revenues.⁴ It was also recognized that by selecting case studies where revenues were significant, most service delivery issues had been resolved by local agreements in the past. Such agreements were not as common for First Nations where lesser revenues were involved. The mismatch between property tax revenue and service costs continues to be a problem for some First Nations just as it is for small municipalities that lack a balanced tax base.

The initial provincial government response to Bill C-115 (the taxation amendments to the *Indian Act*), the *Indian Land Tax Co-operation Act* (Bill 77), authorized the British Columbia Assessment Authority, the Surveyor of Taxes and local governments to provide tax administration services to First Nations. It did not, however, end the main issues under dispute: the taxation of First Nation lands without the permission of the First Nation and without the provision of services.

Bill 77 was replaced in 1990 by Bill 64, the *Indian Self Government Enabling Act*. This act provided three options for First Nations:

- 1. Concurrent property tax jurisdiction:** This would be an arrangement where both BC local governments and the First Nation would levy taxes on leasehold lands, with an agreement on tax sharing and service responsibility worked out between them.
- 2. Independent property taxation:** First Nations could exclude all other taxing jurisdictions, levy their own property taxes, and make their own purchase of service agreements with other governments.

⁴ The most important reason for this result is that in BC it is common for property tax rates to be much higher on commercial and industrial property than on residential. Thus commercial and industrial property taxes tend to be much higher than the costs of services to those properties while residential property taxes do not cover the costs of servicing residential property.



- 3. Indian Districts:** If the federal government granted corporate status (similar to Sechelt) the First Nation could use either property tax option and participate in provincial programs for municipalities including provincial revenue sharing, the Municipal Finance Authority, and other grant programs.

With all of the options, the First Nation could contract with the BC Assessment Authority, other BC government agencies, or local governments, for tax administration and services. Bill 64 clearly recognized that First Nation governments had both tax and service responsibility for reserve lands. However, for any First Nation that did not implement property taxation, the provincial government and local governments would continue to tax the leaseholds on those lands. There are still some First Nation lands in BC (such as the Okanagan First Nation) where the provincial and regional district governments continue to collect taxes from First Nation lessees.



IV. The Implementation of First Nation Property Tax

There were four very important changes with the passage of Bills C-115 and 64. They were:

1. The legislation clarified jurisdiction on First Nation reserves. It was now clear that the First Nation government had regulatory control and exclusive jurisdiction for taxation of leasehold lands on reserves.
2. The legislation changed bargaining power between local governments and the First Nations. Local governments lost jurisdiction to impose taxes on leaseholders without providing services. Future relationships would be between equal parties who could make service arrangements for mutual benefit.
3. The legislation provided for First Nations to have an independent revenue base. Such a revenue base could be used to finance infrastructure to promote economic development on reserve lands.
4. The Indian Taxation Advisory Board was established in 1989 to regulate and make recommendations to the federal Minister of Indian and Northern Affairs Canada on the approval of property tax by-laws enacted pursuant to the Indian Act. The Board included both First Nation and non-First Nation members. All of the non-First Nation members were experts in property taxation and some of whom also represented taxpayers.

ITAB proceeded to develop an extensive body of policy and assisted First Nations with the development and implementation of their property tax systems. It also maintained a policy that First Nation property tax systems should be compatible with their respective provincial systems to ensure a smooth transition to First Nation jurisdiction. This policy meant that First Nations would use compatible assessment practices and classifications as those used by other property taxing governments in the province.



The implementation of First Nation property tax and renegotiation of existing contracts went reasonably well, although some local governments, who wanted a veto over First Nation property tax within their area until service revenue sharing contracts were in place, objected to the implementation of property tax by First Nations⁵. ITAB played a major role in providing research, consulting, training, and dispute resolution services. The provincial Ministries of Aboriginal Affairs, Finance, and Municipal Affairs all facilitated implementation of the Bill 64 legislation. The BC Assessment Authority provided the First Nations with initial assessment rolls at no cost and entered into contracts to continue the assessment function for most First Nations entering into taxation. The Ministry of Finance also agreed to withdraw from school taxation⁶ with no reduction in education services. This freed up tax revenues for First Nation use that were often in excess of the costs of providing other local government services. The Ministry also agreed that if a First Nation submitted school taxes to the province, it would rebate the funds for homeowner grants.

Because there was considerable variety in First Nation-municipal tax-service relationships, there was less uniformity in the response by local governments to a First Nation's implementation of taxation on a reserve within municipal boundaries where the municipality had previously received tax revenue—whether or not it provided services to leaseholders or the entire reserve. It was also becoming clear that some First Nations outside of municipal boundaries could potentially benefit from either contracting with the regional district or participating directly in regional district functions to obtain services in the most efficient manner.

⁵ See for example UBCM Resolutions 1993:B22, 1995:LR4, and 1995:A16. Online at <http://www.ubcm.ca/resolutions/default.aspx>

⁶ School taxes are collected under that designation by the provincial government and go into provincial general revenue. School district funding is through a formula by the provincial government and has no relationship to the "school taxes" collected. Provincial "school taxes" cover only one-third of school expenditures with the remainder coming from other provincial revenue sources. However, if the deduction of the Home owner Grants are taken into account school tax revenues are even less, perhaps no more than 10% of the cost of schools. School districts themselves do not levy property taxes.



Tzeachten and Chilliwack – A Model Service Agreement

In 1991, Tzeachten signed a service agreement with Chilliwack. The negotiations were acrimonious and neither party was particularly satisfied with the agreement because the First Nation felt they were paying too much for the services they received and the local government felt uncertainty about future development on Tzeachten lands. In 2006, the parties renegotiated their service agreement. It included a comprehensive land use planning process, an agreement about development cost charges and a new pricing approach for services provided on First Nation lands. As a second generation service agreement it not only represents a model that has been used by other First Nations in the Chilliwack area and Fraser Valley, but it demonstrates how both parties can realize mutual benefits when they focus on their common interest – regional economic growth.

Many of the early service contracts have been renegotiated and renewed. There were also mediations and some arbitrations where disputes arose. There are now many contracts between First Nations, municipalities and regional districts.⁷ In general, contracts provide for the provision of on-site services to reserve lands (in some cases just leaseholds; in others the entire reserve). The common services negotiated within these agreements are fire protection, water provision, sanitary sewage collection and disposal, and 911 emergency dispatch. In some cases, they can also include such services as building inspection, transit, storm water management, dog control, noxious weed control, parks and recreation, and libraries. Payment approaches vary with the two most common being a negotiated price for the service package or a payment equal to the municipal taxes that would have otherwise been collected from the leaseholders. Different approaches are taken because reserve lands vary

considerably both in their land use and in the relationship between taxes that would be raised at municipal rates and the costs of services. In general, reserves with commercial or high valued residential properties would raise more tax revenue than service costs while reserve lands that are residential, especially if occupied by low-valued mobile homes, do not generate sufficient taxes revenues to cover service costs. Some municipalities have entered into contracts to provide services at a tax-equivalent price to residential reserves because they recognize that the reserve leaseholders are part of their community and that everyone will benefit if reserves maintain higher service quality and have future economic development.

⁷ Appendices A and B contain examples of many of these agreements in British Columbia.



The creation of an independent revenue source has also provided First Nations with the resources and greater incentive to promote economic development. The development of property tax powers allowed several First Nations to either finance capital improvements necessary to attract further investment or to provide investors with the certainty that services would be available through the life of their investment. The former was more often the case where property tax room was assumed from a local government. In some cases, such as Osoyoos, the assumption of tax authority also provided an impetus for the courts to clarify the status of land over which the adjacent jurisdiction had claimed a right of way.

The Squiala First Nation is a more recent success story. The enactment of tax laws in this case allowed the First Nation to ensure services for Walmart. This resulted in an increase in annual tax revenues from roughly \$9,000 per annum to \$800,000. There are many other examples throughout the province where the implementation of taxation has led to revenues to finance infrastructure, which in turn led to additional economic development on the reserve. Other First Nations that have used tax revenues to finance major economic development on their reserve include the Tsawout, Squamish, Shuswap, Tk'emlups and Skeetchestn First Nations.

Education and Training

ITAB

When the amendments to the *Indian Act* permitting property taxation on reserve were passed, followed shortly by Bill 64 in BC, there was virtually no experience with property taxation in First Nation communities or within INAC. One of the first education and training priorities for ITAB was to provide the opportunity for First Nation administrators to become knowledgeable about the steps in property taxation, including assessment policies and practices, assessment appeals, budgeting and rate setting, collection systems and enforcement.



To achieve this end, ITAB contracted with experienced professionals to prepare and teach courses. These included a course in setting budget-based property tax rates, a course in establishing a financial management by-law, and a course in using ITAB's proprietary tax administration software at that time: CLASS. Over 60 students, representing 32 tax collecting First Nations, took these courses.

In addition to these courses, ITAB also developed spreadsheet applications to help First Nations and local governments establish pricing arrangements for service agreements and to help First Nations conduct a preliminary property tax revenue potential estimate. The service agreement application was used in 12 service agreement negotiations and the revenue potential application was used by 15 First Nations who eventually passed property tax by-laws.

All of the early ITAB software, spreadsheet applications and courses were updated or replaced and are still in use by the First Nations Tax Commission (FNTC), the successor to ITAB. For example, the CLASS software was replaced by the Tax Administrator's Software (TAS), the service agreement application was updated to include the latest formulas, and all of the early courses were updated and rewritten for use in the accredited First Nation Tax Administration Certificate offered by the Tulo Centre of Indigenous Economics (Tulo) and Thompson Rivers University (TRU).



University of Victoria

The School of Public Administration at the University of Victoria had the most developed courses for local government officials among the universities in the province. Courses in Local Government were offered as a Certificate Program, as part of a Diploma in Public Sector Management and as part of the MPA. The courses also met requirements for provincial government issued certificates in Local Government Administration. In 1994, the School received a grant from the Donner Canadian Foundation to begin a course in Property Tax Policy and Administration with a First Nation focus and to create the First Nations Tax Administrators Institute. The property tax course covered the components of property tax administration plus the issues of service delivery contracting from local governments. This course was offered in Victoria and Vancouver and enrolled both First Nation and non-First Nation students beginning in 1995. With Professor Bish's retirement in 1998, the course evolved into a course in local government finance and finally into a focus on local government financial management (its title was changed to Local Government Finance). The course continues to be offered as part of the Local Government Administration Certificate, Diploma in Public Sector Management, and is available as part of the MPA program. However, it no longer has either a property tax or First Nation emphasis. The University also offered a Certificate in the Administration of Aboriginal Governments for several years but, following Professor Frank Cassidy's death, Professor Robert Bish's retirement, and the administrator moving to Camosun College, it has been discontinued due to lack of interest among other faculty. More recently Capilano University and Northwest College have been enrolling First Nation students in their local government courses and representatives from the Tulo Centre of Indigenous Economics have been participating in discussions about local government education opportunities with the local government community.



The First Nations Tax Administrators Institute (FNTAI) began in 1994. The Institute was modeled on the Municipal Officers Association of British Columbia (now the Local Government Management Association) and its purpose was to bring together First Nation tax administrators annually to provide continuing education in taxation. Annual meetings included updates on assessment appeals, ITAB policies, and other issues related to First Nation taxation. The Institute also included sessions for new Tax Administrators. The FNTAI was run for its first 5 years by the Local Government Institute at the University of Victoria, and then its operation was turned over to a committee of First Nation tax administrators who incorporated it as the First Nations Tax Administrators Association (FNTAA). The FNTAA continues to hold annual conferences and provides advice to the FNTPC on tax policy issues. Its 21st annual conference will be held in Songhees in September 2014.

The education and training provided during produced a large number of First Nation tax administrators who are knowledgeable in property taxation. By 2013, 183 First Nations across Canada collected over \$70 million in property taxes.



V. The Evolution of First Nation Institutions

The development of First Nation taxation after the passage of Bill C-115 created a need for an agency to support First Nations in implementing taxation. There was also a need to provide a regulatory framework that would ensure the integrity and fairness of the system and supported its evolution in a way that would eventually allow low administration costs and participation in regional systems. However, at the time that Bill C-115 passed there was virtually no familiarity with property taxes, limited experience with municipal type services and very limited experience with relationships between First Nations and local governments. To fill this gap, the Indian Taxation Advisory Board (ITAB) was created to advise the Minister of Indian Affairs and Northern Development Canada on the approval of by-laws passed pursuant to s.83 of the *Indian Act*.

The establishment of ITAB to support the implementation of First Nation property tax led to the development of a considerable body of expertise within ITAB and the establishment of a fully specified regulatory framework. It was successful beyond expectations in terms of the growth of revenues and the number of participating First Nations. However, taxation-supported developments on First Nation lands led to a new type of challenge: integrating First Nation economies more fully into the economic union of Canada. Related to this was the challenge of integrating First Nation governments into more fully specified fiscal and service relationships, particularly at the local and regional level.



Several new pieces of legislation were passed to address this new challenge, including, most importantly, the *First Nations Fiscal Management Act* (FMA) in 2005, which established the First Nations Tax Commission (FNTC), as well as the *First Nations Commercial and Industrial Development Act* (FNCIDA), the *First Nations Land Management Act* (FNLMA) and the proposed *First Nation Property Ownership Act* (FNPOA). These acts are designed to increase the capacity of First Nations to become part of the Canadian market economy. The FNTC has also created the Tulo Centre of Indigenous Economics to provide education and research to support the FNTC objectives, including greater coordination with other governments and creating the statutory and regulatory environment for First Nations to become full participants in the Canadian economy.

First Nations Fiscal Management Act (FMA)

The *First Nations Fiscal Management Act* (FMA) was enacted in 2005. The FMA transferred Ministerial authority over First Nation property taxation from the former ITAB to the First Nations Tax Commission (FNTC), a shared-governance institution with federal law-approval powers. The reassignment of law-approval powers was intended partly to improve the efficiency of the First Nations tax system. When Ministerial approval was required, laws would take two months to be approved. The same laws can now be approved in one to four weeks. First Nations are now much more responsive to opportunity as a result. In addition, the FMA also allowed First Nations to address the issues of economic development, services, and fiscal integration. It provided First Nations with important new revenue authorities and also created a regulatory regime which will better support First Nations accessing financing and attracting investment. It is also intended to serve as a better platform for developing partnerships with other governments. This legislation was designed to raise First Nations local revenue powers to the same level as local governments in Canada, improve First Nations access to capital markets for infrastructure financing, and enhance the First Nations investment climate. However, it should be noted that First Nations still have the option to collect property tax using the *Indian Act*.



The FMA established three institutions⁸ to support participating First Nations in the implementation of their local revenue, financial management, and long term financing powers. These three institutions create a regulatory framework for First Nations equivalent to the provincial regulatory framework for local governments.

First Nations Tax Commission (FNTC) – The FNTC creates the regulatory framework for First Nation local revenue and expenditure systems and provides supportive services to help First Nations implement their local revenue and expenditure powers, including debenture financing. The regulatory system includes ensuring First Nation laws comply with the FMA, FMA regulations, and FNTC standards. It includes resolving taxpayer or First Nation complaints about the local revenue system through an administrative tribunal process and establishing the criteria for First Nations local revenue borrowing laws. The regulatory system is intended to provide investor and taxpayer confidence and certainty. FNTC services include sample laws, law development, and review, university accredited education and training, tax administration software, the *First Nations Gazette*, service agreement negotiations support and dispute management. Nine members of the Commission are appointed by Canada and one by the Native Law Centre and include both First Nation and non-First Nation members. In sum, the FNTC provides many functions and services similar to provincial ministries responsible for regulating local governments. Through a memorandum of understanding with the Minister of Aboriginal Affairs and Northern Development Canada, the FNTC provides advice to the Minister on the approval of by-laws enacted pursuant to the *Indian Act*.

⁸ Originally, the FMA included a First Nations Statistical Institute as well as the other three institutions. However, FNSI never became operational. The sections of the FSMA, as it was then, pertaining to FNSI were removed and the legislation became the FMA.



First Nations Financial Management Board (FMB) – The FMB provides First Nations with a regulatory framework for financial management. This includes review and approval of financial administration laws, creating and certifying First Nation financial management standards, education and training, creating and reviewing First Nation local and other revenue auditing and financial reporting standards and, if required, providing intervention services to rectify issues related to improper application of local revenue laws or debenture non-payment. The FMB provides confidence in First Nation financial management systems to taxpayers, investors, and First Nation members. Six members of the FMB are appointed by Canada, three members by the Aboriginal Financial Officer Association, and include both First Nation and non-First Nation members. Together with the FNFC, the FMB provides regulatory functions that are similar to the inspector of municipalities within provincial governments.

First Nations Finance Authority (FNFA) – The FNFA is similar to the Municipal Finance Authority of BC except it is based on voluntary participation. It helps to create First Nation borrowing pools and then markets and issues debentures on behalf of that pool. It secures these debentures with local or other (non-local) revenues.

The legislation and institutions created by the FMA changed the fiscal framework within which First Nations entering into property taxation can operate. The most important features include:

- First, and most important, the FMA created a system of regulatory oversight and enforcement to support First Nations in improving accountability and transparency beyond that possible through the commitment of a Chief and Council alone. One important feature was the development of an enforcement regime that can impose 3rd party management (the FMB) in the event of non-compliance with regulation. The regulatory system is supported by training and templates that encourage more transparency in financial management and reporting. It is working to ensure that both expenditures and revenues made out of the local revenue account are consistent with local purposes. This allows First Nations to replicate, in many important respects, the system used by other governments.



- Second, the FMA expanded the range of revenue options available to First Nations. Some of the most important expansions were to allow for Development Cost Charges (DCCs) similar to those used by municipalities; hotel taxes to encourage the development of tourism on First Nation lands; taxation for the provision of services, business activity taxes and long term debentures. All of these new revenue options will help First Nations overcome the challenge of needing to finance initial infrastructure improvements in order to realize the potential of land development.
- Third, First Nations may now create laws that specify that, in the event of property tax non-payment or a violation of land-use rules, individual's property rights can revert or be appropriated back to the First Nation. This resolves one of the most difficult aspects of property taxation: clear enforcement powers.
- And finally, the FMA provides for a voice by taxpayers in tax decisions accompanied by provisions to reconcile conflicts of interests and provide measures for facilitating solutions, including mediation.

It is important to note that the initiative for the FMA came from First Nations and was passed by Parliament with all party support.

First Nations Commercial and Industrial Development Act (FNCIDA)

First Nations are increasingly advancing major on-reserve projects that are: (1) large in scale, (2) long term, (3) complex (i.e. involve First Nations, industry, provinces, and multiple federal departments), and/or (4) have revealed regulatory gaps.

Accordingly, FNCIDA was introduced in the House of Commons on November 2, 2005 and came into force on April 1, 2006. It came about as an initiative led by the Squamish Nation (British Columbia), Fort McKay First Nation (Alberta), Tsuu T'ina Nation (Alberta), Carry the Kettle First Nation (Saskatchewan) and Fort William First Nation (Ontario). FNCIDA was intended to develop First Nation economies, provide additional tools for management of reserves, increase quality of life and allow First Nations to become more self-sufficient.



This optional, First-Nation-led legislation also received all-party support in Parliament. It is an innovative piece of legislation designed to fill the regulatory gaps⁹ on First Nation lands. In particular, it enables the federal government to develop regulations that allow provincial legislation and regulations to apply on First Nation lands, with the concurrence of the relevant province. These regulations would also allow First Nations to contract with provincial regulatory bodies as required.¹⁰

It is important to note that the FNCIDA deals only with provincial regulatory legislation and not local government regulation. The UBCM has expressed concerns regarding regulatory and liability issues related to servicing reserve land and has requested federal and provincial assistance in resolving these issues.¹¹ There are likely to be cases where First Nations will want to contract with local governments to extend local government regulations to First Nation leasehold lands. Those kinds of agreements are already in some service agreements and are done through contracts with the respective parties.

⁹ A regulatory gap creates uncertainty with respect to the process, time and costs associated with a project, and can divert potential investors from First Nation reserve lands to off-reserve jurisdictions where an established and familiar regulatory framework exists. Off-reserve commercial and industrial activities are governed by comprehensive provincial statutes and regulations that the province updates periodically. However, the elements of provincial regulatory regimes that relate to land use do not apply to reserve lands. Source: Indian and Northern Affairs Canada, 2008, "Frequently Asked Questions - First Nations Commercial And Industrial Development Act," Online at <http://www.ainc-inac.gc.ca/ecd/cid/faq-eng.asp>.

¹⁰ Alcantara, C., Flanagan, T., & LeDressay, A., "Beyond The Indian Act: Restoring Aboriginal Property Rights," McGill-Queen's University Press, 2010.

¹¹ See UBCM Resolution 2012:SR1 "Service Agreements with First Nations and the Regulatory Gap" online at <http://www.ubcm.ca/resolutions/>



First Nations Land Management Act (FNLMA)

The *Framework Agreement on First Nation Land Management* was signed by the Minister of Indian Affairs and Northern Development and 13 First Nations in 1996, and was ratified and implemented by Canada in the *First Nations Land Management Act*, in 1999. A First Nation signatory to the Framework Agreement can exercise land management powers outside of the *Indian Act* by creating its own Land Code, approved through a community ratification process and entering into a further Individual Transfer Agreement with Canada. Participation is voluntary, and the Framework Agreement creates an indigenous institution, the Lands Advisory Board, to help implement the jurisdiction. 36 First Nations have operational land codes and a further 58 are in development ¹².

First Nations under the FNLMA can assume authority over many land management jurisdictions. This means First Nations using the FNLMA can provide certainty to investors with respect to a number of land management responsibilities including land use planning, zoning, development processes, leasing and rules associated with land usage. In particular, First Nations have the power to make laws in respect of the development, conservation, protection, management, use, and possession of their First Nation land.

The FNLMA also has the potential to significantly reduce the costs of doing business on First Nation lands. Well crafted and administered land laws can provide transparency and certainty to investors. The FNLMA can also allow First Nations to establish more secure and tradable land tenure. Local administrations can provide these services and reduce investor transaction costs.

The powers provided for in the FNLMA are common to all local governments in Canada and are essential for First Nation governments that want to cooperate with adjacent local governments and participate in regional district growth strategies.

¹² Department of Aboriginal Affairs and Northern Development, *First Nations Land Management - Operational and Developmental First Nations*), on line at www.aadnc-aandc.gc.ca



First Nation Property Ownership Act (FNPOA)

FNPOA is a proposed piece of legislation for First Nations who want to opt out of the *Indian Act* reserve land system, and have greater jurisdiction and title to their lands:

- First Nations would have the option (requiring majority support of members) to hold the legal title to the land currently held by the Crown as "reserves" under the Indian Act;
- Individual First Nations would have the power to transfer title in fee simple (with any restrictions they would deem fit) to individuals without any loss of their jurisdiction over the land despite any possible change in ownership;
- First Nation jurisdiction over First Nation Land would be substantially expanded;
- A number of important safeguards should be included to preserve the First Nation character of the land; and
- The new First Nation Land would be registered in a "Torrens" style land registry

Recognizing the work and commitment of the proponent First Nations and the FNTC, in January 2014, the House of Commons Standing Committee on Finance recommended that the FNPO legislation be developed and passed in the near future. They recommended that the federal government should "*Move forward with a First Nations property ownership act in order to provide Aboriginal Canadians with the same property rights as other Canadians.*"

The FNTC is pleased that it has received support for this initiative from the Minister of Aboriginal Relations and Reconciliation. There are now twelve First Nations that have indicated their support for FNPOA and ten of them are from BC. The FNTC believes that this initiative, by providing First Nations with greater certainty over their own lands and jurisdictions, will create economic benefit for First Nations, increase their stake in the economic success of the province as a whole, and thus create better conditions for the conclusion of Treaties and the resolution of other outstanding issues.



Tulo Centre of Indigenous Economics

The Tulo Centre of Indigenous Economics (Tulo) was created by the First Nations Tax Commission to operate as an independent non-for-profit educational and research institution. It is governed by a three person board of Directors. The chair is Chief Mike Lebourdais of Whispering Pines First Nations, the Academic Chair is University of Victoria Professor Emeritus Robert Bish, and the Vice Chair is Bud Smith, the former Attorney General of BC.

Tulo's mission is to continue the education and training formerly provided by ITAB and the University of Victoria and to expand its efforts to include a broader range of activities to assist First Nations and their members to participate in the Canadian governance and market systems. One specific objective is to help interested First Nations build the legal, administrative and infrastructure frameworks to support markets on their lands. Tulo currently delivers two certificate programs in partnership with Thompson Rivers University and the First Nations Tax Commission – an eight course - 17 credit certificate in First Nation Tax Administration, and a six course - 18 credit certificate in First Nation Applied Economics. Each course in these certificate programs has the applied economics (APEC) designation within the Business School. Twelve of the courses involve original curriculum only offered by Tulo-TRU that focus on specific First Nation legal, administrative, infrastructure or communications requirements to reduce the high costs of doing business on First Nation lands.

Tulo Centre of Indigenous Economics Courses

First Nation Tax Administration

APEC 1610: Introduction to First Nation Taxation

APEC 1620: Establishing First Nations Tax Rates & Expenditures

APEC 1630: Assessment and Assessment Appeals

APEC 1640: Administration – Tax Notices, Collecting and Enforcement

APEC 1650: Communications and Taxpayer Relations

APEC 1660: Service Agreements and Joint Contracts

APEC 1670: Development Cost Charges

APEC 1680: Capital Infrastructure & Debenture

First Nation Applied Economics

ENGL 1810: Business, Professional, and Academic Composition

ECON 1220: Introduction to Basic Economics

ECON 2630: Issues in Aboriginal Economics

ECON 2640: Residential and Commercial Development on First Nation Lands

ECON 2650: Investment Facilitation on First Nation Lands

ECON 2700: Economic Feasibility and Impact Analysis on First Nation Lands



Courses are delivered in either an online or intensive format. Online courses are taught online in a paced, cohort, tutor-led model over the space of eight to twelve weeks. They are offered through Thompson Rivers University Open Learning. Intensive courses are delivered in a classroom format. This format condenses the content from the full 8-12 week course into an intensive one-week session. Students attend the classes on the Thompson Rivers University campus.¹³

The courses developed by Tulo and Thompson Rivers University offer a wide range of course work in tax administration and economic development for First Nations. They are the most comprehensive on these topics available and the most extensive in the province.

Other Colleges and Universities

While Tulo-TRU courses serve First Nation students directly, a variety of courses in local government administration and finance are also available to First Nation students, with Northwest College and Capilano University specifically including First Nation content in their local government courses. Other universities and colleges with courses directly focussed on local government administration and service delivery for entering students include Camosun College, College of the Rockies, and the University of Northern BC. Their courses meet the requirements for the beginning certificate for local government administrators from the provincial government Board of Examiners. Local government courses for the more advanced certificates are offered by the University of Victoria, School of Public Administration. Tulo is currently working with UVIC and possibly Capilano to ensure transferability of courses and programs and to encourage more students to register in these programs.

¹³ Tulo Centre of Indigenous Economics. (2011). Online at <http://www.tulo.ca/default.htm>.



VI. Emerging Policy Issues: Where do First Nations go from here?

Institutions necessary for First Nations to take their place among Canadian governments and participate in the market economy have been created over the past two decades. The task is not complete, however, and both opportunities and problems remain. Some of these are described below.

Implementing New Revenue Options

The FMA is providing First Nations with revenue raising options similar to other local governments. In 2013/14, the first FMA development cost charges law (Tk'emlups te Secwepemc), and the first FMA property transfer tax law (Tzeachten First Nation) were approved by the FNTC.

FMA Development Cost Charges (DCCs) are similar to municipal DCCs and charge a one-time tax on new developments to help finance infrastructure. The revenue is used for specific projects identified in the community's long term capital plan. Tk'emlups te Secwepemc's capital projects include a highway traffic interchange and a water reservoir, and the DCC law will play an important part in funding their capital infrastructure enhancements over the long term. Having the capacity to impose DCC's will also facilitate service contracts with adjacent local governments where similar treatment of new developments is desired.

Another revenue option for First Nations under the FMA is Business Activity Taxes which includes collecting hotel taxes on reserve. Some First Nations in BC are interested in developing a hotel tax that would duplicate the hotel tax collected elsewhere in the Province. This tax would provide First Nations with needed revenues and also give them a greater stake in the successful development of the recreational potential of British Columbia. It would provide them with improved opportunities to participate in resort development by ensuring that more of the resultant tax benefits are made available to them.



First Nations in BC are currently exploring other FMA revenue options including taxation for the provision of services, and other business activity taxes.

In 2013, the first FMA long term capital borrowing law (Tsawout First Nation) was approved. This law enabled the Tsawout First Nation to borrow \$2.15 million through the First Nations Finance Authority (FNFA)'s pooled debentures for the completion of much needed upgrades to Tsawout's sewage treatment plant. This means that Tsawout will be able to access capital at costs similar to those for BC municipalities, over a longer amortization period, and without requirements for collateral.

These new revenue options mean that First Nations have similar revenue raising powers to local governments in BC and will hopefully begin to close the substantial infrastructure gap that exists on First Nation lands compared to local governments.

Pricing Contracts for Services

An extensive range of service contracts between First Nations, municipalities and regional districts is listed in Appendix A and Appendix B. Because of the variable rate property tax system used in British Columbia those reserves with significant commercial property may generate property tax revenue in excess of service costs. Those First Nations with residential lands often do not generate sufficient revenue to cover service costs when the First Nation uses the same tax rates as adjacent jurisdictions, which most First Nations do.



One result of equivalent tax rates is that those First Nations with commercial property are reluctant to enter into service contracts based on tax revenues instead of actual costs. At the same time, municipalities are reluctant to sell services on a tax revenue equivalent basis when those revenues do not cover the costs of the services, as is the case for reserves that are substantially residential unless that residential is of very high value. The provincial government policy to exit the collection of school taxes on First Nation lands has left many First Nations with additional resources to improve infrastructure and obtain services beyond what could be provided with only the tax equivalent of municipal or regional district and provincial rural taxes. At the same time commercial reserves may generate large surpluses. The mismatch between property tax revenues and service costs caused by the use of variable tax rates the same as those used in adjacent jurisdictions is the root cause of these problems. They need to be understood during the service contract process.¹⁴

The alternative to First Nations using the same variable tax rates as adjacent jurisdictions is for First Nations to go to budget-based tax rate setting the same as is done by municipalities. This would result in property tax rates being either higher or lower than those in adjacent jurisdictions—the same as occurs between adjacent municipalities. Because municipalities must add provincially determined school tax rates to their municipal rates, this could mean that municipal rates may be higher than the rates on reserves and many would regard this tax competition as unfair. However, it must be recognized that for residences the Provincial Home Owner Grant (especially where the carbon tax abatement program applies) off-sets most of the “school tax” and for low-valued residences offsets part of their municipal taxes as well. There is no obvious reason to make a change in the existing situation, especially as earlier research also called into question whether the Federal government was paying the province too much per student for the education of First Nation students.

¹⁴ Not everyone understands that when equivalent tax rates are used by a First Nation, the First Nation residential taxpayers may actually pay higher property taxes than residents in the municipality because in some cases the First Nation may not implement the provincial Home Owner grant program or, more recently, the provincial carbon tax abatement program that uses the Home Owner grant program. Tax equivalency only results for non-residential properties unless the First Nation has implemented an equivalent Home Owner grant program that includes carbon tax abatement.



Political Representation

Prior to First Nation taxation municipalities taxed reserve lands without being required to provide services to those lands. At the same time the leaseholders occupying those lands, as well as First Nation members, were allowed to vote in municipal elections. Now that First Nations exercise jurisdiction over First Nation lands for both taxes and services the issue of political representation needs to be revisited.

Two problems exist. First, in the past, First Nation leaseholders have had no voice in First Nation policies on taxes and services on leasehold lands. However, it is in the direct financial interest of the First Nation to maximize the value of leasehold lands and that is done by providing the mix of services at reasonable tax prices to satisfy leaseholders. In addition, the FMA provides First Nations with the jurisdiction to provide a voice in decisions over leasehold lands. To fulfil this responsibility, the FNTC has worked with taxpayers and interested First Nations to develop the legal and administrative framework for greater participation of taxpayers in decisions that impact them. In particular, the FNTC has developed a sample taxpayer representation law that ensures that taxpayers have a forum for their input and a local mechanism to resolve any disputes that arise. This model system is comparable and perhaps more inclusive than the system developed to support treaties.

The second problem is that First Nation members and leaseholders on reserves within municipal boundaries are allowed to vote in municipal elections even though none of the municipality's services, regulations, or taxes are provided to the reserve unless it is through a contract with the First Nation government.¹⁵

¹⁵ This problem was the topic of a discussion paper by the Lower Mainland Treaty Advisory Committee entitled "Voting in Local Government Elections and Referenda by Residents Living on Indian Reserves" online at http://www.metrovancouver.org/region/aboriginal/LMTAC/LMTACDocs/VotingInLocalGovernmentElectionsAndReferendaByResidentsLivingOnIndianReserves%20_22-Sept-2011.pdf



One solution to the voting in municipal elections by voters who do not receive its services or pay its taxes would be to exclude these reserve lands from municipal boundaries. This would be accomplished using an Order in Council to redefine the municipality boundaries to exclude reserve lands. This would make absolutely clear that First Nations are responsible for their residents, both First Nation and non-First Nation, including arrangements for both services and taxes, and that municipalities are governed by their citizens who also receive services and pay taxes. With this clarification, the two governments can proceed to make joint service arrangements for the mutual benefit of their citizens. It should be the policy of the provincial government to respond favourably to requests from a municipal council that requests removal of a reserve from within its legal boundaries. This leaves this as a local option where the local council knows the relationship with the First Nation and makes the decision¹⁶.

While relations between First Nations and municipalities need the most clarification, especially in regard to voting and representation, there are other situations where First Nation members and leaseholders vote in general local government elections for an electoral area director of a regional district outside of municipal boundaries. While this issue has not been as prominent as the mismatch between representation and taxation in reserves within municipal boundaries, the uncertainty of the relationship between First Nations and regional districts poses some problems.

¹⁶ Removing a population from a municipality will also require adjustments within regional districts, where the population may need to be assigned to an electoral area if the First Nation itself is not becoming a member of the regional district. Such new arrangements will need to be worked out between the regional district and the Ministry of Community, Sport and Cultural Development—the current incarnation of Municipal Affairs.



Some Regional Districts provide services that are available to all residents within the area. These include recreation facilities and libraries that both First Nation members and leaseholders can make use of. One of the benefits of having First Nations as participating members within regional districts would be that First Nations could participate in the decisions and make financial contributions, including financial contributions based on the assessed value of all lands on the reserve instead of only on leasehold lands¹⁷.

One solution for service cooperation is for a First Nation representative to sit on the Regional District committee that supervises that particular service and makes payments for that service as if it were a member municipality. This provides for more flexibility in service decisions, especially when capital investments are involved, than simple service contracts. As most Regional District Committee decisions are simply ratified by the Board, this would provide a useful approach to integrating First Nations into the governmental system without going immediately to full Board membership (although this option should be considered). This approach is especially relevant because First Nations are unlikely to enter into full membership where regional growth strategies are involved because they were not part of the regional growth strategy planning process. However, the prospect of full regional district participation would be an incentive for both First Nation and non-First Nation consideration of First Nation lands in future growth strategy planning.

Other Tax-Service Relationships

In addition to matching representation to taxation, there are other tax-service relationships that would benefit from resolution. The relationship of First Nations to Hospital Districts is one example. Hospital Districts levy small property taxes to provide for hospital planning and capital construction. Their governing board is usually the same members as the directors of the regional district.

¹⁷ For First Nations to become full members of a regional district the aboriginal residents need to be included. This could include having a member on the regional district. Regional districts do not levy property taxes on individual properties; they send a requisition to the member municipality with the price based on their tax rate applied to the tax roll.



All First Nation members and leaseholders have access to hospitals across the province and it would appear appropriate that First Nations collect and submit equivalent hospital taxes to the hospital boards. First Nation members themselves are covered by transfers from the federal to provincial government on their behalf, although it is uncertain what is actually passed through to individual Hospital Boards.

One special issue in the lower mainland is TRANSLINK. Translink is essentially a provincial government body that levies significant property taxes to provide transportation throughout the Greater Vancouver Regional District and adjacent areas that wish to become members. All residents benefit from their services. We are unaware that any First Nations have been included in either the planning or governance of TRANSLINK. Our recommendation would be that, if TRANSLINK would like to obtain tax equivalent revenues from First Nations, their governing system would need to be revised to include First Nation participation in governance at the same time. At present, such participation is a decision to be made by each individual First Nation.

Planning and Mutual Boundary Coordination

Forty-five reserves are geographically within municipal boundaries - whether or not they are included in the legal definition of the municipality. Others are adjacent to municipalities. Physical proximity provides opportunities for cooperation for mutual benefit, rivalry to attract business and residents, and the potential for conflict over spillovers from developments within one government to the other. These situations are no different from those of adjacent municipalities with one major exception—the provincial government has created regional districts to deal with most of the boundary issues that arise and many regional districts have growth strategies that have not included First Nation participation.



Regional districts were specifically designed to provide a forum to promote cooperation on services and land use planning among local governments. While some regional planning functions have been abandoned, members still create growth strategies and have access to a provincially designated mediation-arbitration dispute resolution function. First Nations lack these institutions in dealing with municipalities or regional districts and although dispute resolution processes are included in many service contracts, they are specific to that contract.

One of the problems that face First Nations wanting to engage in major economic development is that they were never included in any planning or growth strategy processes at either the municipal or regional level. One approach to boundary problems is simple: First Nations will take impacts on adjacent governments into account to the same degree those governments took First Nation interests into account in their past decisions—a position that is certainly justified by past municipality and regional district decision-making. There would, however, be mutual benefits by having more regular processes for cooperation and dispute resolution. A problem is that no single senior government has the jurisdiction to impose such an institutional arrangement. This is because the provincial government creates the legal structure for municipalities, regional districts and other local governments and it is the federal government and FNTC which creates the legal structures for First Nations.



Because the provincial government has already created institutional arrangements specifically to facilitate cooperation among local governments—regional districts—the obvious solution is for the provincial government to enter into discussions with First Nations and local governments regarding First Nations membership on regional district boards. Presently this option is open only to Treaty First Nations, but many First Nations do not plan on entering into treaty arrangements. To exclude non-treaty First Nations from potential regional district membership is to exclude most First Nations from this option for the foreseeable future, including the largest and most economically developed First Nations, which would benefit most from better coordination with other local governments. The provincial government needs to revisit their policies on how First Nation participate in regional districts to enable First Nations to coordinate their activities with other governments at the local level for the mutual benefit of all parties¹⁸.

¹⁸ The inclusion of First Nations in regional districts will require some participation to be different from municipal members. Most important is that First Nations would use the First Nations Finance Authority for debt finance instead of the Municipal Finance Authority. The regulatory system for First Nations under the FMA is similar in many ways to that for municipalities under Municipal Affairs but there are other differences that result from the FMA applying nationally instead of provincially.



Treaties and FMA

The FMA represents a major step to provide the regulatory framework for First Nations to participate in the Canadian federal-provincial governance system and to promote the inclusion of First Nations and First Nation members in to the Canadian market economy. Without certainty and stability for taxpayers, lenders, and investors, economic development equivalent to that outside of reserves is simply not possible. These are the most likely paths for improving conditions found on many First Nations. These developments are also consistent with the objectives of all governments in treaty negotiations. Many policies the provincial or federal government have requested be included in treaties are also provided by the legislation, policies and regulations that have evolved within the institutions encompassed by the FMA. These institutions are also an appropriate option for First Nations within treaty agreements. It is much better policy to provide treaty First Nations with the option of the FMA regulatory framework, which mainly parallels provincial practices, than it is for each of them to operate their own independent taxation system without a regulatory framework, as seems to be the case after the treaty is signed.

The FNTC is currently working with interested First Nations, BC and Canada to develop a regulation under the authority of the FMA to ensure that the services and products of the FMA institutions remain available to First Nations with modern treaties.



VII. Conclusions and Suggestions

First Nations continue to be successful in implementing property tax jurisdiction on First Nation lands and providing services to their communities. There are now more than 150 taxing First Nations across Canada collecting a total of over \$70 million¹⁹ each year and 62 of those are located in BC. Generally, service agreements are working well for both First Nations and municipalities. Economic development is expanding, and assessment values continue to rise, and in some cases even surpass those in adjacent municipalities. Using local revenues as well as other revenue sources, First Nations are being able to build and finance the infrastructure needed to support continued economic expansion. Regulatory and educational gaps that have been hindering First Nation economic development are being addressed by progressive First Nations institutions. First Nations are increasingly participating in and benefiting from their regional economies. However, there is still more to do that will benefit all governments providing local services and their citizens.

This paper makes these suggestions to build on the recent positive history between First Nations and local governments in BC and to continue the strong working relationship between the UBCM and the FNTC:

1. Promote and support collaboration and cooperation between the Tulo Centre of Indigenous Economics and universities that support the local government officers association such as Capilano, Northwest and UVIC.
2. Develop processes to remove First Nations from municipal boundaries on the request of First Nations to clarify service and representation responsibilities.
3. Consider a pilot project coordinated by the FNTC and UBCM with a non-treaty First Nation to directly participate in regional district governance, planning, services and infrastructure.
4. Consider other First Nation regional participation opportunities such as those associated with hospital districts.

¹⁹ www.fntc.ca



5. The UBCM and the FNTC should work together to encourage the provincial legislative changes necessary to ensure the FMA applies to First Nations in post treaty environment so that they have access to institutional services and long term infrastructure capital.

None of the changes proposed on these issues entail radical change; they all simply continue the evolution of greater participation of First Nations in the British Columbia local government system and Canadian federalism and they provide a base for raising the productivity of First Nation lands and citizens within the Canadian market economy. No one expects these changes to occur quickly. Two suggestions, however, should help. First, the participation of First Nation and local government administrators in the same classrooms at our universities will contribute to greater understanding of how similar administration issues are for all small governments. Second, a renewed strong working relationship between the FNTC and UBCM will provide the institutional support and coordination necessary to implement these possible changes.



VIII. Appendix A – Service Agreement Examples

Civic Info #	Agreement	Participants	Year	Services	Cost
2	Agreement	RD East Kootenay and Akisqnuik First Nation	2007 2012	<ul style="list-style-type: none"> ▪ Building and plumbing inspection 	Actual wages of the building inspector plus 38.5% (for benefits, administration and vehicle costs).
3	Agreement	RD East Kootenay and Columbia Lake Indian Band	2002 2006	<ul style="list-style-type: none"> ▪ Fire Protection services 	<p>Annual fee of \$1,575.00 for the fire protection services provided by the Fairmont Hot Springs Volunteer Fire Department.</p> <p>Annual fee of \$2,625.00 for the fire protection services provided by the Windermere Volunteer Fire Department.</p>
4	Agreement	RD East Kootenay and Tobacco Plains Band	2009 2013	<ul style="list-style-type: none"> ▪ 911 Emergency Dispatch 	Annual Operating and capital costs for 911 plus total number of dwellings in RDEK. This is multiplied by the number of dwellings on Reserve including Leased Reserve Land.
20	General Servicing Agreement	Central Saanich and Tsawout First Nation	2007	<ul style="list-style-type: none"> ▪ General Government Services ▪ 911 Emergency Dispatch ▪ Fire Protection ▪ Public Works ▪ Parks and Recreation ▪ Contingency Wages ▪ Reserves and Contingency Funds 	\$80,251 per year (adjusted slightly every year based on tax levy - 5% max increase per year).
22	Leaseholder Service Agreement	Campbell River and Campbell River Indian Band	2005	<ul style="list-style-type: none"> ▪ "Municipal services that are ordinarily provided to the City's residents." ▪ Maintenance and Repair is taken care of by the city. 	<p>72.5% of the property taxes using the city's tax rates.</p> <p>Water and Sewer: User fee is charged by the city for water and sewer services.</p>



CivicInfo #	Agreement	Participants	Year	Services	Cost
70	Services Agreement	Campbell River and Homalco Indian Band	1992	<ul style="list-style-type: none"> ▪ Domestic Water (repair and maintenance also) ▪ Sanitary sewage collection and disposal (repair and maintenance also), ▪ Fire protection 	<p>Water and Sewer: User fee is charged by the city for water and sewer services.</p> <p>Fire Protection: \$90 per residential unit and \$360 for non-residential (CPI increase every year).</p>
71	Services Agreement	Central Okanagan RD and Westbank First Nation	2007	<ul style="list-style-type: none"> ▪ Mt. Boucherie Arena ▪ Johnson-Bentley Aquatic Centre ▪ Westside Seniors Activity Centre ▪ Westside Transit Services ▪ Handi-dart Transit ▪ Regional Parks ▪ Okanagan Basin Water Board ▪ Effluent/Water Disposal ▪ Regional Rescue Service ▪ 911 Emergency Number ▪ Crime Stoppers ▪ Victims/Witness Assistance ▪ Westside Sanitary Landfill 	<p>Net taxable values of lands and improvements in the First Nation multiplied by District service annual requisition.</p> <p>Landfill: Number of parcels in the First Nation multiplied by parcel tax (cost of district services divided by number of parcels in district electoral areas [Westside and Eastside]).</p>



CivicInfo #	Agreement	Participants	Year	Services	Cost
72	Service Agreement	Campbell River and Cape Mudge Indian Band	2004	<ul style="list-style-type: none"> ▪ Water ▪ Sanitary Waste ▪ Storm Water Management ▪ Fire Protection 	<p>Water: \$10 per year for each building on-reserve.</p> <p>Collection, Treatment and Disposal of Sanitary Waste: \$39 per year for each building on-reserve and \$1700/year for sewer system maintenance (CPI increase per year).</p> <p>Water and Sewer: User fee is charged by the city for water and sewer services.</p> <p>Storm Water Management: Parcel tax (according to local government bylaw).</p> <p>Fire Protection: \$80 per year for each residential building (CPI increase per year) and equivalent district property taxes multiplied by % of total district budget to fire services for every other development.</p>
73	Service Agreement	Pitt Meadows and Katzie Indian Band	2007	<ul style="list-style-type: none"> ▪ Water supply ▪ Sanitary sewage disposal ▪ Fire Response 	<p>Water: \$2057 per month.</p> <p>Disposal of Sanitary Sewage: Number of buildings on the Reserve Area multiplied by the rate per single-family residential building as the City charges.</p> <p>Fire Response: operating costs for previous year plus fire services capital costs from previous year divided by total population of Pitt Meadows plus Katzie Reserve multiplied by the total population of the Katzie reserve</p>



CivicInfo #	Agreement	Participants	Year	Services	Cost
74	Service Agreement	RD East Kootenay and Akisqnuk First Nation	2007 2011	<ul style="list-style-type: none"> ▪ Building and plumbing inspection ▪ Dog control ▪ Emergency 911 ▪ Eddie Mountain Memorial Arena ▪ Parks and Trails ▪ Emergency response and recovery program ▪ Fire protection ▪ Grants in aid ▪ Libraries ▪ Regional hospital district ▪ Regional parks ▪ Septage disposal ▪ Solid waste disposal ▪ Weed control 	Sum of the levies made by RDEK for the services for that calendar year multiplied by the assessment of all non-native interests on-Reserve as determined by the First Nation.
75	Service Agreement	RD East Kootenay and Shuswap Indian Band	2007 2011	<ul style="list-style-type: none"> ▪ Dog Control ▪ Emergency 911 ▪ Eddie Mountain Memorial Arena ▪ Parks and Trails ▪ Emergency response and recovery program ▪ Grants in aid ▪ Libraries ▪ Noxious weed control ▪ Regional Hospital District ▪ Regional Parks ▪ Septage Disposal ▪ Solid Waste Disposal 	Sum of the levies made by RDEK for the services for that calendar year multiplied by the assessment of all non-native interests on-Reserve as determined by the Band.



CivicInfo #	Agreement	Participants	Year	Services	Cost
76	Service Agreement & Bylaw	Tofino and Tlaocquiaht First Nation	2009	<ul style="list-style-type: none"> ▪ Water (maintenance and repair also) ▪ Sanitary Sewer Service (maintenance and repair also) ▪ Fire Protection 	<p>Water: Rates, rents or charges as set forth in the Tofino Water Utility Rates and Regulation by-laws.</p> <p>Sanitary Sewer: Rates, rents or charges as set forth in the Tofino Sanitary Sewer Utility Rates and Connection Regulation by-laws.</p> <p>Fire Protection: Annual sum based on the assessed value for land and improvements. The parties (re-calculated annually based on assessed value of lands and improvements and fire protection costs).</p>
77	Servicing Agreement	District of North Vancouver and Tsleil-Waututh Nation	2005	<ul style="list-style-type: none"> ▪ Discharge of storm water (maintenance and repair also) ▪ Discharge of Sanitary Sewage (maintenance and repair also) ▪ Provision of water (maintenance and repair also) ▪ Fire fighting protection 	<p>\$484,852.15 per year and an increase or decrease in the Annual Service Charge equal to % change in total resident tax levy of the District on District ratepayers (single and multifamily residential properties) and a % increase or decrease in the Annual Service Charge equal to the number of additional completed units of any development as a % of the total number of units of any development existing the previous calendar year.</p>
89	General Servicing Agreement	Central Saanich and Tsawout First Nation	2001	<ul style="list-style-type: none"> ▪ General Government Services (related to services) ▪ 911 Emergency dispatch ▪ Fire Protection ▪ Emergency Measures ▪ Public Works ▪ Parks and Recreation ▪ Contingency Wages ▪ Reserves and Contingency Funds 	<p>Property tax (rate multiplied by assessment) of all property classes multiplied by (Gross expenditure minus non tax revenue) divided by (General and debt tax levy plus Tsawout First Nation's contribution).</p>



IX. Appendix B – Specific Service Agreements

Civic Info #	Agreement	Participants	Year	Cost
Fire Protection				
9	Fire Protection Agreement	Central Saanich and Tsawout First Nation	2007	(Number of band buildings/ [Number of band buildings + Total number of buildings within district and reserve]) x Cost
10	Fire Protection Agreement	Enderby and Splantsin First Nation	2009	\$11,457/year
11	Fire Protection Agreement	Kamloops and Kamloops Indian Band	2008	Property Tax fee x parcels (\$604,890 in 2009)
12	Fire Protection Agreement	Kitimat and Kitamaat Village	1990	Fee schedule not attached
13	Fire Protection Agreement	Kitimat Stikine RD Kitselas Band	2004	Not outlined clearly in agreement.
14	Fire Protection Agreement	North Cowichan and Chemainus Band	2009	Building fee (per month per building; set out in schedule A till 2014) x Number of buildings
15	Fire Protection Agreement	North Cowichan and Halalt Band	2009	Building fee (per month per building; set out in schedule A till 2014) x Number of buildings
16	Fire Protection Agreement	North Cowichan and Penelakut Band	2009	Building fee (per month per building; set out in schedule A till 2014) x Number of buildings
17	Fire Protection Agreement	Osoyoos Osoyoos Indian Band*	2002	<p>Native non-residential Structures: Assessed net taxable value of non-residential improvements for school and hospital purposes x 1000 x appropriate tax rate</p> <p>Non-native leased properties: Net taxable assessed value of land and improvements for school and hospital purposes * 1000 x appropriate tax rate</p> <p>Dwelling structures: Number of dwelling units x average Osoyoos residential dwelling assessment x appropriate tax rate</p>



CivicInfo #	Agreement	Participants	Year	Cost
19	Fire Services Agreement	Port Coquitlam and Coquitlam Indian Band	1996	Assessed value of land and improvements on-reserve / Assessed value of land and improvements in city (incl. reserve) x Fire Dept. budget for that year.
88	Fire Protection Agreement	Central Saanich and Tsawout First Nation	2001	(Number of band buildings/ (Number of band buildings + Total number of buildings within district and reserve)) x Cost
Sanitary Sewer				
69	Sanitary Sewer Agreement	Kamloops and Kamloops Indian Band	1996	Capital Development Fee (consists of a DCC and ACC) based on a schedule outlined in the agreement. Sanitary sewer user fee equal to a meter rate in the City Sanitary Sewer By-law. Services user fee of \$200 per year for each dwelling unit (amended each year by CPI).
79	Sewage Treatment Service Agreement	Penticton and Penticton Indian Band	2008	Operating Service Fee Includes all direct and indirect operating costs and relevant admin costs and overhead during period of connection with services plus 10% of the total (recalculated every year). Capital Costs Portion of the capital depreciation costs of the annual value of the Advanced Waste Water Treatment Plant over it's life allocated to the band based on contribution to the waste water stream during the period determined by the city (recalculated every year). This equals PIB Sewage Flows/(PIB Sewage Flows + City Sewage Flows) x capital depreciation (as set out in a schedule). Service Fee An amount not exceeding 10% of the total costs of the Capital and Operating fees.



CivicInfo #	Agreement	Participants	Year	Cost
80	Sewer Agreement	Enderby and Splantsin First Nation	2009	\$747.90/year
82	Sewer Service Agreement	Kitimat Stikine RD Kitselas Band	2003	Annual user fee based on number of Household Equivalent Units on the Reserve connected to the RDKS x annual sanitary sewer user fee prescribed by the board of the RDKS in the Sewer Regulation Bylaw. Connection fee based on charge described in the Sewer Regulation bylaw x number of Household Equivalents (paid on every additional connection of any premises).
Transit				
85	Transit Agreement	Campbell River and Homalco Indian Band	2004	Not included
86	Transit Agreement	Kitimat Stikine RD Gitksan Government Commission	2005	45% of the local share of costs incurred by RDKS for the Hazelton Regional Transit System (apportioned to the four band councils).
87	Transit System Partnership Agreement	Kitimat Stikine RD Kitamaat Kitselas Kitsumkalum Kitimat Terrace	2006	Actual local net share of costs incurred by the RD. It is apportioned as follows: <ul style="list-style-type: none"> ▪ Kitamaat Village Council (15%) ▪ District of Kitimat (26%) ▪ Kitselas Band Council (11%) ▪ Kitsumlakum Band Council (10%) ▪ City of Terrace (18%) ▪ Regional District of Kitimat-Stikine (20%)
Wastewater Treatment Project				
91	Wastewater Treatment Project Agreement	Capital Regional District and Beecher Bay Nation	2008	Not Included
92	Wastewater Treatment Project Agreement	Capital Regional District and Songhees Nation	2008	Not Included



CivicInfo #	Agreement	Participants	Year	Cost
Water				
90	Water Servicing Agreement	Central Saanich and Tsawout First Nation	2001	Charge calculated using the metered water rate, excluding any fixed charges set out in the Water Rates by-law.
93	Watershed Accord	Sechelt Indian Band and Sunshine Coast Regional District	2003	Not Included
94	Water Agreement Lassertie Subdivision	Enderby and Splitsin First Nation	2009	\$231.00/year for each unit connected to the system.
95	Water Agreement Mabel Lake Road	Enderby and Splitsin First Nation	2009	\$488.50/year for each unit connected to the system.
96	Water Metered Agreement	Enderby and Splitsin First Nation	2009	\$470.25/year for each unit connected to the system and \$2.15 per 4,500 litres that consumption exceeds 180,000 litres.
97	Water Servicing Agreement	Central Saanich and Tsawout First Nation	2007	Charge calculated using the metered water rate, excluding any fixed charges set out in the Water Rates By-law.
98	Water Sewer Services Agreement	Ucluelet Yuutluthant Ucluelet First Nation	2008	One time capital payment of \$354,710.36 towards Ucluelet's sewer infrastructure. 50% of the monthly water rate charges to cover sewer treatment and disposal
N/A	Sewer and Water Agreement	City of Chilliwack and Tzeachten Indian Band	2006	Lessee must pay the city all costs incurred to design and construct the connections or an extension to the services system, operating fees (city engineer assesses based on previous year and adjustments), additional off-site costs, and other costs and expenses incurred by the city with respect to extensions. The city and the band agree that the tax sharing formula is 75% city and 25% band.



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From: Rick Andersen
Sent: Monday, October 27, 2014 7:55 AM
Subject: 235 Driftwood Rd.

To whom it may concern.

Our names are Rick and Shannon Andersen.

We are the neighbors of 235 Driftwood Rd in Electoral Area H.

Our address is 5151 Island Highway W. We have lived here for approx 10 yrs.

We have considered the bottom end of Driftwood Rd where it enters our property and 235 Driftwood Rd. as a shared driveway and treated it that way with the previous owners by maintaining the ditch and culverts and tree debris that falls onto it.

We received a Notice Of Development Permit with Variance Application No PL2014-089 in the mail on Thursday Oct 23.

We have a major concern with this variance for the proposed bedroom addition to the dwelling unit.

The neighbor purchased the property this Spring and proceeded to build these additions without any Development Permit or building permit and

encroaching on the setback required by the RDN. My wife phoned the RDN to

enquire how the neighbor received his permits so quickly when it took us 11 months to receive our Dev. Permit back in 2006. As it was discovered that there was no permits or applications for permits a stop work order was issued.

After the stop work order was issued the neighbor proceeded to tear down the old solarium walls and frame up new walls, a new gable end and new roof rafters saying that no one can stop him from fixing the leak in his roof.

After these walls, rafters, and new roof were framed the project came to a halt, with a pile of construction debris on the road allowance and has sat unfinished all summer long until present.

When his consultant called us last week I told her our concerns about the unfinished project that has sat all summer long with the pile of rubble and what an eye sore it is for us and our guests as we are running a successful Bed and Breakfast in the summer months. She told me that he cannot complete the project because a stop work order was issued. When I told her that his incomplete project started after the stop work order was issued so there's no reason why he can't finish it. She told me that another stop work order had been issued. Confusing? So I called Al Dyck @ the RDN and asked if a second stop work order had been issued and he said no just the one stop work order had been issued back in the spring. So why do we have to look at an unfinished project without permits for all this time? Does it not make sense for someone who is trying to buck the system to finish what he has started before an application for a variance is even requested or approved. If he can't afford to follow the proper procedures for permits and finish what is started in a timely manner then he can't afford his renovation which is a major concern to us.

We also would like to make note of the fact that on Dec23 2005 the Driftwood Rd. ditch plugged with debris and water ran from the ditch onto our property as we are on the lower side of the ditch. This ditch breach then caused a large mud slide in front of the little Blue cabin that we were living in at the time.

As part of our development permit approval a 6" pipe was placed all the way down the bank to the beach to accept ground runoff, Roof and perimeter drains.

When we look over at the neighbors intricate gutter system we wonder where is his water going? There is no pipe going down the bank just down spouts spilling onto the ground. How can this be acceptable in a hazardous area?

It is of major concern to us that this variance be disapproved on the grounds that

- 1) There is already an incomplete project that is encroaching on the set back, that started even after the stop work order was issued.
- 2) There is a very strong possibility that we will have to look at another unfinished project from the shared driveway that encroaches if a variance is granted.
- 3) Where is Mr Johnson's rain water going? At this time it is going onto the ground and either running down the bank or into the ditch that we maintain and spills over in our direction during the perfect storm.
- 4) The old septic system from the 60's was designed for the existing 2 bedroom house. Now adding 2 more bedrooms puts more stress on the old system. If it fails because of added use, the neighbors get to enjoy the odors of an old failing system in a hazardous area.

These are legitimate concerns and we feel this variance should be rejected.

Our hazardous area deserves a better study for construction than just a new home owner doing what he wants when he wants and then try to make it right after the fact. We feel the RDN may be putting the surrounding properties at risk if they allow this variance and perfect storm happens.

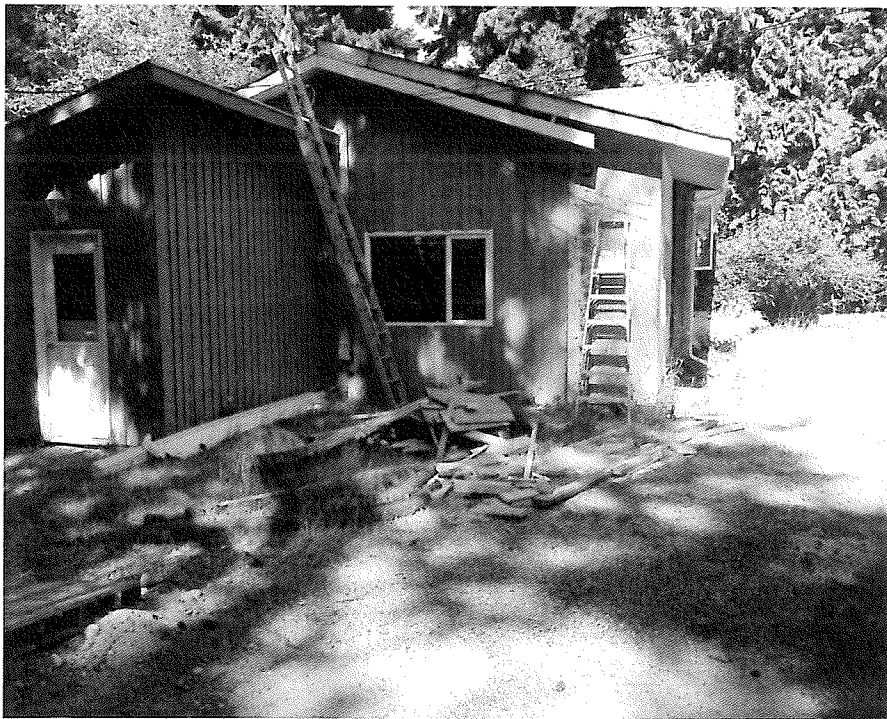
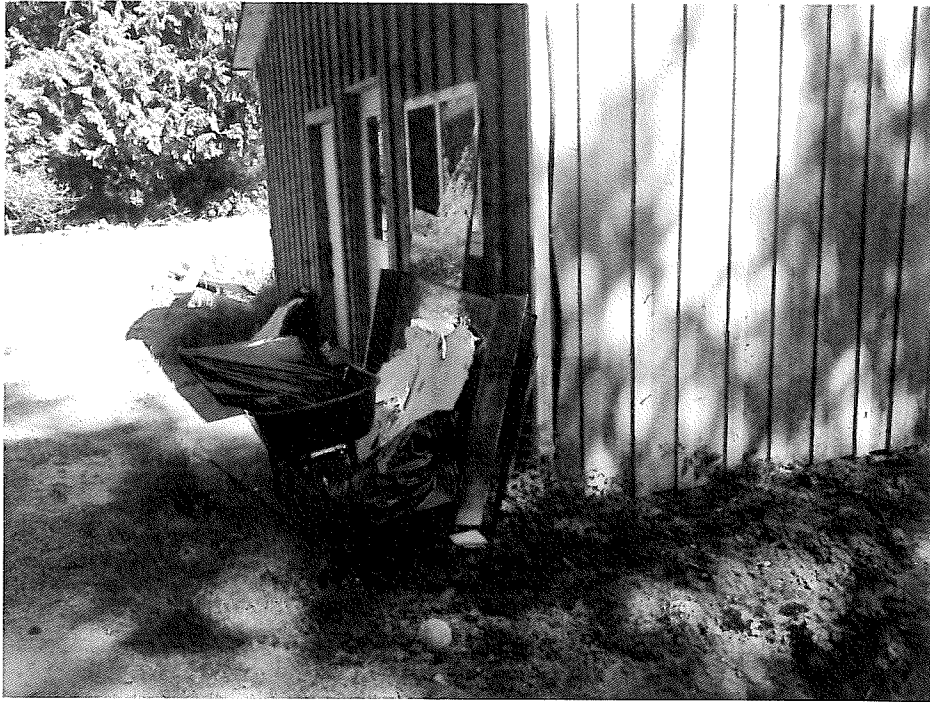
Thank you for your time

Rick and Shannon Andersen

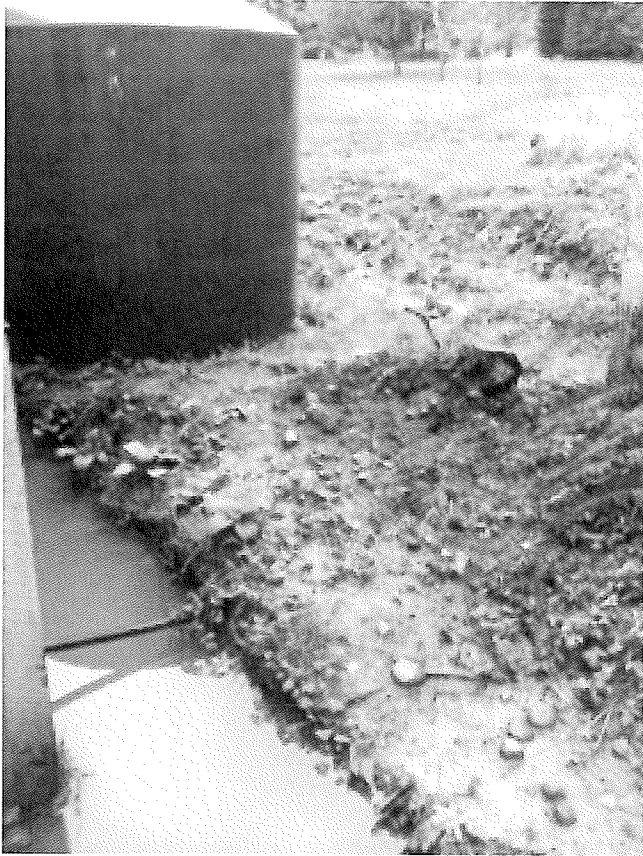
5151 Island Highway W., Qualicum Beach

(250)752-9373










TO WHOM IT MAY CONCERN

I am the owner of the property located at 2529 Lasqueti Road, (Lot 2, District Lot 81, Newcastle District, Plan 16060). I have been made aware of the application for a Development Permit with variances by my neighbors to the west, at 235 Driftwood Road. I have no objections to the variances requested.



Malcolm Menninga

Dated: Oct 10, 2014

Regional District of Nanaimo

Re: Development Variance Permit Application No.PI2014-00

Dear Sir

We would like to express serious concerns about the requested variances for the property at 1403 Marina Way. These variances have an adverse affect on the adjacent property at 1407 Marina Way degraded its value. The huge variances for the building height and setbacks to the sea have a significant impact on the outlook from this property. The large requested height variance of 3.7 meters or 12.4 ft. for this structure, virtually eliminates a major portion of the view to the west and has a negative esthetic impact on our outlook as we look directly at the massive metal roof .The even larger requested variance for the setback from the sea for the dwelling unit of, 4.0 meters or 13.1ft.,also contributes to severely limiting the view. We realize that the current owners would incur significant financial hardship if they were required to comply with current Bylaws. Their penalty to comply was further compounded when a major renovation to the structure was permitted to proceed to completion before the approval of a variance permit. Under the circumstances we understand that it may not be practical to require the current owners to comply with the bylaw for the subject property. We are simply seeking an accommodation that would minimize the impact of the requested variances on the vistas from 1407 Marina way that is fair for both parties.

Therefore if these variances are approved in addition to the impact on the existing structure at 1407 we are also deeply concerned about the impact on any future building plans for the site at 1407 Marina Way. Despite the fact that 1407 is several meters higher than the subject property it may not be possible to achieve the full panoramic view from the site if required to comply with current bylaws for height and set back from the sea because of the height and proximity to the sea of the structure at 1403 Marina Way. We therefore request that should

this application be approved that recognition be given on the record of the significant impact that these large height and set back variances will have on the adjoining property at 1407 Marina Way and this be taken into consideration in any future building application for this property.

Yours Truly

D R Mitchell

E J Mitchell

1407 Marina Way

Nanoose BC V9P 9B8

From: Bowser Bonkers
Sent: Friday, October 24, 2014 3:21 PM
Subject: The absurdity of marijuana:

In my youth I discovered that having a toke brought on two things, the blind munchies and laughter that was hard to stop. Now as an old man I am having a difficult time understanding the absurdity of the RDN ---when last winter I attended a meeting at Wembly Mall in Parksville held above the Ice skating rink---and Mr. Stanhope along with several other Directors raised an issue and brought it to law. The issue?

Medical marijuana hydroponic production facilities to be located in Industrial AND on ALR lands.

It was passed in a flash jack with a wave of hands. Now, the absurd part surfaces when I read in the local papers that the very same RDN directors are now banding with NANOOSE RESIDENTS to write letters to authority to STOP the very thing they enacted months earlier. What are you folks smoking??

Ok, since you have seen the error of your ways in passing the by-law in the first place and are now on side with residents who do not want a prison like grow op in their residential (ALR) neighbourhood in Nanoose.....

We are asking that you also INCLUDE BOWSER.

I find it hard to believe that a group of adults sitting as directors are not aware enough to know that these medical grow facilities will eventually morph into recreational grow facilities and offer farm gate sales. It is a reality in the USA and it will be here as well in due time because there is so much money to be made by taxing the stuff.

PUT THEM ON INDUSTRIAL LAND and no where else.

Thank you
Len Walker
Deep Bay

From: Bowser Bonkers
Sent: Friday, October 24, 2014 3:05 PM
Subject: SEAWEED removal issue in Deep Bay

I am asking that the RDN write a letter on behalf of the residents of Deep Bay to the ministry of Agriculture to cut loose some of that \$45,000 they will pull in as stumpage fees on the 900 tons of seaweed they have authorized to be removed from our beaches here in Deep Bay. ALL OF THAT MONEY should go to an in-depth protracted study of all the facets of beach cast seaweed, not just the volume that is there as well as listing the various kinds by a bunch of students. We need real science behind our statements that if removed it will cause further deeper erosion to our BOWSER BLUFFS and it needs to be left in place. This current study will not even come close to that. We need a REAL INDEPENDENT ORGANIZATION to do the study of this removal of seaweed for the gain of a few at the expense of the public right to enjoyment of our beaches.

Len Walker
Deep Bay

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE NORTHERN COMMUNITY ECONOMIC DEVELOPMENT SELECT COMMITTEE
MEETING HELD ON THURSDAY, OCTOBER 16, 2014 AT 12:00 PM
AT RDN OCEANSIDE PLACE MULTI PURPOSE ROOM

Present:

Director J. Stanhope	Chairperson
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H
Director D. Willie	Town of Qualicum Beach
Director M. Lefebvre	City of Parksville

Also in Attendance:

Geoff Garbutt	General Manager, Strategic & Community Development
Chris Midgley	Manager, Energy & Sustainability
Nicole Hewitt	Recording Secretary

Regrets:

Paul Thorkelsson	Chief Administrative Officer
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CALL TO ORDER

The meeting was called to order at 12:15 p.m.

MINUTES

MOVED Director Veenhof, SECONDED Director Fell, that the minutes of the Northern Community Economic Development Select Committee meeting held on April 9, 2014 be received.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Parksville Qualicum Beach Tourism Association, re: Regional Historical Trail and Tour project.

MOVED Director Veenhof, SECONDED Director Holme, that the correspondence from Parksville Qualicum Beach Tourism Association be received.

CARRIED

Lighthouse Country Business Association, re: Website.

MOVED Director Veenhof, SECONDED Director Holme, that the correspondence from Lighthouse Country Business Association be received.

CARRIED

BCCC / Cyclo Tourism BC, re: Request for Minor Funding Application Amendment.

MOVED Director Veenhof, SECONDED Director Holme, that the correspondence from BC Cycling Coalition/ CycloTouring BC be received.

CARRIED

REPORTS

Northern Community Economic Development Program – Fall 2014 Proposals.

Central Vancouver Island Job Opportunities Building Society/ BladeRunners' pilot youth employment program for RDN North.

MOVED Director Veenhof, SECONDED Director Lefebvre, that the proposal from Central Vancouver Island Job Opportunities Building Society/ BladeRunners' pilot youth employment program for RDN North be awarded funding in the amount of \$9889.75.

CARRIED

Parksville Downtown Business Association/ FUNicular for Downtown Parksville (Feasibility Study).

MOVED Director Holme, SECONDED Director Veenhof, that the proposal be denied.

CARRIED

CycloTourismBC/ CycloTourism Regional Engagement Program for Businesses.

MOVED Director Lefebvre, SECONDED Director Willie, that the proposal be denied.

CARRIED

Parksville Curling Club/ 2014 Junior Curling Championships.

MOVED Director Veenhof, SECONDED Director Fell, that the proposal be denied.

CARRIED

Lighthouse Country Business Association/ LCBA – Website.

MOVED Director Fell, SECONDED Director Holme, that the Lighthouse Country Business Association/ LCBA – Website proposal be awarded 50% of the estimated cost to a maximum of \$2000, be approved.

CARRIED

NEW BUSINESS

MOVED Director Veenhof, SECONDED Director Holme, that all all Northern Community Economic Development funds not disbursed in 2014 be carried forward as surplus for additional funding for the service in 2015.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Lefebvre, that this meeting be adjourned.

CARRIED

Time: 1:07 pm

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DISTRICT 69 COMMUNITY JUSTICE
SELECT COMMITTEE MEETING
HELD ON MONDAY, OCTOBER 20, 2014 AT 2:00 PM
IN THE OCEANSIDE PLACE MEETING ROOM, PARKSVILLE, BC

Present:

Director Marc Lefebvre	Chairperson
Director Dave Willie	Town of Qualicum Beach
Director George Holme	Electoral Area E
Director Julian Fell	Electoral Area F
Director Bill Veenhof	Electoral Area H

Regrets:

Director Joe Stanhope	Electoral Area G
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Also in attendance:

Wendy Idema	Director of Finance
Tiffany Moore	Manager, Accounting Services
Staff Sgt. Brian Hunter	Oceanside RCMP Detachment
Cpl Jesse Foreman	Oceanside RCMP Detachment

CALL TO ORDER

The Chairperson called the meeting to order at 2:09 pm.

DELEGATION

Victim Services, Restorative Justice and Community Dispute Resolution Program Update

Staff Sgt. Brian Hunter, Oceanside RCMP Detachment, and Cpl. Jesse Foreman, Community Policing NCO, updated the Committee regarding the Victim Services and Restorative Justice Programs. Staff Sgt. Hunter indicated the funding request is unchanged at \$52,580 for Oceanside Victim Services for 2014. The number of clients for Victim Services was up from 304 in 2012 to 316 in 2013. Staff Sgt. Brian Hunter commented this is a high level of clients. He also stated this is one of the best run Victim Services programs on Vancouver Island. He indicated that although they were not asking for any more funding for Oceanside Victim Services, the existing staff are working long hours and they had some retirements which impacted resources as well.

Staff Sgt. Hunter provided a request for \$5,000 of additional funding for Arrowsmith Community Justice Society bringing the annual funding amount requested to \$30,000. The \$25,000 funding amount was set in 2005. The program has been operating on expenditures in excess of \$25,000 but the shortfall has been funded from funds gifted to the Society from one of its founding members.

Staff Sgt. Hunter also shared that the number one safety concerns are traffic and sidewalk issues along Wembley Road. School District #69 (SD 69) restructuring has resulted in a school that used to be for high school students now being used for K to 7 students. Young students are now walking along Wembley Road which has high traffic volumes and no sidewalks. The RCMP have increased enforcement but the issuing of tickets has not resolved the safety issue. Members of the RCMP, SD 69 and RDN Parks department had met the week prior to this meeting. Staff Sgt. Hunter indicated that he was impressed by the RDN Parks recommendations regarding paths that could be enhanced as alternate routes for children to use to get to school.

MINUTES

MOVED Director Holme, SECONDED Director Willie, that the minutes of the District 69 Community Justice Select Committee meeting held November 4, 2013, be adopted.

CARRIED

BUSINESS ARISING FROM THE DELEGATION

MOVED Director Willie, SECONDED Director Fell, that the report of the delegation be received.

CARRIED

MOVED Director Willie, SECONDED Director Holme, that the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at \$111,800 and that the Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006” be amended accordingly.

CARRIED

ADMINISTRATION

Community Safety Grant-in-Aid Applications

MOVED Director Veenhof, SECONDED Director Fell, that a 2014 grant in the amount of \$4,500 for the Citizens on Patrol Society, District 69 be approved.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that a 2014 grant in the amount of \$4,500 for the Oceanside Community Safety Volunteers, D69 Speedwatch be approved.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the grant request from Errington Preschool Parents Society be referred to the next intake of the regular Grants in Aid.

CARRIED

NEW BUSINESS

Wembley Road Safety Issue

MOVED Director Willie, SECONDED Director Veenhof, that given the critical nature of the Wembley Road safety issue as well as similar issues in other jurisdictions, that staff be requested to continue to liaise with the Ministry of Transportation and Infrastructure, electoral area directors and the Oceanside RCMP Detachment to review possible assistance that can be provided by the RDN to assist with resolving and mediating pedestrian safety concerns.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Veenhof, that the meeting adjourn.

CARRIED

TIME: 2:55 PM

CHAIRPERSON

TO: W. Idema
Director of Finance

DATE: October 8, 2014

FROM: T. Moore
Manager, Accounting Services

FILE:

SUBJECT: Report on 2015 Requisition for D69 Community Justice Funding

PURPOSE

To provide information to the D69 Community Justice Select Committee to allow them to make recommendations to the Board on the 2015 Requisition for D69 Community Justice Funding.

BACKGROUND

D69 Community Justice is funded through a service established by "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006" which includes Parksville, Qualicum Beach and Electoral Areas E, F, G and H. The Board approved the following funding for 2014:

• Arrowsmith Community Justice Society (Restorative Justice)	\$ 25,000
• Oceanside Victims Services (Victims Services)	\$ 52,580 ¹
• Community Policing (Additional funding per proposal)	\$ 29,220
Total	\$106,800

The additional funding of \$29,220 in 2014 resulted in an increased parcel tax of \$4.48 per property which was up from \$3.25 per property in the previous year and is expected to be ongoing. Bylaw 1479 requires amendment and it is recommended at this time to amend Bylaw 1479 to increase the limit to maintain this level of funding.

The RCMP is scheduled to appear as a delegation at the D69 Community Justice Select Committee Meeting to be held on October 20, 2014 to advise the Committee on the status of the initial two programs. S/Sgt Brian Hunter has provided two reports which are included as attachments to this report. Oceanside RCMP Victim Services 2014 Annual Report is included as Appendix 1 and Arrowsmith Community Justice Society Statistical Report and Annual Budget are included as Appendix 2.

At the time the additional funding request for Community Policing was approved by the Board, there was no formal requirement approved to provide reporting on the use of the funds. It is recommended

¹ The \$52,500 has been matched by funding provided through the Ministry of the Attorney General

at this time that a reporting requirement the same as for Victims Services and Restorative Justice programs be formalized for any future funding to Community Policing or its successor group Oceanside Community Safety Volunteers and that the District 69 Community Justice Select Committee Terms of Reference be adjusted accordingly. It is appropriate that reporting start in 2015 as the Community Policing Additional funding was not disbursed until August 2014 and the funds are not fully utilized yet.

The D69 Community Justice Select Committee provides recommendations to the Board on the 2015 requisition for funding to support the Oceanside Victim Services, Restorative Justice and Community Policing Programs.

ALTERNATIVES

1. Recommend that the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at \$106,800.
2. Recommend an alternate amount based on information received by the delegation.

FINANCIAL IMPLICATIONS

Alternative 1

D69 Community Justice Parcel tax would remain at \$4.48 per property in Parkville, Qualicum Beach and Electoral Areas E, F, G and H, assuming the same number of parcels.

Alternative 2

D69 Community Justice Parcel tax would change depending on the recommendation of the Board.

SUMMARY/CONCLUSIONS

D69 Community Justice is funded through a service established by "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006" which includes Parkville, Qualicum Beach and Electoral Areas E, F, G and H. The Board approved \$106,800 in funding for Oceanside Victims Services, Restorative Justice and Community Policing Programs resulting in an increased parcel tax of \$4.48 per property which was up from \$3.25 per property in the previous year and is expected to be ongoing. Bylaw 1479 requires amendment and it is recommended at this time to amend Bylaw 1479 to increase the limit to maintain this level of funding.

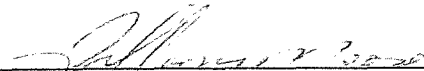
At the time the Additional Funding Request was approved by the Board, there was no requirement to provide reporting on the use of the funds. It is recommended at this time that a reporting requirement be formalized for any future funding to Community Policing or its successor group Oceanside Community Safety Volunteers.

The RCMP is scheduled to appear as a delegation at the D69 Community Justice Select Committee Meeting to be held on October 20, 2014 to advise the Committee on the status of the two programs.


Once the Committee has received the delegation, the Committee can provide a recommendation to the Board on the 2015 requisition for funding to support the Oceanside Victim Services, Restorative Justice and Community Policing Programs.

RECOMMENDATION

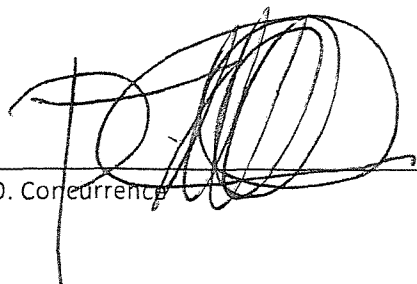
1. Recommend that Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006" be amended to increase the limit to maintain the 2014 funding level of \$106,800.
2. Recommend that the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at an amount to be determined at the D69 Community Justice Select Committee meeting on October 20, 2014.
3. Recommend that a reporting requirement the same as for Victims Services and Restorative Justice programs be formalized for any future funding to Community Policing or its successor group Oceanside Community Safety Volunteers and that the District 69 Community Justice Select Committee Terms of Reference be amended accordingly.



Report Writer



Director Concurrence



C.A.O. Concurrence

Oceanside RCMP Victim Services

2014 Annual Report



Oceanside RCMP Victim Services
727 West Island Highway
Parksville, BC
V9P 2N8

Prepared by:

Lynda Ewert, Program Manager

Overview

The Oceanside RCMP Victim Services Society continues to be an essential service which provides valuable support to the local RCMP and the Oceanside community. Our program was shown to have a high case load of 316 clients for this past fiscal year. July 2013 was one of the busiest months where we supported 47 individuals. During this month we also attended four separate call outs. The next month continued to generate high levels of demand within the program. In August 2013 victim services was called out to a drowning of a youth who had been swimming with 7 other adolescents. Immediate emotional trauma support was provided to all victims and their families on scene. This resulted in 9 files being opened to deliver continued support to 25 individuals. This is a prime example of the multifaceted needs that occur with trauma and how so many lives in our community can be affected by a single tragedy. Our Victim Services team was prepared to meet this challenge, and in doing so, demonstrates how we uniquely serve the Oceanside community.

Our days in the office are unpredictable, as we must meet the needs of the RCMP and the community as they occur. Examples include being required to assist RCMP with a Next of Kin Notification or supporting a client that has just come in to report a sexual assault. We also accompany clients to court in Nanaimo, coordinate safety plans with other agencies, and meet regularly with our many community partners to ensure our clients are made aware of all the resources available to them.

For our role as Crisis Workers, we are on-call 24 hours a day, 7 days a week, 365 days a year. We are called out at the discretion of the RCMP, with the odd callout by Fire or Paramedics. We will attend anywhere in the Oceanside area, to provide trauma support to victims of crime or trauma including fatal MVI's; sudden deaths; domestic violence; suicides and missing persons. On scene we provide immediate trauma support, meet any immediate needs (such as food and shelter) and in the days, weeks and years that follow the incident, provide those clients with support and referrals for:

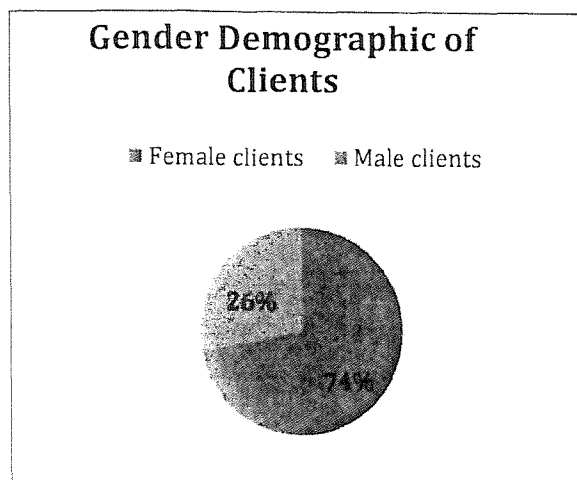
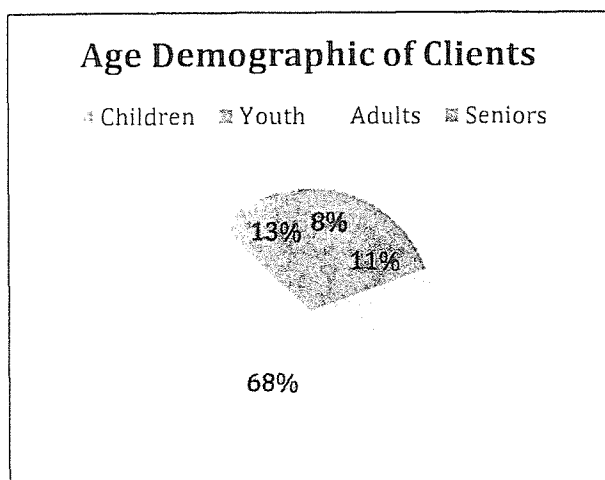
- Police file updates
- Court updates
- Support with Victim Impact Statements
- Assistance with accessing the Crime Victim Assistance Program run by the Ministry of Justice

2013 Year in Review at a glance:

- 316 new clients;
- July was the biggest month with 47 clients;
- Approximately 134 ongoing clients ;
- Sudden Deaths accounted for 21% of total client load;
- 74% of new clients were female;
- 68% of new clients were adult age;
- 178 referrals made out to other support agencies;

Clientele Demographics

The majority of our clients are female, and of adult age. When the primary victim is an elderly parent or a vulnerable child, we will often support them via their adult caregiver and as such children and senior aged victims are underrepresented. In our efforts to connect our clients to all the support resources available to help them, we made 178 referrals to other agencies last year. The vast majority of these referrals were to local agencies as well as to certain provincial programs such as the Crime Victim Assistance Program. We are very fortunate to live in a community rich in resources for individuals in multiple demographics. This gives us the ability to connect many people to beneficial support services available right here in the Oceanside area.

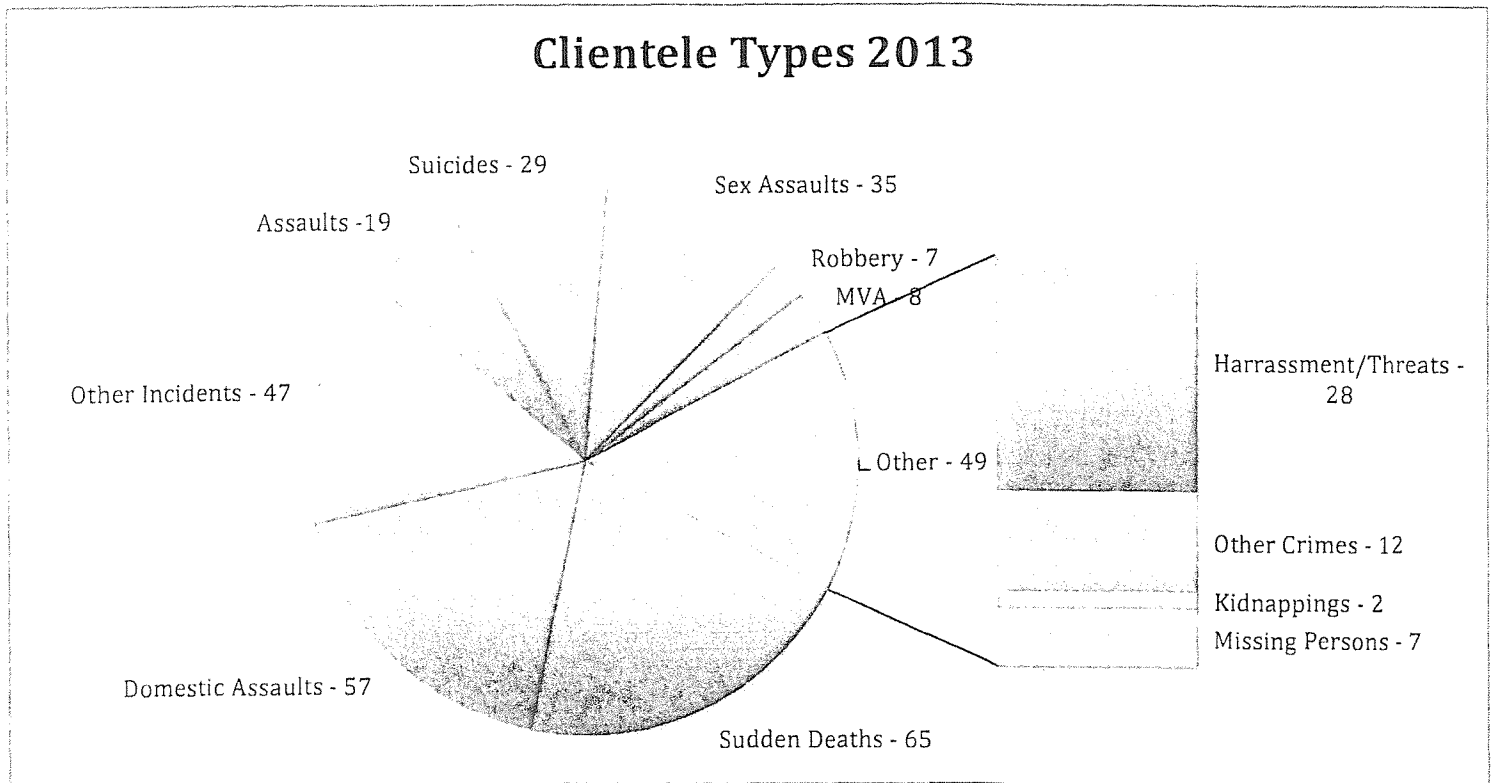


Clientele Types

The fiscal year of 2013 was a busy year for the Oceanside Victim Services Society. We received 316 new clients, making for another challenging year as we see an increase in demand for our services. We feel this is a reflection of the ongoing working relationship with the Oceanside Detachment, more community awareness, and greater support from our local resources. We continue to further strengthen these relationships and create new initiatives that will support all victims of crime and trauma.

In 2013 we were called out 34 times, an average of three times per month with **Sudden Deaths, Suicide** and **Domestic Violence** being the top 3 reasons. There was a 5% increase in **Sexual Assault** files and a 5% increase in **Threats & Harassment** files.

Other Incidents are police files where there is police intervention, but no criminality. The majority of these are Family Disturbances and Breach of Peace files. These files often involve couples or families who have an unstable dynamic in areas of parenting, addictions, domestic conflicts, family break up or mental health issues. In these cases Victim Services will work with these families to connect them to the appropriate support resources, be their advocate to these agencies and provide trauma support where applicable.



Call Out Hours

Since Oceanside RCMP VS provides 24/7 On-Call support service, we have at least one VS team member available for callout upon RCMP request. When volunteers are on-call, there is always a staff member available as their back up for more serious files. In 2013 there was a total of 34 callouts, of which, staff supported a total of 87 Victims. Due to budgetary limitations, staff members are not paid for attending callouts. Instead, staff members are compensated with time in lieu. A rough estimate of what the dollar value of those unpaid callout hours would be is \$8,000. We are very proud of the fact that we provide this much needed service, despite the lack of financial compensation. We feel it is an integral aspect of the services provided; however, it is not a mandated service. Some of our neighbouring VS programs have discontinued this service due to its toll on the program and staff. We are finding the program at a tipping point in this regard, largely due to the fact that the compensation is in the form of time. Staff can only take time off when their duties at work are met and when one of the two staff members is available to man the office and is available to be on-call. In regards to workload, the current situation makes it nearly impossible to take the time that is owed to us.

On occasion, in order for staff to take their time owed, we have to pay one of our volunteers relief hours to staff the office. Otherwise, without the funds for overtime, one of the two staff members is required to work additional hours, just adding to the existing problem of being owed more time than we can recoup.

Volunteers

At the beginning of the 2013 fiscal year, our VS team was comprised of 2 part time staff and 4 volunteers. In February two additional volunteers were interviewed and hired to help support our heavy caseload. Due to the nature of the work as well as the ever changing clientele and their needs, we provide an extensive training program for 5 consecutive weeks in addition to one half day per week in-office training for each volunteer.

During this transition our 3 long time volunteers retired leaving the program with 3 new volunteers, one with enhanced clearance and two in the process of getting their clearance in order to work with clients and shadow after hour call outs. We value our volunteers and the work they do for the program but in order to draw the full benefit of volunteer contributions, we must be prepared to adequately train, supervise, motivate and reward volunteers. This is not without cost.

Staff

In January of 2014 the Program hired a new worker to cover the one year Maternity leave for the Assistant Program Manager. Anna, the Assistant Program Manager, took on the job of training the new worker. Lack of Standardized Practice makes training new workers and volunteers all the more difficult, with no formal training available, and no official Best Practice to refer to. Lack of standardized practice puts unnecessary additional stress on VS workers.

Training

This fiscal year the Victim Service Staff attended a Critical Incident Debriefing workshop in Duncan put on by Duncan RCMP Victim Services. The guest speaker was Bruce Ramsay who is an instructor in Critical Incident Stress Management and also trained in Thought Field Therapy.

Funding

The British Columbia Ministry of Justice (MOJ) oversees Police-based Victim Services across the province. In 2006, they assessed our program as requiring a 1.5 position. As you can imagine, the size of the community and RCMP detachment, as well as the needs of Oceanside have all grown considerably since this time. Nevertheless, at that time, they set the budget for our program at \$105,000. They contributed \$52,500 and mandated local government fund the remaining half. In 2010, the MOJ increased their funding from \$52,500 to \$53,460. That same year, our local government increased their funding from \$30,000 to \$52,500. With that increase in funding, the program then had the means to employ the 1.5 position, split between two part time staff. Since then, our client intake has increased by 54%; from 197 new clients in 2009 to 316 in 2013. This increase has had a significant impact on our ongoing case load, which at present encompasses approximately 134 ongoing clients.

Summary

Over the past ten years we have seen Victim Services evolve beyond an initial crisis contact referral service. The complexity of the files and the ongoing support required taxes all who work in victim services. Many ongoing files involve issues that require problem solving in regards to mental health and addiction, limited free counselling, housing, poverty, transportation and of course safety. To meet these demands, Victim Services in BC needs to be supported by the provincial government through increased funding and consistent training.

Oceanside RCMP Victim Service Program

April 2013 - March 2014

Ministry of Justice Funds Expenditure:

Staff Wages & Benefits *(12% in lieu)* \$53,460.00

(This also includes the Company portion for CPP & EI)

Regional District Funds Expenditure:

Staff Wages *(Not covered by the Ministry)* 46,879.00

Office Supplies 22.00

Staff Pagers 1,776.00

Mileage 766.00

Bank Charges 151.00

Staff & Volunteer Training 60.00

Volunteer Appreciation 342.00

Book Keeping 881.00

Work Safe 549.00

Licenses, Memberships & Dues 25.00

Victim Support 68.00

Contingency Fund/Relief Wages 981.00

TOTAL \$52,500.00



ACJS has collected thru conference resolutions		
	2014 Total	TOTAL
Community Service Hrs	0	\$30,575
Monetary Restitution	\$828.39	\$35,277.70
Donations to Agencies**	\$3,170.00	\$8,038.00
** victims did not want the money and asked that the restitution be donated to specific agencies		
- Community Service hours equals \$10		
- Donations to other agencies started in 2013		

ACJS Case Report

Statistical Report for RJ & CDR

2005-2014

Arrowsmith Community Justice Society

Caryl Wylie – Director

Linda Cherewyk - Coordinator

Recap:

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	TOTAL
# Cases Referred	22	25	22	7	20	15	19	30	54	28	235
# Cases rejected	11	4	7	1	8	5	6	6	8	4	60
# Offenders	28	35	39	11	27	27	31	41	66	32	337
# Offenders Rejected	14	6	9	1	9	9	14	10	10	4	86
Male	18	21	30	5	16	23	27	34	49	18	241
Female	10	14	9	6	11	4	4	7	17	07	89
Minor	0	0	0	0	1	0	1	0	12	03	17
Youth	22	29	33	10	21	21	23	21	16	04	200
Adult	6	6	6	1	5	6	6	20	35	18	109
# conferences held	11	21	15	6	12	10	13	20	46	24	178
# incompletes	0	0	2	0	5	1	0	1	1	02	12
# repeat offender	1	1	2	0	3	1	1	1	1	02	13

Location breakdown: to Report date

	Parksville	Qualicum	RDN	Other
Offence occurred here:	62%	26%	11%	1%
Offender lives here:	49%	25%	21%	5%

Statistics completed for calendar year. Recap of each year's statistics follow cases for that year. These figures have been compiled by Linda Cherewyk, Program Coordinator, and Caryl Wylie, Director.

Arrowsmith Community Justice Society
Annual Budget
November 1, 2013 - October 31, 2014

	EXPENSES		INCOME	
TOTAL EXPENSES/INCOME	\$76,465.00		\$76,465.00	
EXPENSES (Cash)	\$28,065.00			
Bank Charges & Filing fees	\$150.00			
Contract Services – Coordinator	23,000.00			
Insurance	515.00			
Public Relations	100.00			
Postage	50.00			
Resource Materials (Books, Brochures)	250.00			
Stationery	250.00			
Transportation Costs - Coordinator	500.00			
- Volunteers	750.00			
Training	1,500.00			
Volunteer Expenses	1,000.00			
Projected INCOME (Cash)			28,065.00	
Municipal Grant (Parksville, QB & RDN)			25,000.00	
Funds to be generated from Grants			3,065.00	

EXPENSES (In-Kind)	\$48,400.00			
³ Accountant	900.00			
^{1&2} Conference Exp. (Rooms/Refreshments)	900.00			
¹ Meeting Rooms (Board Related)	150.00			
¹ Office Space @ \$2000/month	24,000.00			
¹ Postage & Courier	250.00			
⁴ Resource Materials (Books, Brochures)	200.00			
¹ Stationery	1,000.00			
¹ Telephone/Fax	1,000.00			
⁵ Volunteer Hours @ \$20/hr	20,000.00			
Projected INCOME (In-Kind)			\$48,400.00	
¹ RCMP			\$26,550.00	
² Community Venues (Church, Halls)			750.00	
³ Brent Johnson, CGA			900.00	
⁴ Knights of Columbus			200.00	
⁵ Volunteers (estimate 1000 hrs @ \$20)			20,000.00	

Caryl Wylie

Caryl Wylie, Chairperson
Oct 16, 2013

Arrowsmith Community Justice Program is a volunteer driven program operating in the Community which deals with the offenders and victims of crime in a timely and cost effective manner. The program has one paid employee who works 20-22 hours a week and 20 volunteers who donate their time to work the files, Each case utilizes a minimum of 25 hours and the only financial reimbursement to the volunteers is for the costs of travel and expenses relating to the fulfillment of the process. With the generous support of the RCMP and the community for office space and the use of neutral locations for conferences and training sessions, we are able to keep our operating costs to a minimum.

In 2005 approval was given to incorporate the costs of Victim Services and Restorative Justice in a line tax item in the annual property taxes. In the 2006 fiscal year, ACJS received the first payment from this fund of \$25,000 and has received this amount annually since. The bulk of this goes to the wages of the Coordinator. The office expenses, volunteer reimbursements and operating costs are increasing every year and have now overtaken the \$25,000 given to us. The cash flow for the past years has been:

YEAR	INCOME	EXPENSES	GAIN/LOSS
2014 Estimates	\$25,500.00	\$28,000.00	Est \$2,500.00
2013	\$25,115.57	\$27,371.57	\$2,256.00
2012	\$25,001.93	\$26,830.48	\$1,828.55
2011	\$25,001.40	\$24,088.37	\$913.03

Five years ago one of our founding members left us \$10,000 in his will. We have been using this to cover the annual shortfalls for the past three years - it will not last much longer.

We are now requesting an increase to \$30,000 for the grant to cover the inflation and rising costs.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE
REGIONAL PARKS AND TRAILS SELECT COMMITTEE MEETING
HELD ON TUESDAY OCTOBER 21, 2014 AT 12:00 PM
IN THE RDN COMMITTEE ROOM

Attendance: Director Diane Brennan, Chair, City of Nanaimo
Director Howard Houle, Electoral Area 'B'
Director Maureen Young, Electoral Area 'C'
Director Dave Willie, Town of Qualicum Beach
Director Jack de Jong, District of Lantzville
Director Julian Fell, Electoral Area 'F'
Director Marc Lefebvre, City of Parksville
Director Joe Stanhope, Electoral Area 'G'

Staff: Tom Osborne, General Manager of Recreation and Parks
Paul Thorkelsson, Chief Administrative Officer
Wendy Marshall, Manager of Park Services
Kelsey Cramer, Regional Parks Planner
Ann-Marie Harvey, Recording Secretary

Also in Attendance: Director Alec McPherson, Electoral Area 'A'

CALL TO ORDER

Chair Brennan called the meeting to order at 12:02 PM.

MINUTES

MOVED Director Stanhope, SECONDED Director Houle that the minutes of the Regular Regional Parks and Trails Select Committee meeting held June 11, 2014 be approved.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

MOVED Director Stanhope, SECONDED Director Fell that the following correspondence be received:

L & K Mason to Regional District of Nanaimo, **RE: Installation of posts – Horne Lake Regional Park**

T. Osborne, RDN to T. Hickey, City of Nanaimo, **RE: Downtown to Seventh Street E&N Trail Project Funding.**

D. Banman, RDN to S. Zupenec, Islands Trust, **RE: Gabriola Island Draft Bylaws 271 & 272 Referral to Zone Parks**

W. Marshall, RDN to L. Kingston, Tourism Vancouver Island, **RE: Request for Hiking Trails Strategy Funding Contribution**

L. Krog, MLA, to A. McPherson, RDN EA 'A' Director, **RE: Morden Colliery Historic Provincial Park**

D. Chapman, Ministry of Environment, to T. Osborne, RDN, **RE: Rath Trevor Beach Park - Shoreline Restoration Project**

E. Ricker, Friends of Morden Mine Society to T. Osborne, RDN, **RE: Morden Mine Engineering Study-Presentation of Results**

CARRIED

REPORTS

Monthly Update of Community and Regional Parks and Trails Projects – June- August 2014

Monthly Update of Community and Regional Parks and Trails Projects – Sept 2014

Ms. Marshall gave a summary of the regional parks projects for June –September 2014. Ms. Young asked about the possibility of garbage cans being put in around the Creekside Park new parking site. Ms. Marshall will look at this getting done.

E & N Rail Trail Project Update (verbal)

Ms. Cramer reported that the October 9th open house for the E & N Rail Trail was very well attended with approximately 150 people attending. She said the main concern for people is the multi-uses of the trail. She noted that submissions have been made to the ALC as some of the trail may have to go through private farmland and a trail is not 'farm use'. Also she has a meeting with MOTI on October 30 regarding crosswalks where the path crosses roadways.

Morden Colliery Regional Trail Bridge Report

MOVED Director Stanhope, SECONDED Director Lefebvre that the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor.

MOVED Director Stanhope, SECONDED Director Lefebvre that subsequent design and assessment work proceed under the Steel Truss Bridge option.

MOVED Director Stanhope, SECONDED Director Lefebvre that the equestrian accessible bridge option be vetted through local residents and equestrian groups prior to subsequent design work in order to ensure public support and user demand in consideration of higher construction and maintenance costs.

CARRIED

MOVED Director Houle, SECONDED Director Young that the reports be received.

CARRIED

NEW BUSINESS

Fairwinds Management Plan Committee

MOVED Director Lefebvre SECONDED Director Houle that Director Stanhope and Director de Jong represent the Regional Parks and Trails Select Committee on the Fairwinds Management Plan Committee, with Director Young acting as an alternate.

CARRIED

IN CAMERA

MOVED Director Stanhope, SECONDED Director Lefebvre, that pursuant to Section 90(1) (e) of the Community Charter the Committee proceed to an In Camera Committee meeting to consider items related to land issues.

Time: 12:45pm

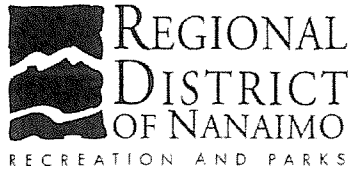
CARRIED

ADJOURNMENT

MOVED Director Stanhope that the meeting be adjourned at 12:58pm.

CARRIED

Chairperson



RDN REPORT		###
CAO APPROVAL		
EAP		
COW		
OCT 14 2014		
RHD		
BOARD		

MEMORANDUM

TO: Wendy Marshall
Manager of Parks Services

DATE: October 8, 2014

FROM: Lesya Fesiak
Parks Planner

FILE:

SUBJECT: Nanaimo River Pedestrian Crossing at Morden Colliery Regional Trail Feasibility Study

PURPOSE

To provide information and recommendations regarding the updated Feasibility Study for the Nanaimo River Pedestrian Crossing at the Morden Colliery Regional Trail.

BACKGROUND

In March, 2014, Harold Engineering was retained by the Regional District of Nanaimo (RDN) to evaluate and update a 1999 report by Graeme and Murray Engineering which assessed the feasibility of constructing a pedestrian bridge over the Nanaimo River within the Morden Colliery Regional Trail corridor (Appendix I - Project Location).

The updated study, completed in September 2014 (Appendix III), involved preliminary geo-technical and hydro-technical assessment, as well as topographic surveys of the proposed bridge location and an undeveloped portion of trail corridor (a 1km stretch from the west bank of the river and eastward to Cedar Road). Detailed bridge and trail design, along with final geo-technical and hydro-technical analysis, will be carried out by Harold Engineering as a second phase of project development.

The Regional District currently holds a non-exclusive, 20-year License of Occupation (1995-2015) for the six Crown parcels that constitute the Morden Colliery Regional Trail; an application to the Province for an exclusive, 30-year Lease (2015-2045) is currently in progress. Future bridge development and trail expansion, which would provide an important active transportation link between the communities of South Wellington and Cedar, would proceed only once the Crown Lease is secured.

A pedestrian crossing over the Nanaimo River within the historical Morden Colliery rail corridor (now the Morden Colliery Regional Trail) has been noted as a priority item in several RDN planning documents and studies, including the Area 'A' Community Trails Study (2001), the Regional Parks and Trails Plan (2005), and the Area 'A' Active Transportation Plan (2009).

DISCUSSION

The purpose of the 2014 feasibility study was to provide the RDN with updated bridge design options, information on required bridge spans and current cost estimates. Project parameters for both studies included “front country” trail conditions, accessibility for multiple user groups, and two separate steel bridge spans over the west and east channels of the Nanaimo River (a single span over both channels and the central island would be structurally and financially impractical). Aluminum structures were not deemed appropriate for the site because of longer span requirements and increased costs.

Conceptual bridge design drawings from the updated study are included as Appendix II. An overview and comparison of the 1999 and 2014 studies is provided below:

	1999 FEASIBILITY STUDY	2014 FEASIBILITY STUDY
Bridge Options	Steel Truss or Cable Suspension	Steel Truss or Cable Suspension
Bridge Accessibility	pedestrian, cyclist, equestrian	pedestrian, cyclist, equestrian, wheelchair
Span Lengths	70m - west span 50m - east span	90m - west span 84m - east span
Deck Width	1.2 m	2.1m
Deck Elevation	200 year flood level (Q200) = 10.75m bridge deck 2m above Q200 levels	200 year flood level (Q200) = 10.75m bridge deck 1.5m above Q200 levels
Total Cost - Suspension (two bridges)	\$412,000 pedestrian, cyclist, equestrian	\$1,137,000 pedestrian, cyclist \$1,277,000 pedestrian, cyclist, wheelchair \$1,417,000 pedestrian, cyclist, wheelchair, equestrian
Total Cost - Truss (two bridges)	\$486,000 pedestrian, cyclist, equestrian	\$1,473,000 pedestrian and cyclist \$1,473,000 (no difference) pedestrian, cyclist, wheelchair \$1,623,000 pedestrian, cyclist, wheelchair, equestrian
Study Recommendation (Truss vs Suspension)	Steel Truss: rigid, durable, less maintenance and long-term costs, reminiscent of rail bridges	Cable Suspension: lower construction costs, design aesthetics

The sizable cost increase from the 1999 study (even with inflation taken into account) is explained in the updated study as being partially due to longer bridge spans (as a result of probable bank erosion and wider river channels), and partially due to a larger contingency (30% in 2014 vs 10% 1999). However, each study also employed different design standards for trail and bridge development, which would have significant impact on the overall length of both the bridge structures and the approaches.

Although the 2014 study provides three separate cost estimates for bridge accessibility type, Harold Engineering developed the overall conceptual bridge design based on an assumption of wheelchair accessibility. Bridge approaches and deck would therefore need to be longer in order to accommodate a gentler slope (max 8%). The 1999 study, which did not take wheelchair access into account, proposed steeper “timber construction ramping” at the bridge approaches.

ALTERNATIVES

1. That the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor and subsequent design and assessment work proceed under the Steel Truss Bridge option.
2. That the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor and subsequent design and assessment work proceed under the Cable Suspension option.
3. That the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received and alternative direction be provided.

FINANCIAL IMPLICATIONS

The estimated costs for bridge construction range from \$1,137,000 for a Cable Suspension bridge option (pedestrian and cyclist only), to \$1,623,000 for the Steel Truss bridge option (pedestrian, cyclist, wheelchair and equestrian). Additional trail improvement costs are estimated at roughly \$250,000. Approximately \$1,200,000 has been set aside within the Regional Parks and Trails Capital Budget with the assumption that grant funding will help finance the project.

Although a Steel Truss Bridge is more expensive than a Cable Suspension Bridge when considering initial construction costs, both studies note that the truss structure has several advantages: a rigid bridge deck with less bounce, a durable surface that is less vulnerable to vandalism, and lower maintenance costs. The truss form, as noted in the 1999 study, is also common in rail bridge design, which reflects the historical use of the bridge site and trail corridor. It is therefore recommended that the Truss Bridge option be favoured over the Cable Suspension option for subsequent project development.

Although there is a nominal construction cost difference between the bridge accessibility types, an equestrian accessible option has implications for higher long-term maintenance costs. The updated study recommends thick, wood decking, which is necessary for an equestrian crossing. The wood decking, which is estimated at \$80,000 for two bridge spans, needs to be replaced every 10 years, on average. Several RDN bridges, however, use metal mesh surfacing (not wood decking) and these require minimal maintenance and repair. The Millennium Bridge over French Creek has needed no major repairs or replacements in almost 15 years. It is unclear without further consultation what level of equestrian use the bridge and new trail would receive. While there are many equestrians in the area, it is unclear whether this route is popular with equestrians and whether the crossing would be draw as an equestrian route.

STATEGIC PLAN IMPLICATIONS

A bridge over the Morden Colliery was identified in the 2005 Regional Parks and Trails Plan and in the Area 'A' Active Transportation Plan (2009). With the development of a bridge crossing over the Nanaimo River, and a trail connector between the communities of South Wellington and Cedar, the Morden Colliery Regional Trail will function as a true green highway, helping to reduce greenhouse gas emissions from automobile use while promoting active transportation in the local community. It also will enhance recreational opportunities for a variety of users. The location of the trail staging area next to the Morden Colliery tipple could provide a tourism draw with opportunity to view the historic structure then take the trail to downtown Cedar and Hemer Provincial Park.

SUMMARY


An updated feasibility study for a future crossing over the Nanaimo River, and within the Morden Colliery Regional Trail corridor, was completed by Harold Engineering in September 2014. The study outlines current cost estimates, information on required bridge spans and updated bridge design options.

Construction costs are estimated between \$1,137,000 and \$1,623,000, depending on bridge accessibility and structural type. The Cable Suspension Bridge option, when compared to the Steel Truss Bridge option, has lower construction costs, but higher long-term maintenance costs. Similarly, an equestrian accessible bridge has only nominally higher construction costs when compared with other design types but significantly higher long-term costs associated with bridge and trail maintenance. It is unclear what level of equestrian use the bridge would receive.

Although the Herold study recommends the Cable Suspension Bridge option, when considering initial construction costs, both studies note that the truss structure has several advantages: a rigid bridge deck with less bounce, a durable surface that is less vulnerable to vandalism, and lower maintenance costs. The truss form, as noted in the 1999 study, is also common in rail bridge design, which reflects the historical use of the bridge site and trail corridor. It is therefore recommended by staff that the Truss Bridge option be favoured over the Cable Suspension option for subsequent project development.

RECOMMENDATIONS


1. That the updated Nanaimo River Pedestrian Crossing at the MCRT Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor.
2. That subsequent design and assessment work proceed under the Steel Truss Bridge option.
3. That the equestrian accessible bridge option be vetted through local residents and equestrian groups prior to subsequent design work in order to ensure public support and user demand in consideration of higher construction and maintenance costs.



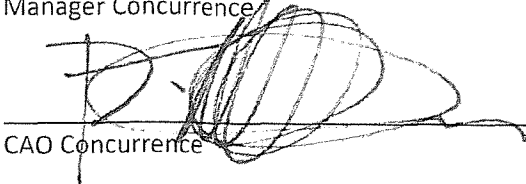
Report Writer



General Manager Concurrence

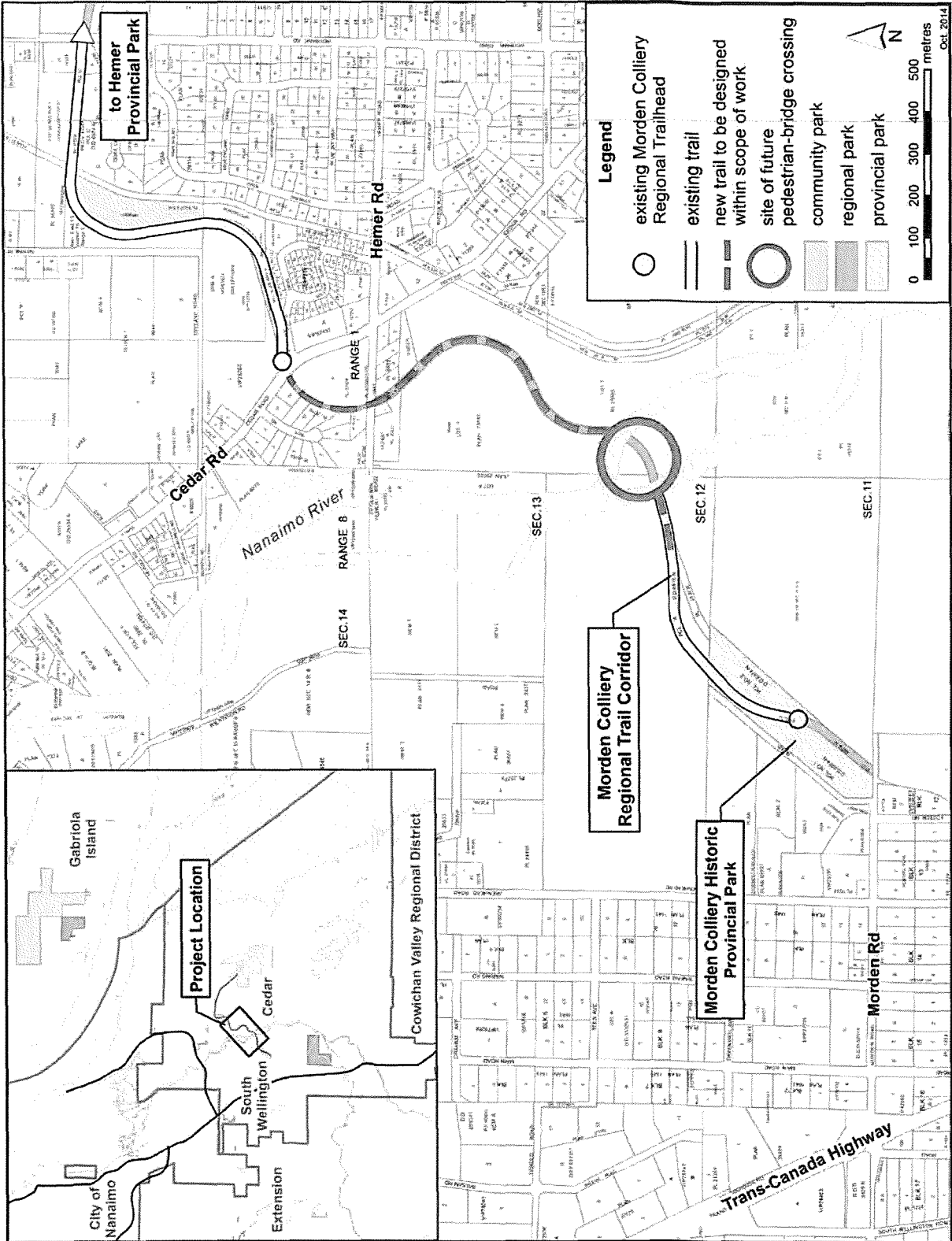


Manager Concurrence

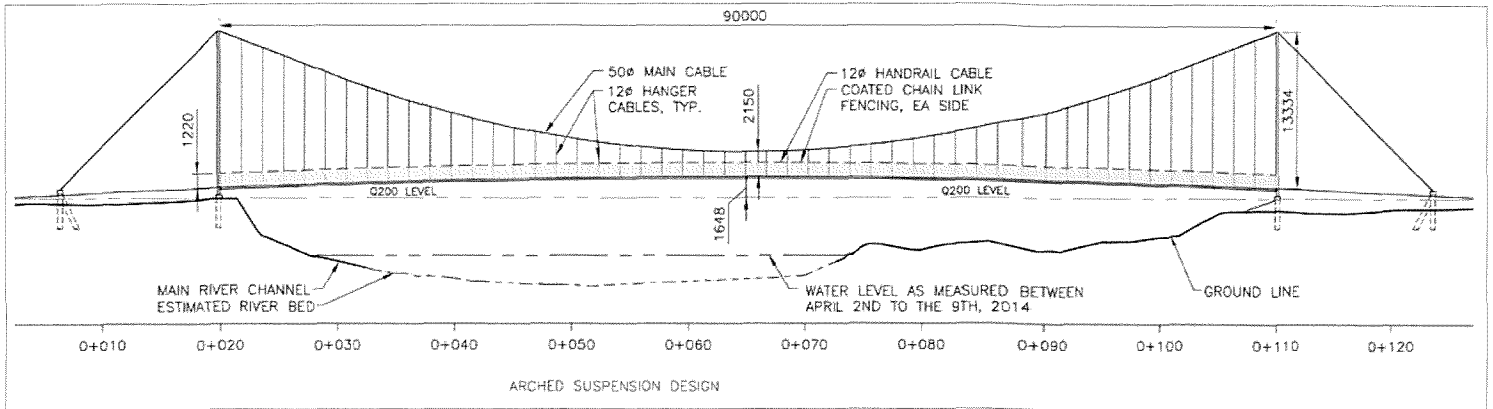


CAO Concurrence

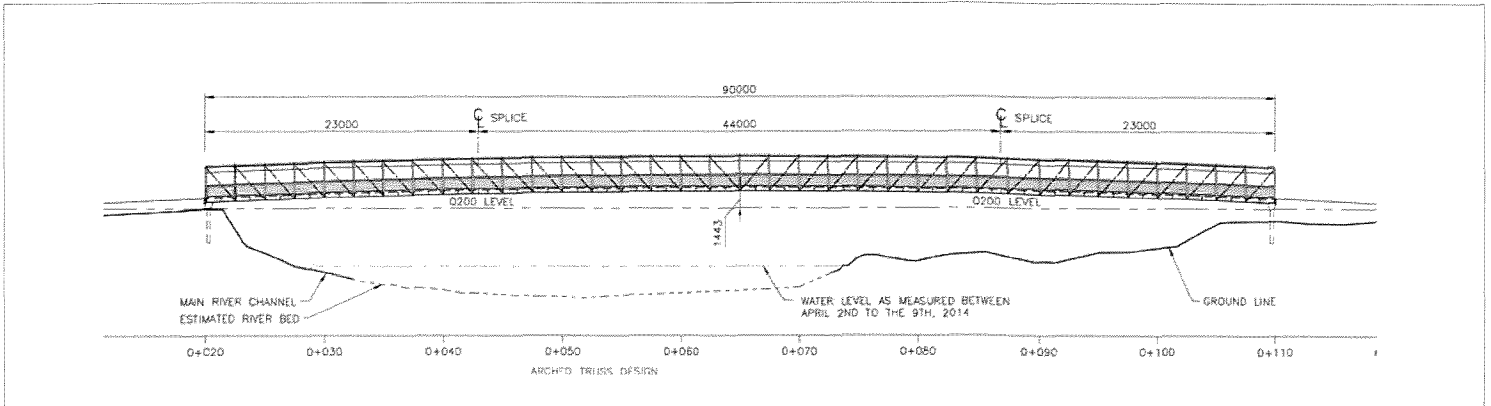
Appendix I – Project Location Map



Appendix II – Bridge Design Options



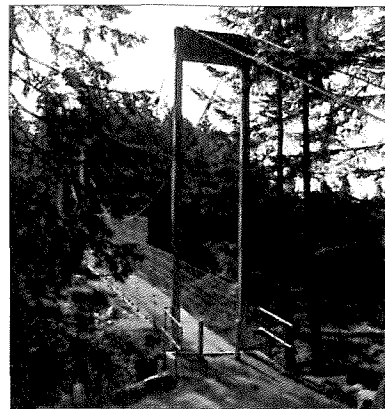
Suspension Bridge Option: conceptual design drawing depicting potential river crossing at the MCRT (Harold Engineering).



Steel Truss Bridge Option: conceptual design drawing depicting potential river crossing at the MCRT (Harold Engineering).



Example of completed Steel Truss Bridge
(photo: Harold Engineering)



Example of completed Suspension Bridge
(photo: Harold Engineering)

Appendix III –

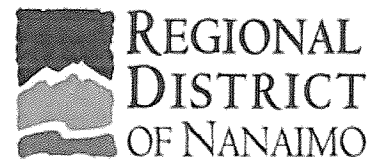
**Nanaimo River Pedestrian Crossing
at Morden Colliery Regional Trail
Feasibility Study**



FEASIBILITY STUDY

Nanaimo River Pedestrian Crossing at Morden Colliery Regional Trail

submitted to



The Regional District of Nanaimo
Recreation & Parks Department

830 West Island Highway
Parksville, BC V9P 2X4

September 12 2014

Morden Colliery Regional Trail Bridges

Feasibility Study

The Regional District of Nanaimo

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Appendix A - Drawings

Appendix B - Site Photos

Appendix C - Cost Estimates

Appendix D - Satellite Images and Project Location

Appendix E - Hydro-technical Report

1 PROJECT SUMMARY

For this project, Herold Engineering was retained by the Regional District of Nanaimo's Recreation and Parks Department (RDN) to review the site at the Nanaimo River and Morden Colliery Regional Trail in order to determine the feasibility of constructing a pedestrian crossing.

In order to prepare the feasibility report, Herold Engineering conducted a topographic survey of the trail and proposed bridge location within the RDN's right-of-way and visited the site to review potential placement of bridges. Additionally, we visited the site with representatives from Lewkowich Geotechnical Engineering and Northwest Hydraulics Consultants Ltd to conduct a preliminary feasibility review of the ground conditions, slope stability and potential flood issues.

The intent of this study was to re-visit the 1999 feasibility report, obtain current topographic information and generate two design concepts along with order of magnitude cost estimates for each concept.

2 SITE DESCRIPTION AND HISTORY

2.1 Previous Bridges

It is our understanding that the site was used previously as a rail bridge crossing in order to carry coal from the Morden site to waterfront barges in Boat Harbour. Signs of coal deposits are evident in the centre bank of the river crossing and previous abutments are still partially visible.

2.2 Trail Design and Bridge Approaches

As related work, the RDN is undertaking the planning of a trail that would re-connect the communities of South Wellington and Cedar which are currently separated by the Nanaimo River. The RDN's "Parks and Trails Guidelines, January 2014" is being used as the design basis for the trail and the proposed bridges. Should detailed design of the bridges go ahead, Herold Engineering would include design of the approach trails as part of the scope of work. No costing information for the trails is included in this study as it deals only with the river crossing.

2.3 1999 Feasibility Study

A 1999 feasibility study prepared by Graeme & Murray engineering consultants along with EBA engineering consultants and J.E. Anderson (Surveyors) indicated that either a cable suspension bridge or a steel truss bridge would be feasible in this location. For funding reasons the project was not implemented at that time but is now being re-visited.

The 1999 feasibility study anticipated spans of 70m on the west channel and 50m on the east channel. Either the river has widened by erosion in the past 15 years or the proposed location for bridges in 1999 was different. Our survey within the right-of-way indicates that a 90m span would be required on the West channel and an 84m span would be required on the secondary East channel.

3 PRELIMINARY GEOTECHNICAL ASSESSMENT

3.1 Bridge Foundation Feasibility

For this assignment, Herold Engineering retained Lewkowich Geotechnical to visit the site and provide preliminary comments on the feasibility and design constraints for bridge foundations

Based on the site review, it is expected that the most cost-effective and practical means to support the bridge structures would be driven piles. Given the presence of fill materials within the abandoned railway berm, typical spread footings are not recommended.

It is anticipated that the naturally deposited subgrade conditions will be favourable, and will provide competent bearing conditions at relatively shallow depths. It is also anticipated that the subgrade will consist of a layer of coarse, dense, sand, gravel, and cobbles overlying bedrock. The depth to bedrock could be determined through a series of bore holes, if required during the detailed design phase.

4 PRELIMINARY HYDRO-TECHNICAL ASSESSMENT

4.1 Previous Flood Elevation Data

The 1999 feasibility study indicated that the Q200 flood level elevation would be 10.75m geodetic. The May 15 site visit by Herold Engineering and NHC as well as an initial desktop study for this report indicate that 10.75m is an appropriate estimate of the 200 year flood level. It is therefore likely that a 200 year flood event would overtop the banks of the river at the location of the proposed crossing structures. For this reason, foundations will have to be on piles. It is not recommended that spread footing be used based on Hydro-technical constraints.

The trail that approaches the bridge will be subject to washout in large flood events. Trail maintenance plans should take this into consideration. This constraint applies to both conceptual designs. It should be noted that to maintain 1.5m above the Q200 for the entire length of the bridges would require significant amounts of trail fill at each end of the bridge; for this reason final designs would incorporate a significant camber to minimize approach fills.

4.2 Potential Hydro-Technical constraints

As part of the detailed bridge design process, hydrotechnical input will be required to assess key components such as the channel reach stability, localized bank stability and scour risk, construction levels above the design flood, as well as provide input to the bridge design (e.g. abutment locations, flood proofing). In addition, the proposed crossing which is located on an island significantly increases the complexity of the hydrotechnical engineering. Issues include longer bridge segments, increased protection works to maintain flows in two separate channels, and stability concerns at the island that are difficult to predict. Deep pilings set back from the current channel banks with reduce the hydrotechnical risks at the site to some degree.

5 CONCEPTUAL DESIGNS

5.1 Design Alternatives

Two conceptual design options were considered for this report

- A steel truss bridge
- A steel cable suspension bridge with a semi-rigid deck and steel towers

It should be noted that an Aluminum structure, while offering better corrosion resistance and possibly better Aesthetics, was not considered for this report because the spans required would make an Aluminum structure costly compared to the other two options. Additionally, an aluminum structure would have to be sizeable. Aluminum has roughly ½ the strength of steel when welded and therefore requires that design stresses be halved to achieve the same span.

Upon reviewing the site conditions, right-of-way alignment and topography Herold Engineering concluded that two separate spans would be most appropriate for this site, rather than a single structure as indicated in the 1999 feasibility report. Two span designs are feasible with either the suspension bridge option or the steel truss option.

Appendix B provides conceptual designs for each type of bridge and each span. For the purposes of this feasibility report, a 90m west channel span and an 84m side-channel span were used. Final Hydro-Technical design may dictate that other spans are required, but for the purpose of comparing the two options, these spans were deemed appropriate and likely to be close to the final design requirements.

5.2 Design Assumptions and Constraints

The conceptual designs are based on the assumption that access by the general public is required. The conceptual design approach assumes “front country” trail access by pedestrians, cyclists as well as horses or wheelchairs (the latter 2 being optional costs that the RDN is considering). It should be noted that more economical structures are possible but would require stairs or ladders that would be more applicable to “back-country” trail access (such as would be found on the West Coast trail for example). A cable suspension bridge with a “sag-deck” or flexible deck would be most economical but due to the relatively shallow river structure at this site, would require towers and stairs at each end.

Required bridge widths were not specified by the RDN for the feasibility stage of this project, so we have designed to minimum widths required for structural strength. Because the suspension bridge option uses sway cables, a slightly narrower deck width is possible (this advantage is lost however for the wheelchair or equestrian option, since a wider bridge would be required than the minimum structural requirement).

The global design loading used for both conceptual options is 2.4 kPa (50 psf), which slightly exceeds what is required by the Canadian Highway Bridge Design code for pedestrian areas on spans of this size. Local bridge components would be designed to carry up to 4.8 kPa (100 psf), or larger point loads if the Equestrian option is pursued.

It should be noted that the final design of either type of structure may be governed to a large degree by limiting the dynamic movement (or "bounce") of the structure to within tolerable limits. The limits will depend on the type of access desired. A fully accessible structure would require much more stringent dynamic design criteria, whereas a back-country type of structure aimed at providing some "adventure" appeal would allow for more bounce and therefore lower cost. The costs presented in this report are aimed at a moderate level of bounce or "front-country" type of trail design for use by the general public. Further discussions would be required to determine the final design criteria before starting detailed design.

6 INDICATIVE COST ESTIMATES

The following cost estimate has been prepared for Bridge work only. We understand that the RDN is contemplating trail upgrades as well; however this study does not include an assessment of trail costs.

6.1 Cable Suspension Bridges

The order of magnitude cost estimate for the cable suspension bridge option (90m span + 84m span) is **\$1,137,000.00**. Details of our estimate are provided in Appendix C.

The additional costs for the Wheelchair access option are estimated at **\$140,000.00** (roughly 10% for a wider deck)

The additional costs for the Equestrian + Wheelchair option are estimated at **\$280,000.00** (roughly 20% for a wider deck and thicker deck boards)

6.2 Steel Truss Bridges

The order of magnitude cost estimate for the steel truss bridge option (90m span + 84m span) is **\$1,473,000.00**. Details of our estimate are provided in Appendix C.

The additional costs for the Wheelchair access option are estimated at **\$0.00** (base design can be made to accommodate Wheelchair traffic)

The additional costs for the Equestrian + Wheelchair option are estimated at **\$150,000.00** (roughly 10% for thicker deck boards and additional deck stringers)

6.3 Cost Comparison to 1999 report

The estimates are considerably higher than the 1999 feasibility study indicated (even if inflation is taken into account). The extra costs are partially attributed to the longer spans required under this study versus the 1999 study. It is also possible that the trail right of way was planned for a different location in 1999.

6.4 Limitations and Cost Risks

The cost estimates provided in this study are intended to be order of magnitude only and are based on preliminary design and site data. Any project planning, budgeting or funding requests that are undertaken based upon this report should carry adequate contingencies to allow for unforeseen circumstances that may occur as the project proceeds. Based on the preliminary data and site conditions, we recommend a 30% project contingency at this stage (on top of the estimates given in section 6), which could be reviewed as detailed design proceeds

The main area of cost risk for this project is the geotechnical subsurface conditions. While some of this risk is mitigated by using piled foundations, the elevation of bedrock in Nanaimo can vary significantly in a single project site. It is possible that piles could be driven a relatively short distance and then founded in bedrock, it is also possible that the bedrock could slope significantly and piles on the centre island could be driven a significant depth. Access to drive piles on the West banks should be relatively straight forward, access onto the centre island is feasible at low water levels (channel was nearly dry at the time of our last site visit). Access onto the East bank (Morden Colliery side) may be difficult and also represents a cost risk to the project.

7 RECOMMENDATIONS

7.1 Cost-Benefit Analysis

In order to evaluate the benefits of each concept, the following matrix is used, each dot represents that the listed design option is preferred for the criteria being considered:

	Suspension Bridge	Truss Bridge
Initial Construction Cost (40%)	•	
Aesthetics (20%)	•	
Maintenance (15%)		•
User Comfort (15%)		•
Resistance to Vandalism (10%)		•

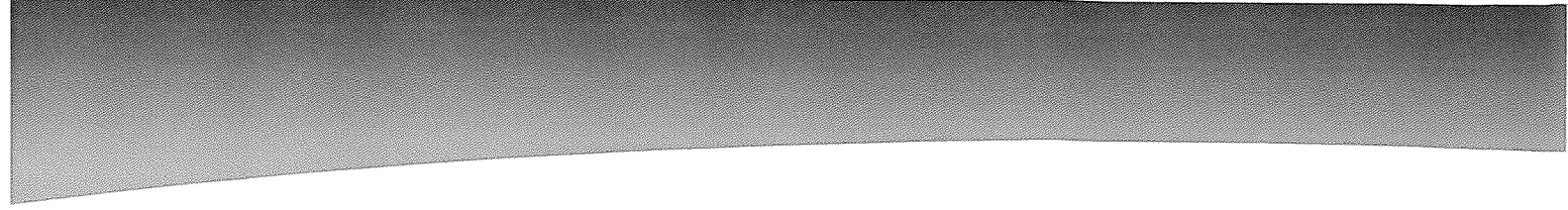
The evaluation matrix indicates a slight preference of 60 points to the Suspension bridge.

7.2 Recommended Design

Because of the significant difference in initial construction cost between the two concepts studied and the relatively similar performance characteristics of the options, **we recommend that the suspension bridge option be adopted as the preferred design**, should the RDN elect to proceed further with the project.

Signed,

Steve Scott, P.Eng., P.E.
 Principal
 Herold Engineering Limited



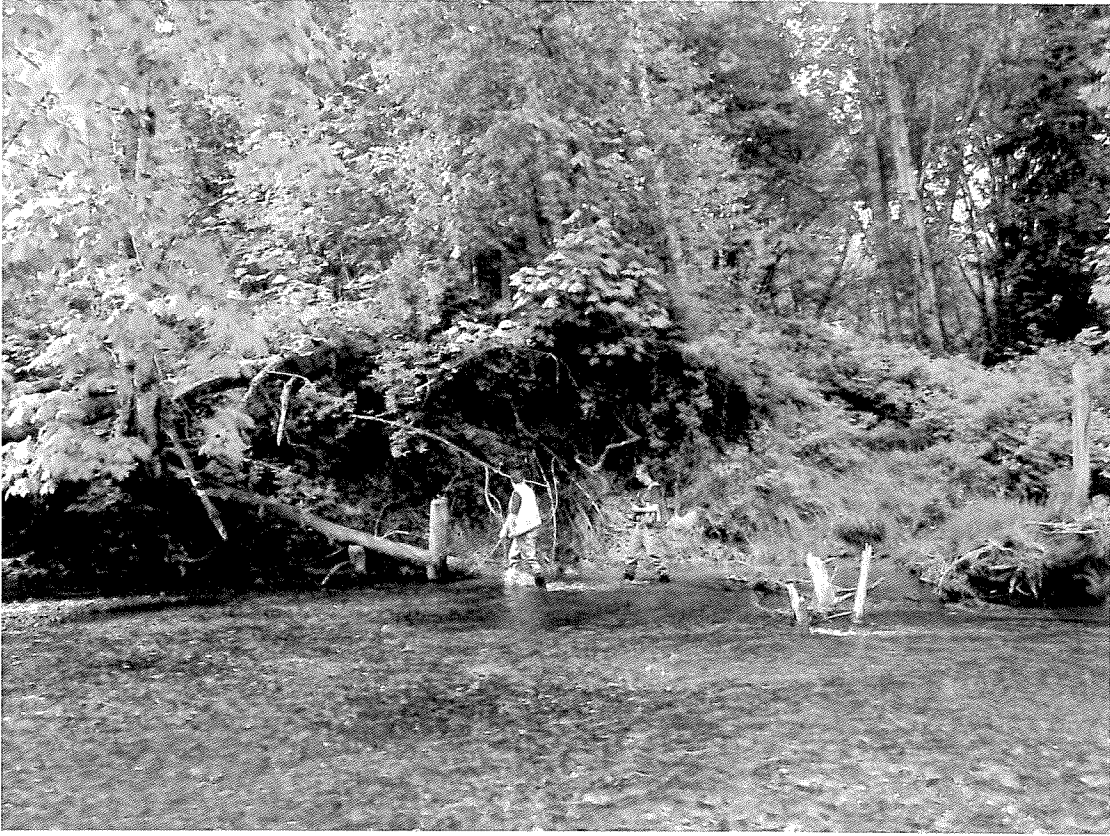
APPENDIX A – Site Photos



View Looking towards West bank from centre island



Log jamb on centre island



View from East bank towards centre island



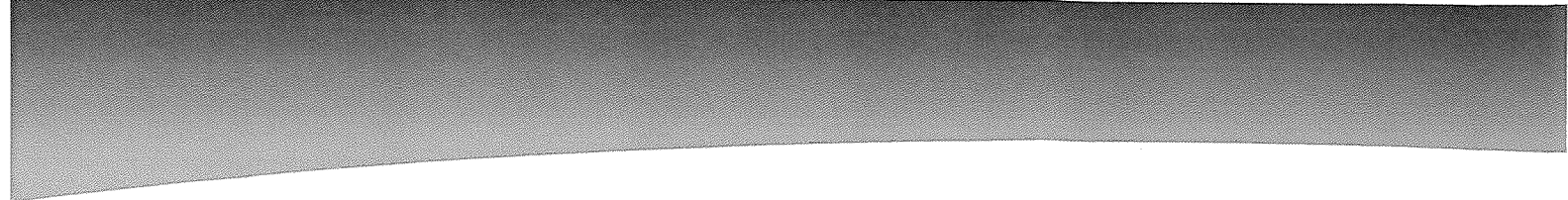
Upstream View of West Channel



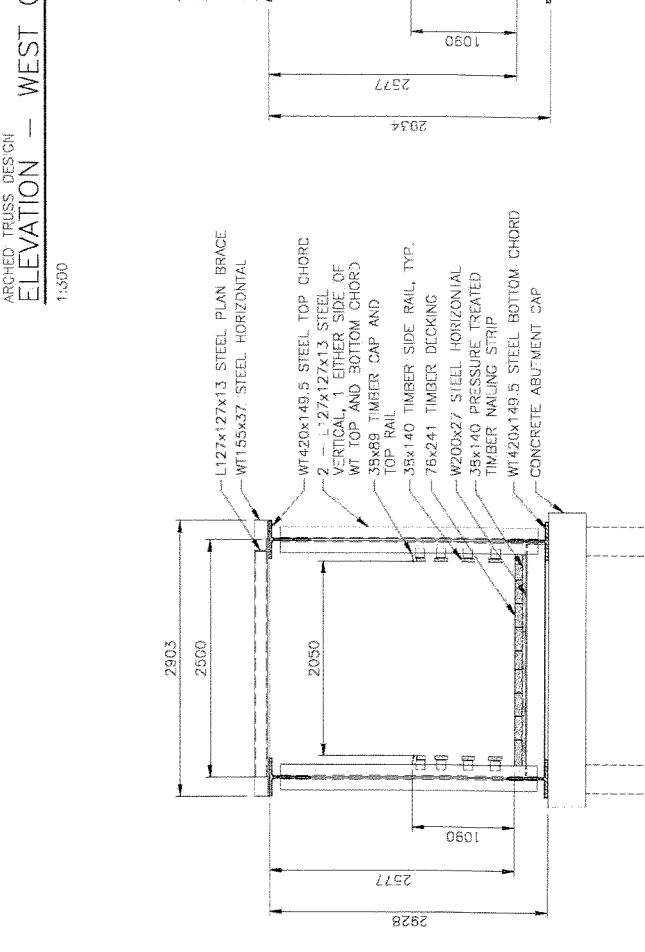
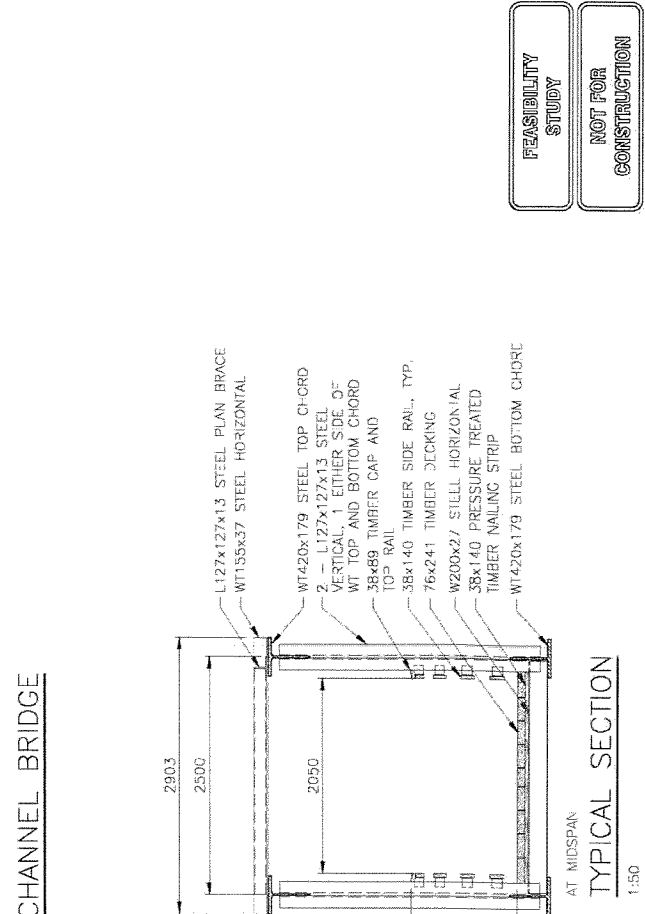
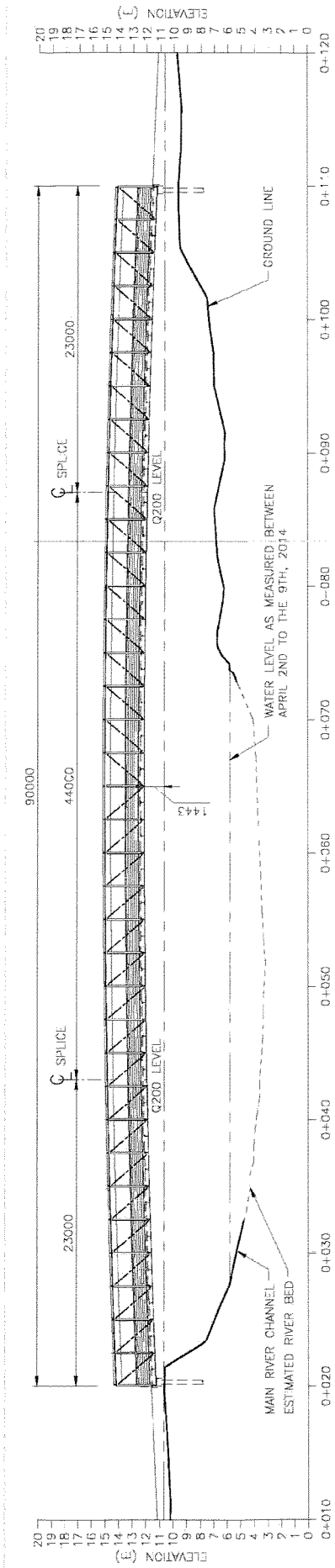
View of centre island from West bank



Upstream view from West bank



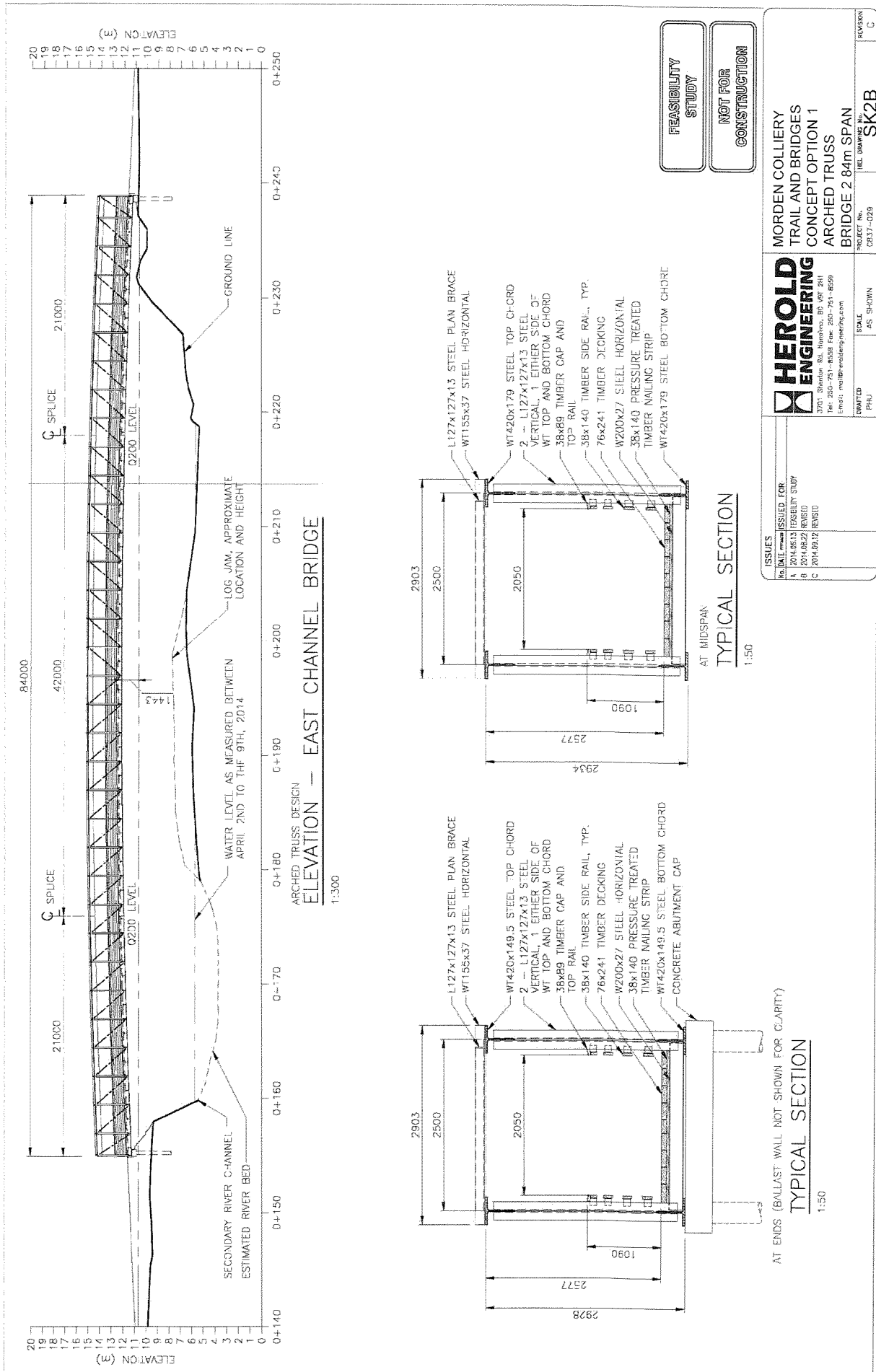
APPENDIX B – Drawings

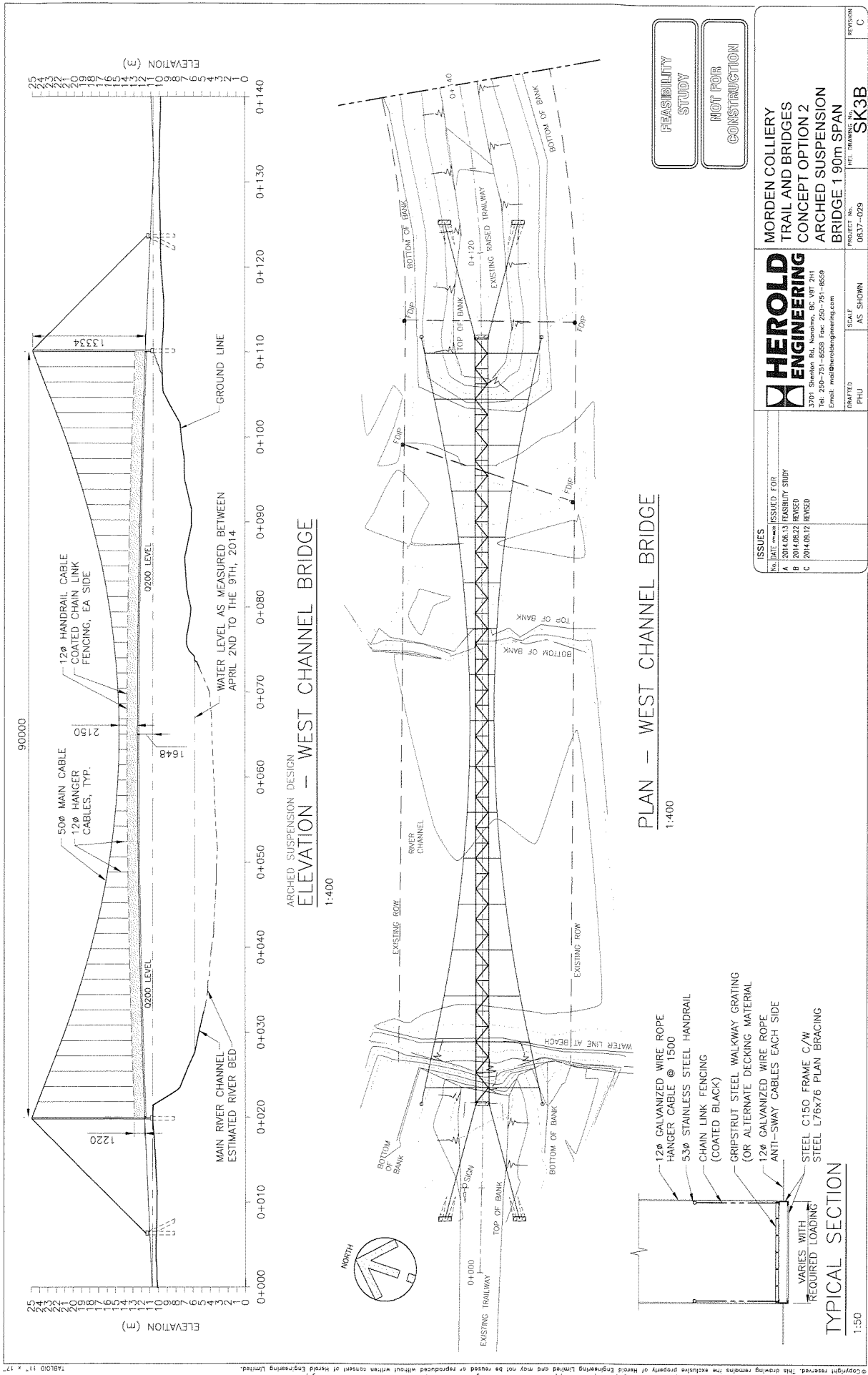


FEASIBILITY STUDY

NOT FOR CONSTRUCTION

HEROLD ENGINEERING		MORDEN COLLIERY TRAIL AND BRIDGES CONCEPT OPTION 1 ARCHED TRUSS BRIDGE 1 90m SPAN	
3707 Sheldon Rd, Nanaimo, BC V9T 2H1 Tel: 250-751-8558 Fax: 250-751-8559 Email: info@heroldengineering.com		PROJECT No. CB37-029	REVISION C
ISSUES	SCALE AS SHOWN	DRAWN PHU	CHECKED SK1B
REVISIONS ISSUED FOR: A 2014.06.13 ISSUED FOR STUDY B 2014.08.22 REVISED C 2014.09.12 REVISED			





FEASIBILITY STUDY
NOT FOR CONSTRUCTION



HEROLD ENGINEERING
3701 Shelton Rd, Nanaimo, BC V8T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com

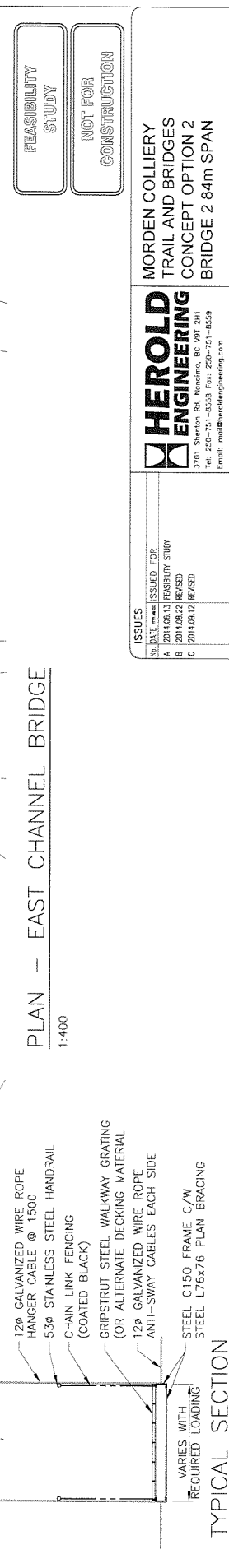
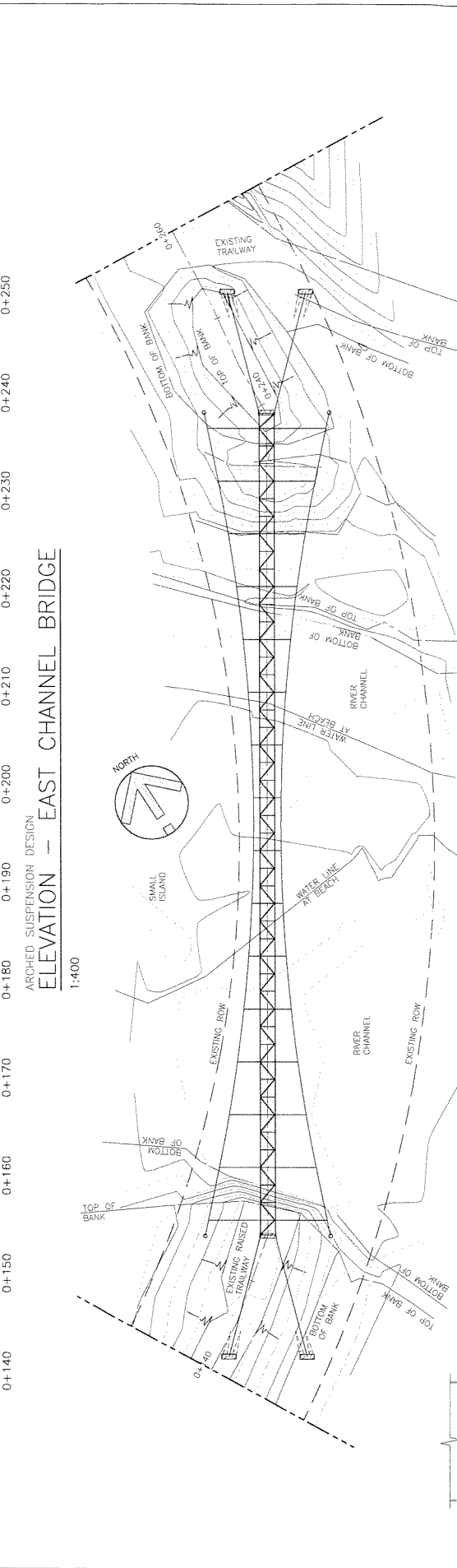
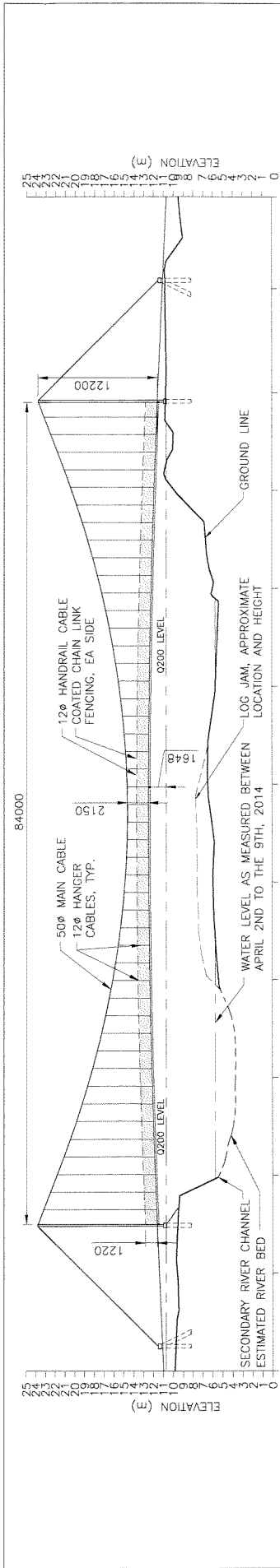
ISSUES
A 2014.08.13 ISSUED FOR PERMIT STUDY
B 2014.08.13 REVISION
C 2014.08.12 REVISION

PROJECT No. 0837-029
SCALE AS SHOWN
DRAWN BY PHU
CHECKED BY SK3B

MORDEN COLLIERY TRAIL AND BRIDGES
CONCEPT OPTION 2
ARCHED SUSPENSION BRIDGE 190m SPAN

DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION

The M:\Projects\0837-029 Morden Colliery Trail and Bridges\0837-029 Bridge 2.dwg Plot Time: 5/9/12, 12:51:51 AM User: Phu Ung
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FEASIBILITY STUDY

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HEROLD ENGINEERING
3701 Shenton Rd, Norville, BC V9T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mohand@heroldeng.com

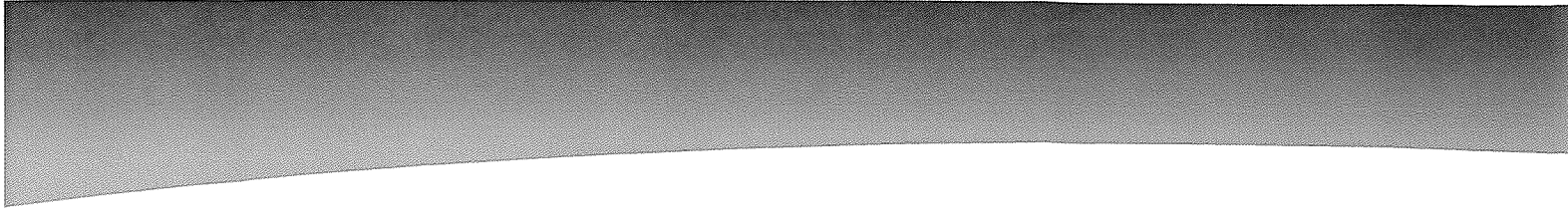
ISSUES
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B 2014.08.22 REVISED
C 2014.08.12 REVISED

PROJECT No. 0837-029
SCALE AS SHOWN
HEL DRAWING No. SK4B
REVISION C

MORDEN COLLIERY TRAIL AND BRIDGES CONCEPT OPTION 2 BRIDGE 2 84m SPAN

DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION

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APPENDIX C – Cost Estimates

Project Name: MODERN COLLIERY TRAIL BRIDGES - TRUSS OPTION

BRIDGE ORDER OF MAGNITUDE COST ESTIMATE					
Item#	Description of Work	Unit of Measure	Approx. Quantity	Unit Price	Extended Amount
02.	SECTION 2 - BRIDGE				
02.01	Mobilization	<i>L.S.</i>	<i>1</i>	<i>\$100,000.00</i>	<i>\$100,000.00</i>
02.02	Foundation Excavation				
<i>02.02.01</i>		<i>L.S.</i>	<i>1</i>	<i>\$16,000.00</i>	<i>\$16,000.00</i>
02.03	Backfill				
<i>02.03.01</i>	<i>Bridge End Fill</i>	<i>Cubic Meter</i>	<i>40</i>	<i>\$80.00</i>	<i>\$3,200.00</i>
02.04	Steel Pipe Piling				
<i>02.03.01</i>	<i>Mobilization</i>	<i>L.S.</i>	<i>1</i>	<i>\$50,000.00</i>	<i>\$50,000.00</i>
<i>02.03.02</i>	<i>Material Supply</i>	<i>Metre</i>	<i>132</i>	<i>\$75.00</i>	<i>\$9,900.00</i>
<i>02.03.03</i>	<i>Driving</i>	<i>Metre</i>	<i>120</i>	<i>\$400.00</i>	<i>\$48,000.00</i>
<i>02.03.04</i>	<i>Socketing</i>	<i>Metre</i>	<i>12</i>	<i>\$1,500.00</i>	<i>\$18,000.00</i>
02.05	Reinforcing Steel				
<i>02.05.01</i>	<i>Uncoated - Pile caps</i>	<i>Kilogram</i>	<i>800</i>	<i>\$4.00</i>	<i>\$3,200.00</i>
<i>02.05.03</i>	<i>Ballast walls</i>	<i>Kilogram</i>	<i>400</i>	<i>\$4.00</i>	<i>\$1,600.00</i>
02.06	Concrete				
02.06.01	Cast-in-Place Concrete				
<i>02.06.01.01</i>	<i>Pile caps</i>	<i>Cubic Meter</i>	<i>4</i>	<i>\$800.00</i>	<i>\$3,200.00</i>
02.06.02	Precast Concrete				
<i>02.06.02.01</i>	<i>Ballast walls</i>	<i>Cubic Meter</i>	<i>2</i>	<i>\$800.00</i>	<i>\$1,600.00</i>
<i>02.06.02.02</i>	<i>Shipping and Erection</i>	<i>Each</i>	<i>4</i>	<i>\$200.00</i>	<i>\$800.00</i>
02.07	Steel				
02.07.01	Structural Steel				
<i>02.07.01.01</i>	<i>Supply and Fabrication</i>	<i>Tonne</i>	<i>165</i>	<i>\$ 2,500.00</i>	<i>\$412,500.00</i>
<i>02.07.01.02</i>	<i>Shipping and Erection</i>	<i>Tonne</i>	<i>165</i>	<i>\$800.00</i>	<i>\$132,000.00</i>

Item#	Description of Work	Unit of Measure	Approx. Quantity	Unit Price	Extended Amount
02.09	Miscellaneous Metalwork				
02.09.01	Supply and Install Guard Railings	Meter	350	\$140.00	\$49,000.00
02.10	Structural Bearings and Anchor bolts				
02.10.01	Supply and Install(Includes Testing)	L.S.	1	\$5,000.00	\$5,000.00
02.12	Timber Decking				
02.12.01	Supply & Install	Meter	1580	\$50.00	\$79,000.00
Part A	TENDER COST ESTIMATE				\$933,000.00
	Detailed Engineering				\$50,000.00
	Geotechnical Drilling				\$65,000.00
	Tender and Contract Management				\$85,000.00
	Contingencies (30%)	L.S.			\$ 340,000.00
901.00	TOTAL TENDER, SITE OCCUPANCY (if applicable) AND ASSOCIATED COST ESTIMATES				\$1,473,000.00

Project Name: MODERN COLLIERY TRAIL BRIDGES - SUSPENSION BRIDGE OPTION

BRIDGE ORDER OF MAGNITUDE COST ESTIMATE					
Item#	Description of Work	Unit of Measure	Approx. Quantity	Unit Price	Extended Amount
02.	SECTION 2 - BRIDGE				
02.01	Mobilization	<i>L.S.</i>	<i>1</i>	<i>\$100,000.00</i>	<i>\$100,000.00</i>
02.02	Foundation Excavation				
<i>02.02.01</i>		<i>L.S.</i>	<i>1</i>	<i>\$16,000.00</i>	<i>\$16,000.00</i>
02.03	Steel Pipe Piling				
<i>02.03.01</i>	Mobilization	<i>L.S.</i>	<i>1</i>	<i>\$50,000.00</i>	<i>\$50,000.00</i>
<i>02.03.02</i>	Material Supply	<i>Metre</i>	<i>240</i>	<i>\$75.00</i>	<i>\$18,000.00</i>
<i>02.03.03</i>	Driving	<i>Metre</i>	<i>216</i>	<i>\$400.00</i>	<i>\$86,400.00</i>
<i>02.03.04</i>	Socketing	<i>Metre</i>	<i>24</i>	<i>\$1,500.00</i>	<i>\$36,000.00</i>
02.04	Reinforcing Steel				
<i>02.04.01</i>	<i>Uncoated - Pile caps</i>	<i>Kilogram</i>	<i>4000</i>	<i>\$4.00</i>	<i>\$16,000.00</i>
02.05	Concrete				
02.05.01	Cast-in-Place Concrete				
<i>02.05.01.01</i>	<i>Pile caps</i>	<i>Cubic Meter</i>	<i>20</i>	<i>\$1,000.00</i>	<i>\$20,000.00</i>
02.06	Cable				
<i>02.06.01</i>	<i>Supply and Installation (50.8mm diameter)</i>	<i>Meter</i>	<i>520</i>	<i>\$ 100.00</i>	<i>\$52,000.00</i>
<i>02.06.02</i>	<i>Supply and Installation(12mm diameter)</i>	<i>Meter</i>	<i>1780</i>	<i>\$ 10.00</i>	<i>\$17,800.00</i>
02.07	Steel				
02.07.01	Structural Steel				
<i>02.07.01.01</i>	<i>Supply and Fabrication</i>	<i>Tonne</i>	<i>16</i>	<i>\$ 2,500.00</i>	<i>\$40,000.00</i>
<i>02.07.01.02</i>	<i>Shipping and Erection</i>	<i>Tonne</i>	<i>16</i>	<i>\$800.00</i>	<i>\$12,800.00</i>
02.08	Hanger and Sway cable connections				
<i>02.08.01</i>	<i>Supply and Installation</i>	<i>L.S.</i>	<i>1</i>	<i>\$100,000.00</i>	<i>\$100,000.00</i>
02.09	Guard				
<i>02.09.01</i>	<i>Supply and Installation of handrail cable</i>	<i>Meter</i>	<i>350</i>	<i>\$20.00</i>	<i>\$7,000.00</i>

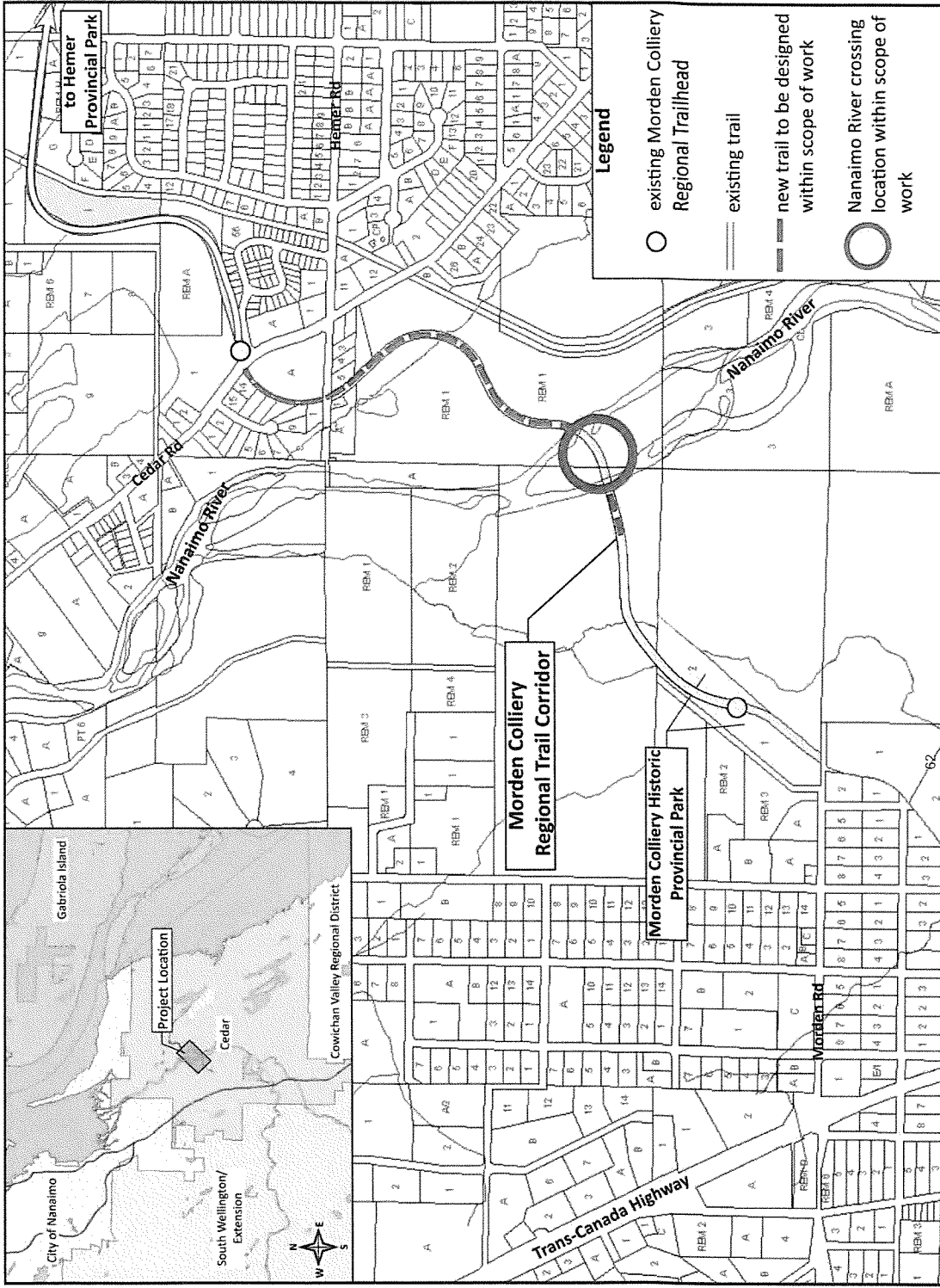
Item#	Description of Work	Unit of Measure	Approx. Quantity	Unit Price	Extended Amount
	<i>Fencing</i>	<i>Square Meter</i>	425	\$50.00	\$21,250.00
02.10	Timber Decking				
02.10.01	Supply & Install	<i>Meter</i>	1575	\$50.00	\$78,750.00
Part A	TENDER COST ESTIMATE				\$672,000.00
	Detailed Engineering				\$50,000.00
	Geotechnical Drilling				\$65,000.00
	Tender and Contract Management				\$85,000.00
	Contingencies (30%)	<i>L.S.</i>			\$ 265,000.00
901.00	TOTAL TENDER, SITE OCCUPANCY (if applicable) AND ASSOCIATED COST ESTIMATES				\$1,137,000.00



APPENDIX D – Satellite Images and Project Location

Morden Colliery Regional Trail: Nanaimo River Crossing and Trail Extension
Project Location

February 2014





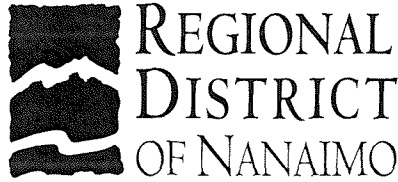
Morden Colliery Historic Provincial Park

Provincial Park

Morden Colliery
Historic Provincial Park



APPENDIX E – Hydro-technical Report



RDN REPORT		[Signature]
CAO APPROVAL		
EAP		
COW		
OCT 23 2014		
RHD		
BOARD	✓	

MEMORANDUM

TO: W. Idema
Director of Finance

DATE: October 21, 2014

FROM: T. Moore
Manager, Accounting Services

FILE:

SUBJECT: A Bylaw to amend the Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006

PURPOSE:

To consider amendments to "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006".

BACKGROUND:

The Regional District of Nanaimo Crime Prevention and Community Justice Support Service has a requisition limit which is the greater of \$55,000 or the amount obtained by multiplying the net taxable value of land and improvements in the service area by a tax rate of \$0.01 per thousand dollars of assessment which allows for a requisition of \$91,386. The D69 Community Justice Select Committee at its meeting on October 21, 2014 made the following recommendation:

MOVED Director Willie, SECONDED Director Holme, that the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at \$111,800 and that the "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006" be amended accordingly.

CARRIED

Bylaw 1479.01 will establish a revised limit consistent with the recommendation above. The proposed Amendment Bylaw has a requisition limit which is the greater of \$112,065 or \$0.0125 per thousand dollars of assessment based on 2014 assessments which allows for a requisition of \$111,800 in 2015 to fund the requested amount.

If an amendment to an establishing bylaw increases the requisition limit by less than or equal to 25 percent over five years, the bylaw does not require the approval of the Inspector. Bylaw No 1479.01, 2014 amends Bylaw No. 1479, 2006 and increases the requisition limit by less than 25% of the original bylaw, therefore it will not require the approval of the Inspector.

ALTERNATIVES:

1. Approve the bylaw as presented.
2. Amend the bylaw for a lower requisition limit and approve an amended bylaw.

FINANCIAL IMPLICATIONS:

Alternative 1

The requisition limit is being amended at this time due to the increase in funding over 2014 and 2015 up to \$111,800. The additional funding of \$5,000 raising the requisition from \$106,800 in 2014 to \$111,800 in 2015 can be accommodated within the revised bylaw requisition limits. Although the limits are set using assessed values, the tax is collected via a parcel tax and the \$5,000 increase results in a change to the parcel tax of \$0.21 per parcel based on the number of parcels in 2014.

Alternative 2

A reduced requisition limit would reduce the amount available for the service and affect the cost per parcel accordingly.

SUMMARY/CONCLUSIONS:

The D69 Community Justice Select Committee has recommended that the 2015 requisition for funding to support the Oceanside Victims Services, Restorative Justice and Community Policing Programs be approved at \$111,800 and that the "Regional District of Nanaimo Crime Prevention and Community Justice Support Service" Bylaw 1479, 2006 be amended to allow for a larger requisition for 2015. Bylaw 1479.01 will establish a revised limit consistent with this request. The proposed Amendment Bylaw has a requisition limit which is the greater of \$112,065 or \$0.0125 per thousand dollars of assessment which allows for a requisition of \$111,800 in 2015 based on 2014 assessments. Bylaw No 1479.01, 2014 amends Bylaw No. 1479, 2006 and increases the requisition limit by less than 25% of the original bylaw, therefore it will not require the approval of the Inspector. Staff recommend adopting the bylaw as presented.

RECOMMENDATIONS:

1. That "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Amendment Bylaw No. 1479.01, 2014" be introduced and read three times.
2. That "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Amendment Bylaw No. 1479.01, 2014" be adopted.



Report Writer



Director of Finance



C.A.O. Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1479.01

**A BYLAW TO AMEND THE
REGIONAL DISTRICT OF NANAIMO CRIME PREVENTION AND COMMUNITY JUSTICE SUPPORT SERVICE
BYLAW NO. 1479**

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

1. Regional District of Nanaimo Crime Prevention and Community Justice Support Service Bylaw No. 1479, 2006 is amended by:

Deleting Section 6 and then substituting the following:
 6. In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned for the cost of the service is the greater of:
 - (a) One Hundred and Twelve Thousand and Sixty Five (\$112,065) Dollars; or
 - (b) The amount equal to the amount that could be raised by a property value tax rate of \$0.0125 per \$1,000 applied to the net taxable value of land and improvements in the Service Area.

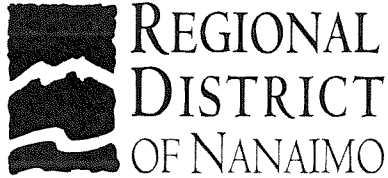
2. This bylaw may be cited for all purposes as the "Regional District of Nanaimo Crime Prevention and Community Justice Support Service Amendment Bylaw No. 1479.01, 2014".

Introduced and read three times this ____ day of _____, 2014.

Adopted this ____ day of _____, 2014.

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		
EAP		
COW		
OCT 22 2014		
RHD		
BOARD	<input checked="" type="checkbox"/>	

MEMORANDUM

TO: Wendy Idema
Director of Finance

DATE: October 22, 2014

FROM: Laina Fearn
Financial Analyst

FILE:

SUBJECT: Bylaws No. 1716 and 1717 – Reserve Fund Establishment Bylaws

PURPOSE:

To introduce for three readings and adoption the following reserve fund bylaws:

- “Rural Streetlighting Local Service Reserve Fund Establishment Bylaw No. 1716, 2014”.
- “Gabriola Island Noise Control Extended Service Reserve Fund Establishment Bylaw No. 1717, 2014”.

BACKGROUND:

The 2014 budget includes the establishment and funding of reserve funds for the Rural Streetlighting Local Service and the Gabriola Island Noise Control Extended Service Area.

The Rural Streetlighting Local Service reserve fund will be used to set aside funding to pay for capital improvements, expansions, acquisitions or major repairs.

The Gabriola Island Noise Control Extended Service reserve fund will be used as an allowance for unforeseen bylaw enforcement expenditures, including legal expenditures.

In order to retain these funds for these specified future purposes, staff propose establishing formal reserve funds bylaws 1716 and 1717.

ALTERNATIVES:

1. Approve and adopt the bylaws as presented.
2. Do not approve the bylaws.

FINANCIAL IMPLICATIONS:

If the bylaws are adopted, initial transfers to the reserve funds in 2014 are estimated as follows:

Rural Streetlighting Local Service Reserve Fund	\$10,000
Gabriola Island Noise Control Extended Service Reserve Fund	\$1,000

The planned reserve transfers above are included in the 2014 operating budget and the funds are available to complete the transfers.

STRATEGIC PLAN IMPLICATIONS:

The 2013 – 2015 Board Strategic Plan under the Regional Federation area includes the demonstration of fiscal responsibility by undertaking long-term financial planning, and protecting and maintaining assets. The establishment of reserve funds for future capital expenditures assists in reducing the taxation impact of costly capital replacements or improvements as well as offsetting unforeseen costs as a result of one-time events that impact a service area.


SUMMARY/CONCLUSIONS:

The 2014 budget includes the establishment of a reserve fund for the Rural Streetlighting Local Service and the Gabriola Island Noise Control Extended Service Area. A review of the 2014 financial results to date shows that there is sufficient funding available to transfer the budgeted amounts to reserves for each service.


In order to retain these funds for future operating and capital purposes, staff propose establishing capital reserve funds.

RECOMMENDATION:

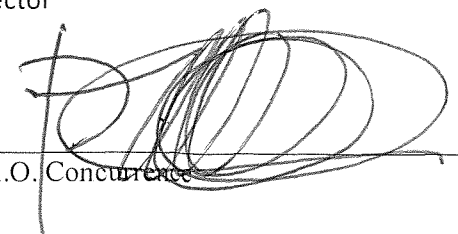
1. That “Rural Streetlighting Local Service Reserve Fund Establishment Bylaw No. 1716, 2014” be introduced and read three times.
2. That “Rural Streetlighting Local Service Reserve Fund Establishment Bylaw No. 1716, 2014” be adopted.
3. That “Gabriola Island Noise Control Extended Service Reserve Fund Establishment Bylaw No. 1717, 2014” be introduced and read three times.
4. That “Gabriola Island Noise Control Extended Service Reserve Fund Establishment Bylaw No. 1717, 2014” be adopted.



Report Writer



Director



C.A.O. Concurring

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1716

A BYLAW TO ESTABLISH A RESERVE FUND FOR
THE RURAL STREETLIGHTING LOCAL SERVICE

WHEREAS Section 814(3) of the *Local Government Act* authorizes a Board to establish, by bylaw, a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to establish a reserve fund to set aside funds to provide for costs related to the acquisition, repair, replacement or improvement of the capital infrastructure of the Rural Streetlighting Local Service established pursuant to Bylaw No. 791, cited as "Rural Streetlighting Local Service Establishment Bylaw No. 791, 1989";

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

1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the "Rural Streetlighting Local Service Reserve Fund".
2. Money from the current revenue of the Rural Streetlighting Local Service Area, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for capital improvements, major repairs, expansions, acquisitions or expenditures of a like nature for the Rural Streetlighting Local Service Area.
5. This bylaw may be cited as the "Rural Streetlighting Local Service Reserve Fund Establishment Bylaw No. 1716, 2014".

Introduced and read three times this day of , 2014.

Adopted this day of , 2014.

CHAIRPERSON

CORPORATE OFFICER

