



REGULAR COUNCIL MEETING AGENDA

**7:00 p.m. in Council Chamber
Monday, September 8, 2014
(Meeting may recess to September 15, 2014)
2225 Otter Point Road, Sooke, B.C.**

Please note: The Open Portion of this meeting may be webcast live at www.sooke.ca Written and verbal submissions will become part of the public record and are subject to the Freedom of Information and Protection of Privacy Act.

(Please turn off your cellphones in the Council Chambers during the meeting)

CALL TO ORDER		
INTRODUCTION OF NEW BUSINESS/SUPPLEMENTARY INFORMATION		
APPROVAL OF THE AGENDA		
MOTION TO MOVE AGENDA ITEM RI-1 RCMP MONTHLY MAYOR REPORT TO IMMEDIATELY FOLLOWING PUBLIC QUESTION AND COMMENT PERIOD.		
ADOPTION OF COUNCIL AND COW MEETING MINUTES:		
July 14, 2014	Regular Council Meeting	1
July 14, 2014	Committee of the Whole	11
July 21, 2014	Special Council Meeting	13
July 24, 2014	Special Council Meeting	19
August 19, 2014	Special Council Meeting	21
DELEGATIONS – REQUESTS TO ADDRESS COUNCIL (or Presentations - 5 minute time limit each)		
D-1	Marcel Des Roches – Connie Road – Slope Assessment Review <ul style="list-style-type: none"> • Staff Report • Council to consider recommendation 	23 25
D-2	Ray Bindig – East Sooke Road traffic and conditions	33
D-3	Elaine Ellinger - Request that the Sooke <i>Animal Control Bylaw</i> be amended to prevent feeding of feral deer and rabbits within the municipal boundaries	35
D-4	Brenda Parkinson and Fiona Paythian – Sooke Community Arts Council – <ul style="list-style-type: none"> • Request that waiver of fees for two years for Art in the Park at Ed Macgregor Park • Sooke Dance Studio Request “The Nutcracker in a Nutshell” sponsorship 	39

UNFINISHED BUSINESS		
UB-1	<i>Anti-Bullying and Harassment Policy, 2014</i> <ul style="list-style-type: none"> • Council resolution from July 14, 2014 Regular Council Meeting • Staff Report/Presentation • Council to consider recommendation 	45
UB-2	<i>2076 Otter Point Road (Tin Grotto) Enforcement Action</i> <ul style="list-style-type: none"> • Council resolution from July 14, 2014 Regular Council Meeting • Staff Report/Presentation • Council to consider recommendation 	95
<i>PUBLIC QUESTION AND COMMENT PERIOD</i> <i>(10 minutes – 2 minutes time limit per person)</i>		
<i>PUBLIC INPUT AND INFORMATION MEETINGS and Related Reports:</i>		
PI-1	<i>Development Variance Permit – 2061 Otter Point Road</i> <ul style="list-style-type: none"> • Staff Report/Presentation • Public Input • Council to consider recommendation 	119
PI-2	<i>Development Variance Permit - 7064 Richview Drive</i> <ul style="list-style-type: none"> • Staff Report/Presentation • Public Input • Council to consider recommendation 	127
<i>BYLAWS</i>		
B-1	<i>Mayor to require Council reconsideration of a matter under section 131 of the Community Charter:</i> Council Motion July 21, 2014: <i>Bylaw No. 596, Official Community Plan Amendment Bylaw (400-5) and Bylaw No. 597, Zoning Amendment Bylaw (600-12) – Waste Transfer Station:</i> <i>“MOVED</i> and seconded to schedule a Public Hearing for Bylaw No. 596 and Bylaw No. 597 in accordance with the requirements of the <i>Local Government Act</i> and the <i>Community Charter</i> . <i>CARRIED”</i> <ul style="list-style-type: none"> • Council to consider rescind of motion of July 21, 2014 	--
<i>REPORTS Requiring Action:</i>		
RA-1	<i>Expansion of Oil Tanker Traffic through Coastal BC Waters</i> <ul style="list-style-type: none"> • Staff Report/Presentation • Council to consider recommendation 	135
RA-2	<i>1923 Maple Avenue South, 1919 Maple Avenue South and 6881 Galaxie Drive – Removal and Replacement of Covenants</i> <ul style="list-style-type: none"> • Staff Report/Presentation • Council to consider recommendation 	199

RA-3	Community Public Places Donation Program - <i>Memorial Dedication Policy, 2014</i> <ul style="list-style-type: none"> • Staff Report/Presentation • Council to consider recommendation 	227
RA-4	Award – Municipal Hall Electronic Messaging Centre – 2205 Otter Point Road <ul style="list-style-type: none"> • Staff Report/Presentation • Council to consider recommendation 	233
RA-5	November Regular Council Meetings and Inaugural Meeting <ul style="list-style-type: none"> • Staff Report/Presentation • Council to consider recommendation 	237
REPORTS For Information – Council, Committees, COW and Commissions and Staff (CAO, Development Services)		
RI-1	RCMP Monthly Mayor Report – July 2014 (<i>See Motion to move to immediately following Public Question and Comment Period</i>)	239
RI-2	CAO Report: <ul style="list-style-type: none"> • Update on status of 2014 Corporate Strategic Priorities 	--
RI-3	Finance Department <ul style="list-style-type: none"> • 2014 Budget vs Actual Report as at July 31, 2014 • Sewer Fund – Development Cost Charge Use 	243 265
RI-4	Sooke Fire Rescue Service <ul style="list-style-type: none"> • Monthly Staffing Reports - July and August 2014 	273
NEW BUSINESS		
CORRESPONDENCE Requiring Action:		
C-1	Correspondence received August 12, 2014 RE: Expropriation of Grace Islet	281
C-2	Correspondence received August 13, 2014 RE: Kinder Morgan NEB Hearing – local intervener	283
C-3	Correspondence received August 25, 2014 from Mike Hicks RE: Cycling Infrastructure Partnerships Program (CIPP) Grant <ul style="list-style-type: none"> • Staff Report • Council consider recommendation 	285
C-4	Correspondence received September 3, 2014 RE: District of Taylor Emergency Resolution – 2014 UBCM Convention	289

CORRESPONDENCE For Information:

I-1	Correspondence dated August 14, 2014 from Green Communities Committee	291
I-2	Sooke Region Chamber of Commerce Report – September 8, 2014	295

REPORT OF IN CAMERA RESOLUTIONS

MOTION TO CLOSE THE MEETING TO THE PUBLIC:

Motion to close the meeting to the public under section 90 of the *Community Charter* to discuss:

- 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

ADJOURNMENT



DISTRICT OF SOOKE

Minutes of the Regular Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on July 14, 2014
6:00 p.m., Closed Portion, Meeting Room
7:00 p.m., Open Portion, Council Chamber

COUNCIL PRESENT

Mayor Wendal Milne
Councillor Bev Berger
Councillor Herb Haldane
Councillor Kevin Pearson
Councillor Rick Kasper
Councillor Kerrie Reay

STAFF PRESENT (Open Portion)

Gordon Howie, Chief Administrative Officer
Brent Blackhall, Acting Director of Finance
Elisabeth Nelson, Municipal Engineer
Tina Hansen, Corporate Assistant

ABSENT: Councillor Maja Tait

CALL TO ORDER

Mayor Milne called the meeting to order at 6:02 p.m.

MOTION TO CLOSE THE MEETING TO THE PUBLIC

MOVED to close the meeting to the public under section 90(1) of the *Community Charter* to discuss:

90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

90(1)(c) labour relations or other employee relations;

90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

90(1)(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

CARRIED UNANIMOUSLY

CALL TO ORDER - OPEN PORTION

Mayor Milne called the open portion of the Regular Council meeting to order at 7:04 p.m. in the Council Chambers.

APPROVAL OF THE AGENDA

MOVED and seconded to approve the agenda with the following items as new business/supplementary information:

- PH-1 Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* and Bylaw No. 597, *Zoning Amendment Bylaw (600-12)* – Waste Transfer Station

Public Submissions received July 14, 2014:

- Kevin Wenstob – Wenstob Land Corporation Ltd.
- NB-1 New Business – Award of Tender – Pineridge Park Improvements 6645 Pineridge Park Place
- NB-2 New Business – Award of Tender – SEAPARC Multi-Use Trail Project – Throup Road Right of Way to SEAPARC

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

MOVED and seconded that the minutes of the Committee of the Whole meeting held on June 23, 2014 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Regular Council meeting held on June 23, 2014 be adopted as circulated.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Committee of the Whole meeting held on July 7, 2014 be adopted as circulated.

CARRIED UNANIMOUSLY

DELEGATIONS

D-1 Mayor's Public Advisory Panel – Arts and Beautification, Brenda Parkinson, Chair

Brenda Parkinson provided an update on current projects for the Mayor's Advisory Panel for Arts and Beautification as submitted. Ms. Parkinson also provided an update as to the Communities in Bloom reporting that Committee have been working on the Business Beautification contest and that the judges will be arriving for Communities in Bloom on July 22nd. Ms. Parkinson addressed Council as to the Signage Project for John Phillips Memorial Park requesting Council's approval for a "call out" to artists/carvers for designs and estimated costs for a sign.

Ms. Parkinson also addressed Council as to an opportunity to purchase a painting by local artist Monique Bosse for \$700. Ms. Bosse's painting was the inspiration for the District of Sooke logo. Ms. Parkinson advised that the Mayor's Advisory Panel would like the District to purchase the painting as it is part of the District of Sooke heritage.

MOVED and seconded to approve the Mayor's Advisory Panel on Arts and Beautification "Call Out" to artists/carvers for the design of a John Phillips Memorial Park sign.

CARRIED UNANIMOUSLY

MOVED and seconded to approve the purchase of the original artwork by Monique Bosse in the amount of \$700 from the SPA Reserve Account.

CARRIED UNANIMOUSLY

PUBLIC QUESTION AND COMMENT PERIOD

Jeff Bateman, Sooke resident addressed Council on behalf of Transition Town Sooke Society. Mr. Bateman advised that the Society will be attending an upcoming Council meeting as a delegation to address Council on the inclusion of a referendum question on the November 14 general local election ballot asking whether Sooke should join other municipalities in renewing and reinstating its opposition to the expansion of oil tanker traffic through coastal B.C. waters.

PUBLIC HEARINGS AND RELATED BYLAWS

PH-1 Report of Public Hearings – Waste Transfer Stations

- **Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* and**
- **Bylaw No. 597, *Zoning Amendment Bylaw (600-12)***

Mayor Milne called the Public Hearings for Bylaw No. 596 and Bylaw No. 597 to order at 7:14 p.m.

Mayor Milne advised that any person who believes that their interest in property is affected by the proposed bylaws would be given a reasonable opportunity to be heard or to present written submissions at the public hearings.

Public Submissions:

Ellen Lewers, Sooke resident was opposed to the bylaw amendments for Waste Transfer Stations and expressed concerns as to email correspondence between Council and concerns as to conflict of interest. Ms. Lewers believes that the property owner should be applying to rezone his property and that the District of Sooke should have a Solid Waste Management Plan before allowing waste transfer stations as a permitted use. Ms. Lewers further expressed concerns as to the affect the rezoning will have on property values, property taxes, First Nation lands, environmental issues, attraction of wildlife, and effect on tourism. Ms. Lewers provided a written submission.

Gail Hall, Sooke resident expressed her opposition to the bylaw amendments and addressed Council as to concerns that the Notice for the rezoning was inadequate as it did not contain a map or mention the Butler property or Goodridge Island. Ms. Hall further noted concerns as to conflicting resolutions from Council, not following procedures, costs to the general public for the bylaw amendments, environmental concerns and concerns that the District does not have a Solid Waste Management Plan to govern transfer stations.

Sean Dyble, Sooke resident and Vice President of Sooke Region Chamber of Commerce expressed opposition to the bylaws. Mr. Dyble reported that over the past several months the Chamber has been contacted by concerned Sooke business owners and residents regarding the non-compliant operation of garbage drop off/recycling facility on Idlemore Road. Mr. Dyble stated that the Chamber has recommended over the past months that the District enforce its own bylaws and have the property owner cease operations and apply for rezoning of his property. Ms. Dyble further expressed concerns that the blanket zoning amendment will positively impact the property owner and will negatively impact

other businesses and residents who operate and live in close proximity to the M2 zoned area.

Hugue Audet, Sooke resident and adjacent property owner expressed his opposition to the bylaw amendments. Mr. Audet advised that the issue should have been dealt with directly through a rezoning application from the property owner. Mr. Audet advised that the bylaw amendments will adversely affect him as an adjacent property owner.

Derek Lewers, Sooke resident expressed his opposition to the bylaw amendments. Mr. Lewers provided a timeline of events for Council on what has occurred to date with the waste transfer station issue. Mr. Lewers advised that he is opposed to people not having to play by the same rules and that if the property owner believes there is a need for this service, he should apply for rezoning through the application process. Mr. Lewers further expressed concerns as to the cost to taxpayers and asked Council to reject the proposal. Mr. Lewers provided his written submission.

Kevin Wenstob, Victoria resident and adjacent property owner expressed his opposition to the bylaw amendments. Mr. Wenstob addressed Council as to the amount of work that he has done in order to do get his property to the stage it is today. Mr. Wenstob advised that he just paid \$50,000 for his 2014 property taxes. Mr. Wenstob expressed concerns as to having a waste transfer station next to his property. Mr. Wenstob reported on future plans of having a mixed industrial/commercial and residential component on his property that would fit within the existing neighbourhood and that the change in zoning will not allow him to carry out these plans. Mr. Wenstob believes the rezoning should be done through the proper application process and not be at the expense of the residents in this area.

Sam Beckers, Sooke resident was opposed to the bylaw amendments and expressed concerns as to having a waste transfer station in an area that incorrectly zoned and having people see a waste transfer station as you drive into the community. Mr. Beckers believes that the Idlemore Road and Goodridge Peninsula are areas that have incredible potential for development; an extension of the Sooke town centre.

Ken Winter, Sooke River Road advised that the issue of waste transfer stations would not be a discussion at this time if their family business, did not have to leave the location in which they operated. Mr. Winter expressed concerns that there is a need for a waste transfer station in Sooke and that there are only two M3 zoned properties in Sooke.

Randy Michelson, Sooke resident expressed his support for the bylaw amendments. Mr. Michelson advised that he has worked for the company for 27 years and that the property owner has employed many people in the area. Mr. Michelson addressed Council as to the need for a waste transfer station in Sooke and reported on the positive response they have received from people coming through the waste transfer station. Mr. Michelson advised that the property has been zoned industrial for a long time and that there is no residential property close by, the area is kept organized and clean and containers are covered. Mr. Michelson hopes that common sense will prevail in this matter.

Tom Myrick, Sooke resident stated that he is opposed to Bylaw No. 596 and Bylaw No. 597. Mr. Melrick addressed Council as to the Oath of Office and asked Council to take this into consideration when making a decision on the bylaws.

Ken Winter inquired as to why it has taken the District two years to look at rezoning M2 properties for waste transfer stations.

Gail Hall, Sooke resident addressed Council as to the Policy Statement in District of Sooke Policy 9.1; Land Use Activities Contrary to Current Bylaws and Resolutions.

Gord Howie reported that for the record there were nine public submissions received by the District of Sooke on Bylaw No. 596 and Bylaw No. 597; six opposed, three in favour and one telephone call from the Kaltasin Road area opposed.

Andrew Planata, Sooke resident stated that he is opposed to the zoning amendments in particular to Goodridge Island as he operates his business the area. Mr. Planata expressed concerns as to seeing a transfer station from Sooke Road. He visions the area to be planned more like Granville Island with businesses and shops. Mr. Planata is not against transfer stations, but is opposed to them in this area.

Brenda Parkinson, Sooke resident, expressed her opposition to a blanket zone of all the properties. Ms. Parkinson advised that Council has always advocated for everyone to be treated fairly and equally and to be treated the same. Ms Parkinson believes that allowing a business to operate without a business licence and without the correct zoning is wrong and this should stop before moving forward with anything else.

Ellen Lewers, Sooke resident advised that she believes that Sooke can do better and manage our own recycling facility and have the opportunity to create energy from it. The District needs to look at having a program for managing our garbage.

Mayor Milne called three times for submissions to the Public Hearings for Bylaw No. 596 and Bylaw No. 597 Hearing none; he closed the public hearing at 8:00 p.m.

Council consider third reading of Bylaw No. 596 and Bylaw No. 597

MOVED and seconded that Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* be read a third time.

CARRIED

Mayor Milne and Councillor Reay opposed the motion

MOVED and seconded that Bylaw No. 597, *Zoning Amendment Bylaw (600-12)* be read a third time.

CARRIED

Mayor Milne and Councillor Reay opposed the motion

PH-2 Report of Public Hearings – Town Centre Design Guidelines & Illustrative Design Handbook

- **Bylaw No. 598, *Official Community Plan Amendment Bylaw (400-6)***

Gord Howie provided a summary of the staff report.

Mayor Milne called the Public Hearings for Bylaw No. 598 to order at 8:24 p.m.

Mayor Milne advised that any person who believes that their interest in property is affected by the proposed bylaws would be given a reasonable opportunity to be heard or to present written submissions at the public hearings.

Public Submissions:

There were no public submissions.

Mayor Milne called three times for submissions to the Public Hearings for Bylaw No. 598. Hearing none, he closed the public hearing at 8:25 p.m.

Council consider third reading of Bylaw No. 598

MOVED and seconded that Bylaw No. 598, *Official Community Plan Amendment Bylaw (400-6)* be read a third time.
CARRIED UNANIMOUSLY

BYLAWS

B-1 Bylaw No. 601, *Carbon Tax Rebate Reserve Fund Bylaw, 2014*

MOVED and seconded that Bylaw No. 601, *Carbon Tax Rebate Reserve Fund Bylaw, 2014* be introduced and read a first time.
CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 601, *Carbon Tax Rebate Reserve Fund Bylaw, 2014* be read a second time.
CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 601, *Carbon Tax Rebate Reserve Fund Bylaw, 2014* be read a third time.
CARRIED UNANIMOUSLY

B-2 Bylaw No. 602, *Election Procedures Bylaw, 2014*

MOVED and seconded that Bylaw No. 602, *Election Procedures Bylaw, 2014* introduced and read a first time.
CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 602, *Election Procedures Bylaw, 2014* be read a second time.
CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 602, *Election Procedures Bylaw, 2014* be read a third time.
CARRIED UNANIMOUSLY

REPORTS REQUIRING ACTION

RA-1 Rotary Club of Sooke Request for Funding

MOVED and seconded to authorize staff to award funding of \$3,000 to the Rotary Club of Sooke.

CARRIED UNANIMOUSLY

RA-2 Island Health Funding for Sooke Region CHI

MOVED and seconded to approve the Memorandum of Agreement with the Sooke Region Community Health Initiative (CHI) and the related Memorandum of Agreement with the Vancouver Island Health Authority (VIHA);

AND TO authorize the Mayor and CAO to sign the two Memorandum of Agreement documents on behalf of the District of Sooke.

CARRIED UNANIMOUSLY

RA-3 Cedar Glen Mobile Home Park Wastewater Management Options – Letter of Support

Mike Seymour, MSR Solutions Inc., representing the applicant addressed Council as to the proposed Cedar Glen Mobile Home Park satellite treatment plant. Mr. Seymour reported that they have been working through the various requirements to ensure the treatment plant for the proposed development is compliant with all current regulations. Mr. Seymour advised that the new regulations require endorsement from Council.

MOVED and seconded to authorize the Mayor to sign and issue the attached letter of support to the Ministry of Environment so that Cedar Glen Mobile Home Park may enter into discussions with the Ministry for the pre-registration of a satellite treatment plant.

CARRIED UNANIMOUSLY

RA-4 Anti-Bullying and Harassment Policy, 2011

MOVED and seconded to postpone Agenda Item RA-4 Anti-Bullying and Harassment Policy, 2011 to the August 11th, 2014 Regular Council meeting.

CARRIED UNANIMOUSLY

RA-5 2076 Otter Point Road (Tin Grotto) Enforcement Action

MOVED and seconded to postpone Agenda Item RA-5 2076 Otter Point Road (Tin Grotto) Enforcement Action to the August 11th, 2014 Regular Council meeting.

CARRIED UNANIMOUSLY

RA-6 Waterview Street Road Section Requirements

MOVED and seconded to approve Option 4 in the staff report to:

“Reduce the road right of way to 20m and keep the parking/boulevard on both sides and reduce greenway by 5m”;

AND direct staff to update the road right of way requirements and elements for Waterview Street.
CARRIED UNANIMOUSLY

RA-7 Waterview Street Naming

MOVED and seconded to name Waterview Street Brownsey Boulevard.
CARRIED UNANIMOUSLY

RA-8 Rescind Temporary CRD Appointment – Councillor Herb Haldane

MOVED and seconded to rescind resolution of June 23, 2014 as follows:
“to appoint Councillor Haldane as a Temporary Alternate to the Capital Regional District Boards so that he can attend the CRD Board meeting on June 28th, 2014.”
CARRIED UNANIMOUSLY

RA-9 Cancellation of Regular Council Meeting

MOVED and seconded to cancel the Regular Council meeting on July 28, 2014 in accordance with section 5(3) of Bylaw No. 422, *Council Procedure Bylaw, 2009*;
AND hold a Special Council Meeting on July 21, 2014.
CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 Kemp Lake Waterworks District Proposed CRDWS Main Extension

MOVED and seconded to receive the Proposed CRD Water Services Main Extension to Kemp Lake Waterworks District report for information.
CARRIED UNANIMOUSLY

RI-2 Sooke Fire Rescue Service – Monthly Staffing Report

MOVED and seconded to receive the Sooke Fire Rescue Service – Monthly Staffing Report for information.
CARRIED UNANIMOUSLY

NEW BUSINESS

NB-1 Award of Tender – Pineridge Park Improvements – 6645 Pineridge Park Place

Councillor Kasper declared a conflict of interest with this agenda item as one of the proponents for the Award of Tender is a family member and left the meeting at 8:57 p.m.

MOVED and seconded to approve Churchill Meadows Ltd. as the successful proponent under the tender for the Pineridge Park improvement project;
AND authorize the Mayor and Chief Administrative Officer to sign the contract on behalf of the District of Sooke.

CARRIED UNANIMOUSLY

NB-2 Award of Tender – SEAPARC Multi-Use Trail Project – Throup Road Right of Way to SEAPARC

MOVED and seconded to approve 4-M Bobcat and Trucking Ltd. as the successful proponent under the tender for the SEAPARC Multi-use Trail project;
AND authorize the Mayor and Chief Administrative Officer to sign the contract on behalf of the District of Sooke.

CARRIED UNANIMOUSLY

Councillor Kasper returned to the meeting at 8:59 p.m.

CORRESPONDENCE REQUIRING ACTION

C-1 City of Prince George – Submission for the 2014 UBCM Conference – Resources to Support Sexually

MOVED and seconded to send a letter to the Union of British Columbia Municipalities (UBCM) in support of the City of Prince George's resolution on Sexually Exploited Children and Youth.

CARRIED UNANIMOUSLY

CORRESPONDENCE AND COUNCIL REPORTS FOR INFORMATION

I-1 Sooke Region Chamber of Commerce Monthly Report – July 2014

MOVED and seconded to file the correspondence from the Sooke Region Chamber of Commerce.

CARRIED UNANIMOUSLY

REPORT OF IN CAMERA RESOLUTIONS

ADJOURNMENT

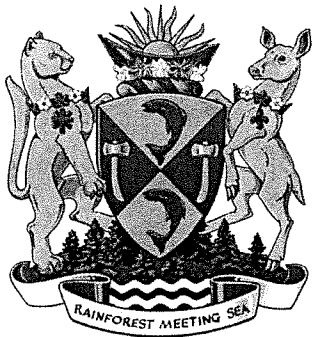
MOVED and seconded to adjourn the meeting at 9:00 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Wendal Milne
Mayor

Bonnie Sprinkling
Corporate Officer



DISTRICT OF SOOKE

Committee of the Whole Minutes

Meeting held July 14, 2014

(immediately following the Regular Council Meeting) at 7:00 pm
Council Chamber, 2225 Otter Point Road

COUNCIL PRESENT

Mayor Wendal Milne
Councillor Bev Berger
Councillor Herb Haldane
Councillor Kevin Pearson
Councillor Rick Kasper
Councillor Kerrie Reay

STAFF PRESENT

Gordon Howie, Chief Administrative Office
Brent Blackhall, Deputy Director of Finance
Elisabeth Nelson, Municipal Engineer
Tina Hansen, Corporate Assistant

ABSENT: Councillor Maja Tait

1. **Call to Order**

The meeting was called to order at 9:01 p.m.

2. **Approval of Agenda**

MOVED to approve the agenda as circulated.
CARRIED

3. **Current Issues**

There was no input from members of the public.

4. **Adjournment**

The meeting was adjourned at 9:01 p.m.

Certified Correct:

Wendal Milne
Mayor

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

Minutes of the Special Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on July 21, 2014 at 7:00 p.m.

COUNCIL PRESENT

Mayor Wendal Milne
Councillor Bev Berger
Councillor Herb Haldane
Councillor Kevin Pearson
Councillor Rick Kasper
Councillor Kerrie Reay

STAFF PRESENT

Gordon Howie, Chief Administrative Officer
Brent Blackhall, Deputy Director of Finance
Bonnie Sprinkling, Corporate Officer
Tina Hansen, Corporate Assistant

ABSENT: Councillor Maja Tait

CALL TO ORDER

Mayor Milne called the meeting to order at 7:05 p.m.

APPROVAL OF AGENDA

MOVED and seconded to approve the agenda as amended with the following items as supplemental information:

- Item D-1 Transition Town Sooke Society, Expansion of Oil Tanker Traffic through Coastal BC Waters
 - Correspondence received July 21, 2014 from Gail and John Armitage
 - Correspondence received July 21, 2014 from Mark Ziegler
 - Correspondence received July 21, 2014 from Sheila Wallace
- Item B-1 Rezoning of Lands for Waste Transfer Stations
Bylaw No. 596, *Official Community Plan Amendment Bylaw (600-12)* and Bylaw No. 597, *Zoning Amendment Bylaw (600-12)*
 - Staff Report

CARRIED UNANIMOUSLY

MOVED and seconded to move Agenda Item RI-2 RCMP Monthly Mayor Report to immediately following Public Question and Comment Period.

CARRIED UNANIMOUSLY

DELEGATIONS

D-1 Transition Town Sooke Society – Expansion of Oil Tanker Traffic through Coastal BC Waters, Jeff Bateman

Jeff Bateman and Joe Phillips, representing Transition Sooke Society and Awareness Film Night, addressed Council as to concerns of the expansion of oil tanker traffic through coastal BC waters due to Kinder Morgan's Trans Mountain pipeline expansion. Mr. Bateman advised that the groups would like Council to consider including a referendum question on the 2014 municipal election ballot "Should Sooke join other municipalities in renewing and restating its opposition to the expansion of oil tanker traffic through coastal BC Waters."

Meeting Date: July 21, 2014
Adopted on: *, 2014

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District of Sooke
Special Council Meeting Minutes

Ms. Phillips reported that Awareness Film Night has shown several films on the impact that non-renewable resources have on the planet, in particular, the film "Black Wave, the Legacy of the Exxon Valdez" illustrates the devastation oil spills have on the environment and continues to have twenty five years following the incident.

Jeff Bateman summarized and provided statistics for local, Vancouver Island and provincial concern and opposition to increased oil tanker traffic in coastal BC waters. Mr. Bateman referenced the letter from Council dated January 6, 2012 to the Minister of Environment regarding increased oil tanker traffic. Mr. Bateman asked Council to consider making a motion to discuss the issue further and to include a referendum question on the 2014 municipal election ballot. Mr. Bateman provided an additional information package including further written submissions from members of the public.

PUBLIC QUESTION AND COMMENT PERIOD

Ellen Lewers, representing Sooke Fall Fair presented Council with farm fresh edibles. Ms. Lewers provided information as to the upcoming Sooke Fall Fair event including prizes, and a literacy event on most amusing farm stories.

Gail Hall, Sooke resident addressed Council as to waste transfer stations and expressed concerns as to governance on the issue, concerns as to the District not having guidelines to govern waste transfer stations and concerns of enforcement without having guidelines. Ms. Hall further expressed concerns of setting precedents when bylaws are not enforced and not having the property owner apply for rezoning. Ms. Hall indicated that Council has conflicting resolutions on the issue.

Diane Bernard, Sooke resident, expressed support for Transition Town Sooke Society and the request to include a referendum question on the local election ballot. Ms. Bernard spoke to concerns of how the increase in oil tanker traffic will affect the economic interest of the local constituents of Sooke. Ms. Bernard indicated that she is a small business owner and relies on the coastline for the production of her seaweed products which are shipped internationally. Ms. Bernard asked that Council work with the group to include a question on the ballot in order to allow local business and residents to best prepare to protect their livelihoods and best interests.

Ellen Lewers, Sooke resident addressed Council as to the OCP and rezoning amendments for waste transfer stations. Ms. Lewers expressed concerns as to large trucks, noise and dust. Ms. Lewers asked Council to consider how the amendments will affect the land and environment over the long term and to not overlook the potential of the areas. Ms. Lewers advised that the production of seaweed is a growing business and we need to protect our seashores.

Linda Audet, Sooke resident stated that she wished to express her opposition to the OCP and rezoning amendments for waste transfer stations.

Mayor Milne advised that procedurally Council is not able to receive further information following the Public Hearing on Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* and Bylaw No. 597, *Zoning Amendment Bylaw (600-12)*. An opportunity

will be provided to anyone wishing to comment on the issue if Council makes a decision to rescind third reading and amend the Bylaws at a second Public Hearing.

Blake Barton, advised that he employed by an investment group partnered with T'Sou-ke Nation and that they are working together on aquaculture in the Sooke Basin. Mr. Barton expressed support for Sooke Transition Town and comments made by speakers on increased oil tankers. Mr. Barton further addressed Council as to the importance of "clean" resources and the large economic potential that "clean" resources have. Mr. Barton advised that it can be taken away overnight if an oil spill were to occur.

Derek Lewers, Sooke resident commented that he came to this evenings meeting to speak to the issue of waste transfer stations.

Ralph Hull, Sooke resident provided background information as to a moratorium against oil tankers 35 years ago and his past experiences working with environmental groups. Mr. Hull addressed Council as to the importance of saying "yes" to solar and "no" to oil jobs which he believes is in the past. Mr. Hull advised that it is not a case of if an oil spill will happen but is a case of when it will happen and that we need to pay attention to the issue.

RI-2 RCMP Monthly Mayor Report – June 2014

Staff Sgt. Jeff McArthur provided an overview of the RCMP Monthly Mayor Report for June 2014. Staff Sgt McArthur advised that there is nothing new to report at this time on RCMP resources for the Sooke Detachment.

BYLAWS

B-1 Bylaw No. 596, Official Community Plan Amendment Bylaw (400-5) and Bylaw No. 597, Zoning Amendment Bylaw (600-12) – Waste Transfer Station

MOVED and seconded to rescind third reading of Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)*.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* be amended.

CARRIED **Mayor Milne and Councillor Reay opposed the motion**

MOVED and seconded to rescind third reading of Bylaw No. 597, *Zoning Amendment Bylaw (600-12)*.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 597, *Zoning Amendment Bylaw (600-12)* be amended.

CARRIED **Mayor Milne and Councillor Reay opposed the motion**

MOVED and seconded to schedule a Public Hearing for Bylaw No. 596 and Bylaw No. 597 in accordance with the requirements of the *Local Government Act* and the *Community Charter*.

CARRIED **Mayor Milne and Councillor Reay opposed the motion**

B-2 Bylaw No. 598, Official Community Plan Amendment Bylaw (400-6) – Town Centre Design Guidelines & Illustrative Design Handbook

MOVED and seconded that Bylaw No. 598, *Official Community Plan Amendment Bylaw (400-6)* be adopted;
CARRIED UNANIMOUSLY

MOVED and seconded that Policy No. 8.9, *Town Centre Illustrative Design Handbook Policy, 2014* be adopted.
CARRIED UNANIMOUSLY

B-3 Bylaw No. 601, Carbon Tax Rebate Reserve Fund Bylaw, 2014

MOVED and seconded that Bylaw No. 601, *Carbon Tax Rebate Reserve Fund Bylaw, 2014* be adopted.
CARRIED UNANIMOUSLY

B-4 Bylaw No. 602, Election Procedures Bylaw, 2014

MOVED and seconded that Bylaw No. 602, *Election Procedures Bylaw, 2014* be adopted.
CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 2014 Property Tax Collections

MOVED and seconded to receive the 2014 Property Tax Collections Report for information.
CARRIED UNANIMOUSLY

CORRESPONDENCE REQUIRING ACTION

C-1 Correspondence dated July 15, 2014 from CRD RE: Capital Regional District Core Area Wastewater Treatment Facility Site Competition

MOVED and seconded to file the correspondence dated July 15, 2014 from CRD RE: CRD Core Area Wastewater Treatment Facility Site Competition.
CARRIED UNANIMOUSLY

D-1 Transition Town Sooke Society – Expansion of Oil Tanker Traffic through Coastal BC Waters, Jeff Bateman

MOVED and seconded to refer the proposal received from the Transition Town Sooke Society as to the Expansion of Oil Tanker Traffic through Coastal BC Waters to staff to provide a report to Council on options for including a question on the 2014 General Municipal Election ballot as to increased oil tanker traffic;
AND THAT staff include an option for presenting the question on a separate election ballot.

CARRIED

Councillor Reay opposed the motion

ADJOURNMENT

MOVED and seconded to adjourn the meeting at 8:12 p.m.
CARRIED UNANIMOUSLY

MOVED and seconded to move into a Committee of the Whole meeting without notice to provide an opportunity for members of the public to speak on current issues.
CARRIED UNANIMOUSLY

Certified Correct:

Wendal Milne
Mayor

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

Minutes of the Special Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on July 24, 2014 at 6:00 p.m.

COUNCIL PRESENT

Mayor Wendal Milne
Councillor Kevin Pearson
Councillor Rick Kasper
Councillor Kerrie Reay
Councillor Maja Tait

STAFF PRESENT

Gordon Howie, Chief Administrative Officer
Brent Blackhall, Deputy Director of Finance
Bonnie Sprinkling, Corporate Officer
Tina Hansen, Corporate Assistant

ABSENT: Councillor Bev Berger
Councillor Herb Haldane

CALL TO ORDER

Mayor Milne called the meeting to order at 6:05 p.m.

APPROVAL OF AGENDA

MOVED and seconded to approve the agenda with the following as supplemental information:

- Long Term Borrowing for Community Centre
 - Revised Staff Report
 - Amended Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*

CARRIED UNANIMOUSLY

REPORTS REQUIRING ACTION

RA-1 Long Term Borrowing for Community Centre

MOVED and seconded that Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014* be read a second time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014* be read a third time.

CARRIED UNANIMOUSLY

MOVED and seconded to authorize staff to forward Bylaw No. 603 for approval to the Inspector of Municipalities, Ministry of Community Sport and Cultural Development; **AND FURTHER** authorize the following question for voting at the November 15, 2014 General Municipal Election as to Bylaw No. 603 for which assent of the electors is required before Council may consider adoption:

“Are you in favour of the Council of the District of Sooke adopting Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*, which authorizes the District of Sooke to construct new or renovate existing community facilities for the benefit of the community with the cost to the District of Sooke, including principal and interest on borrowing up to \$1,500,000.”

CARRIED UNANIMOUSLY

MOVED and seconded to authorize the Mayor to establish a Committee to develop an information campaign as to Bylaw No. 603 which authorizes the borrowing for a Community Centre.

CARRIED UNANIMOUSLY

RA-2 Cancellation of Regular Council Meeting August 11, 2014

MOVED and seconded to cancel the Regular Council meeting on August 11, 2014.

CARRIED UNANIMOUSLY

MOVED and seconded to hold a Special Council meeting on September 15, 2014

CARRIED UNANIMOUSLY

Mayor’s Notice under Section 131 of the Community Charter

Mayor Milne advised that under section 131 of the *Community Charter*, he is hereby giving notice that he is requiring Council to reconsider and vote again on the matter of Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* and Bylaw No. 597, *Zoning Amendment Bylaw (600-12) (Waste Transfer Station)* that was subject to a vote on July 21st, 2014 and also June 24th, 2014 in particular the motion to schedule a Public Hearing. Mayor Milne further advised that this will be coming forward at the September 8th, 2014 Regular Council meeting.

ADJOURNMENT

MOVED and seconded to adjourn the meeting at 6:36 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Wendal Milne
Mayor

Bonnie Sprinkling
Corporate Officer

DISTRICT OF SOOKE

Minutes of the Special Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on August 19, 2014 at 6:30 p.m.

COUNCIL PRESENT

Acting Mayor Maja Tait
Councillor Herb Haldane
Councillor Kevin Pearson
Councillor Rick Kasper
Councillor Kerrie Reay

STAFF PRESENT

Gordon Howie, Chief Administrative Officer
Brent Blackhall, Deputy Director of Finance
Bonnie Sprinkling, Corporate Officer
Sarah Temple, Finance and Administration
Assistant

ABSENT: Mayor Wendal Milne, Councillor Bev Berger

CALL TO ORDER

Acting Mayor Tait called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

MOVED and seconded to approve the agenda with the addition of the following items as Supplemental Information:

- Item B-1 Bylaw No. 603, Community Centre Facilities Loan Authorization Bylaw, 2014
 - Correspondence received August 19, 2014 from Ellen Lewers
 - Excerpt "New Construction vs. Renovation" from DRAFT Sooke Region CHI Community Centre Report

CARRIED UNANIMOUSLY

BYLAWS

B-1 Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*

MOVED and seconded to rescind third reading of Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*.

CARRIED UNANIMOUSLY

MOVED and seconded to amend Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014* as amended, be read a third time.

CARRIED UNANIMOUSLY

MOVED and seconded to amend the Question for 2014 Local Election Assent Voting as follows:

"Are you in favour of the Council of the District of Sooke adopting Bylaw No. 603, *Community Centre Facilities Loan Authorization Bylaw, 2014*, which authorizes the District of Sooke to construct multi-use community centre facilities for the benefit of the community with the cost to the District of Sooke, including principal and interest on borrowing up to \$1,500,000."

CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 Letter to Ministry of Transportation and Infrastructure

MOVED and seconded to direct staff to write a letter to the Ministry of Transportation and Infrastructure to inform them of the impact of the closure of Sooke Road due to the house fire on July 31, 2014

CARRIED UNANIMOUSLY

MOVED and seconded to direct the Emergency Planning Committee to explore opportunities for collaboration with third party organizations to improve communication and cooperation during emergencies.

CARRIED UNANIMOUSLY

ADJOURNMENT

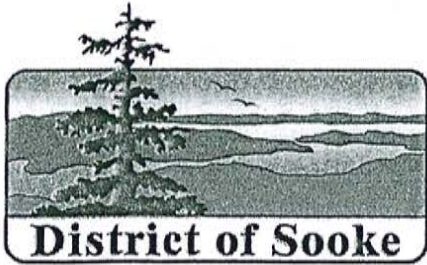
MOVED and seconded to adjourn the meeting at 6:41 p.m.

CARRIED

Certified Correct:

Maja Tait
Acting Mayor

Bonnie Sprinkling
Corporate Officer



District of Sooke
JUN 20 2014
Received

2205 Otter Point Road
Sooke, BC V9Z 1J2
Tel: (250) 642-1634
Fax: (250) 642-0541
Email: info@sooke.ca

REQUEST TO APPEAR AS A DELEGATION

In order to appear before Council as a delegation at a Council Meeting, you need to submit a written request to the Corporate Officer by 4:30 pm on the Tuesday before the scheduled Council Meeting. The request can either be by way of this form or a separate letter that you have written which contains the information requested on this form. You can submit your request in person, by mail or by fax at 250-642-0541. The Corporate Officer will let you know when you are scheduled to appear before Council. Council meetings take place at 7:00 p.m. in the Municipal Hall Council Chambers located at 2225 Otter Point Road. Delegations are usually scheduled near the beginning of the meeting. You are limited to a maximum of five (5) minutes to present your material. You may speak on more than one (1) topic or have more than one (1) speaker but you must keep your presentation within the five (5) minute time limit. Please attach to this form any material that you wish Council to review in advance of the meeting.

DATE: June 20/2014 REQUESTED MEETING DATE: Sept. 8/14.
July 28/2014

NAME: Marcel Des Roches

ORGANIZATION NAME (if applicable): _____

ADDRESS: 1600 Connie Rd.

CONTACT NUMBER: [REDACTED]

EMAIL ADDRESS: _____

TOPIC: Unstable Connie Rd. Allowance.

AUDIO/VISUAL NEEDS (if any): _____

23 Marcel Des Roches

SEP 02 2014

Received

Delegation To Council Presentation

We would like to bring to the Council's attention that the road allowance at the south end of Connie Rd. has been falling away, and as a result, our property at 1600 Connie Rd. is eroding. We notified Sooke Engineering Dept in April 2013 of this problem. ^{We spoke with Elizabeth Nelson + Randy Chang.} We've had several meetings with Randy Chang to discuss this issue since April '13. As a result of the Connie Rd. allowance eroding, the size of the turn-around has been somewhat reduced. Also, we have been unable to proceed with plans to expand our back-yard because of this erosion.

Yours Truly,

Marcel + Nancy DesRoches
property owners of 1600 Connie Rd.
contact phone number #. [REDACTED]



File No. 5400-20
(CFS #1100)

REPORT FOR INFORMATION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Engineering
Re: **1600 Connie Road – Slope Assessment Review**

RECOMMENDATION:

THAT COUNCIL receive this report for information as to the slope assessment on the District of Sooke road right-of-way at 1600 Connie Road;
AND direct that the Connie Road right-of-way remediation work to address the slope concerns brought forward by Marcel Des Rochers be brought forward for consideration during the 2015 financial plan deliberations.

1. Executive Summary:

The resident requested that the District of Sooke resolve the alleged instability of the deteriorating steep bank on the District's road right-of-way, fronting 1600 Connie Road.

2. Background:

On March 25, 2013, the District of Sooke received a "Call for Service" request to assess the slope of the bank fronting 1600 Connie Road (Figures 1 & 4). To determine if there was any instability, and thus potential liability within the road right of way, Ryzuk Geotechnical Engineering was hired to supply a slope assessment report for the public road right-of-way only complete with options to remediate as required.

3. Analysis:

The slope assessment report completed by Ryzuk Geotechnical Engineering notes "the cut-slope was created near the end of the 1970's by the Ministry of Transportation, in effort to widen the roadway for turn-around purposes" (Figure3). "...the slope was apparently cut vertically and extended approximately 4.5m in height. The slope collapsed a few years after its construction and one or more attempts were made subsequent to the failure to support the slope by buttressing it with fill, but apparently this fill has shifted or eroded."

A thin veneer layer of native silty clay over glacial till and/or bedrock along with sporadic bedrock outcrops were found on the west side of Connie Road in the moderate to steep slopes. The area of concern is near the south end of Connie Road along the western road shoulder extending from the Hydro pole southerly to the edge of Connie Road (Figure 3).

Ryzuk's report further states, "In this area, a vertical face of up to 0.9 meters within hard glacial till was present and is subject to ongoing erosion." (Figure 2). "We believe that this vertical face is a result of slope regression over the years." The report goes on to state that "Further assessment of the slope above the area of concern indicates significant slope disturbance, which is most likely due to past logging activities."

Based on Ryzuk's visual site assessment, they believe that the cut slope created approximately 35 years ago, followed by the surficial slope failure and the insufficient slope remediation, resulted in localized slope creeping / movement and erosion at the common property line, and according to the property line marker on-site (Figure 2), has encroached into private property. However, Ryzuk does not expect this to have created global slope instability and does not anticipate the residence and structure at the top of the slope (1600 Connie Road) to be affected by the localized area of slope movement. Ryzuk does not consider the slope at risk of deep seated failure, and expects "that the low to moderate amount of creep and erosion observed would be limited to this area and would advance with minor slope regression progressing at the same rate as experienced in the past 35-years."

Under the Proposed Remediation heading, it states, "The remediation at the time of the subsequent slope failure does not appear to have adequately restored support to the toe of the slope. In order to re-establish proper support, the area of the previous cutslope should be completely remediated."

To remediate Ryzuk considers the simplest option to be the removal of the existing miscellaneous clayey rock fill and vegetation in the area (Figure 4). Once excavated to native glacial till, they recommend backfilling the excavation with rock fill, placing a non-woven heavy weight geotextile fabric against the slope prior to rock fill placement. Re-vegetation is undertaken by placing topsoil on top of the rock fill and seeding with common native species (Figure 5).

Ryzuk expects that the embankment, once properly remediated, will provide long term support to the slope at the common property line. It should be noted that the retaining walls and terracing work proposed by Mr. Desroaches on his property may induce significant loading on the slope. Given the steep slope condition and heavy site disturbance, any work on the slope should be reviewed by a geotechnical professional.

4. Legal Impacts:

Should this work be authorized to proceed, once the remediation work commences it may be found that the rock fill extends beyond the property line (Figure 5) and a written agreement with the property owner may be necessary to proceed with the remediation work (Figure 4). A geotechnical consultant will need to conduct on-site inspections to determine the amount of infill that is required.

In addition, a legal land surveyor will be required to establish the top of the bank of the infill where it encroaches into private property.

5. Financial Impacts:


A preliminary estimate for this remediation, including further slope assessment by the geotechnical consultant, legal survey and the construction works, is \$20,000.

It is requested that this project be brought forward for consideration during the 2015 Budget deliberations within the Road and Sidewalk Improvement Program budget.

Attached Documents:

1. Figure 1 – Slope Assessment area,
2. Figure 2 – Erosion of Steep bank,
3. Figure 3 – Connie Road Turnaround,
4. Figure 4 – Location of proposed slope assessment plan, and
5. Figure 5 – Typical slope assessment cross-section.

Respectfully,



Randy Chang, AScT
Senior Engineering Technologist





Approved for Council Agenda	
 _____ Engineering	 _____ Planning
 _____ Corp. Services	 _____ Finance
_____ CAO	



Figure 1 – Slope Assessment conducted on road right-of-way fronting 1600 Connie Rd

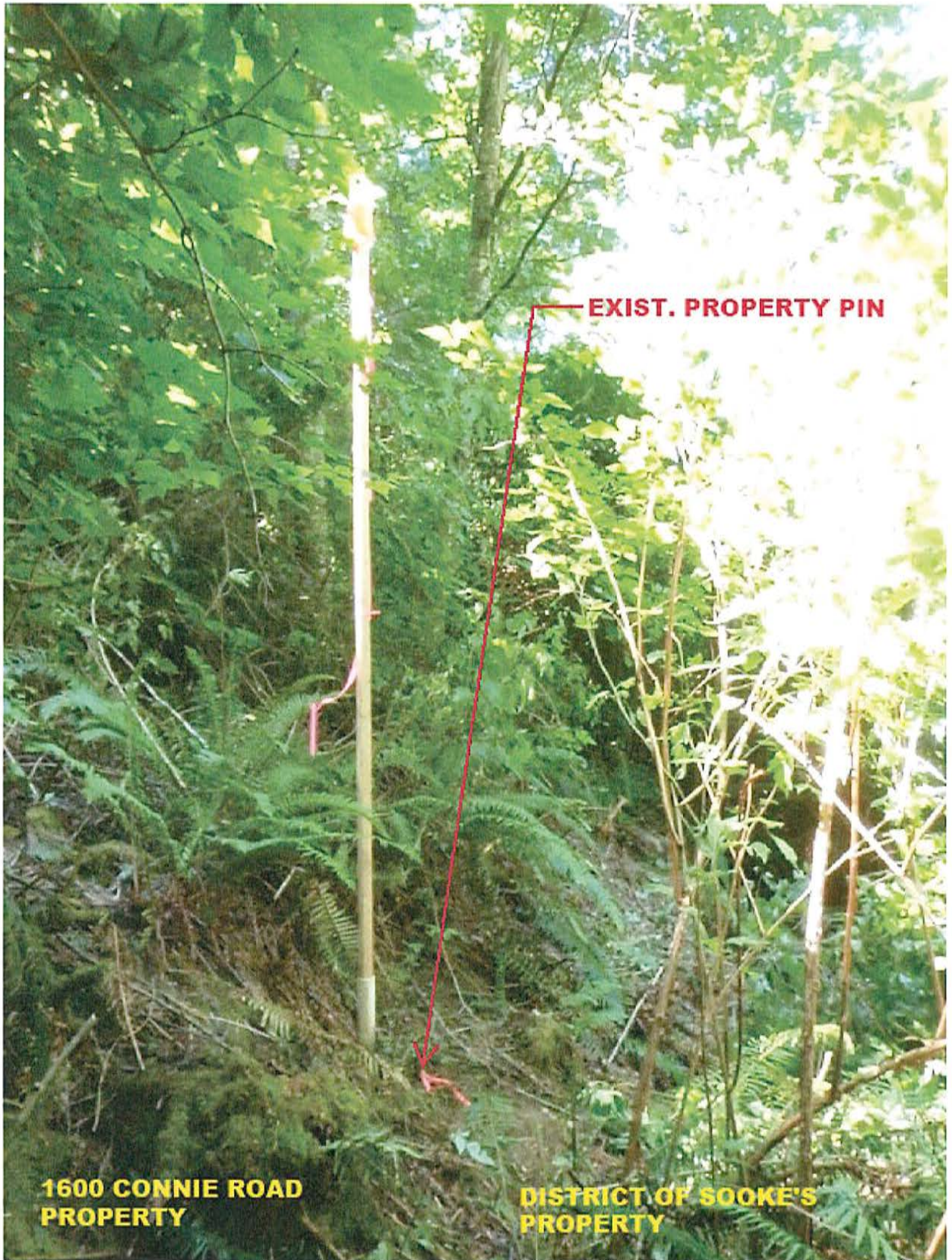


Figure 2 – Existing steep bank eroding on the District of Sooke's property.



Figure 3 – Connie Road right-of-way's turnaround in relations to the surrounding properties.

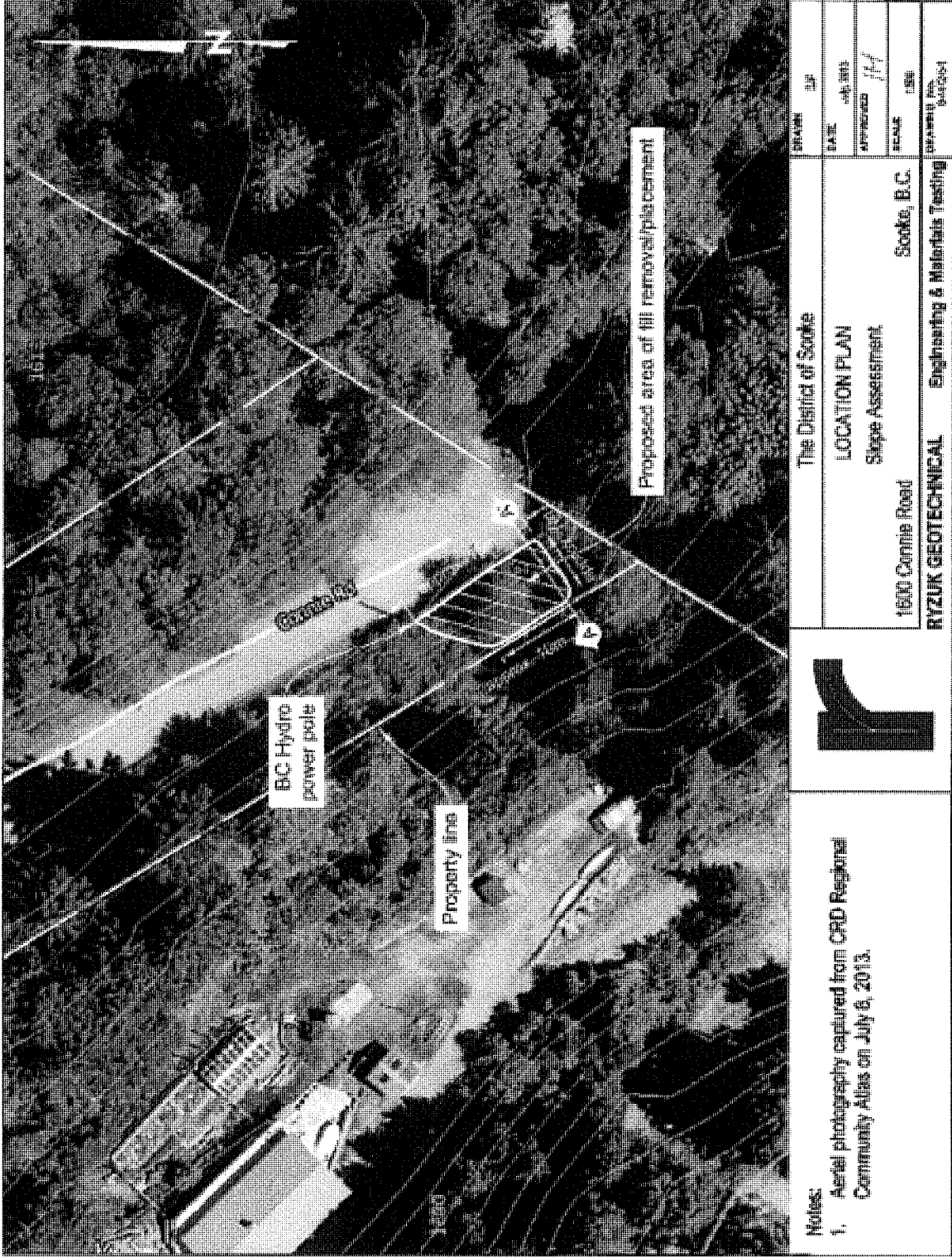


Figure 4 – Location of proposed slope assessment area.

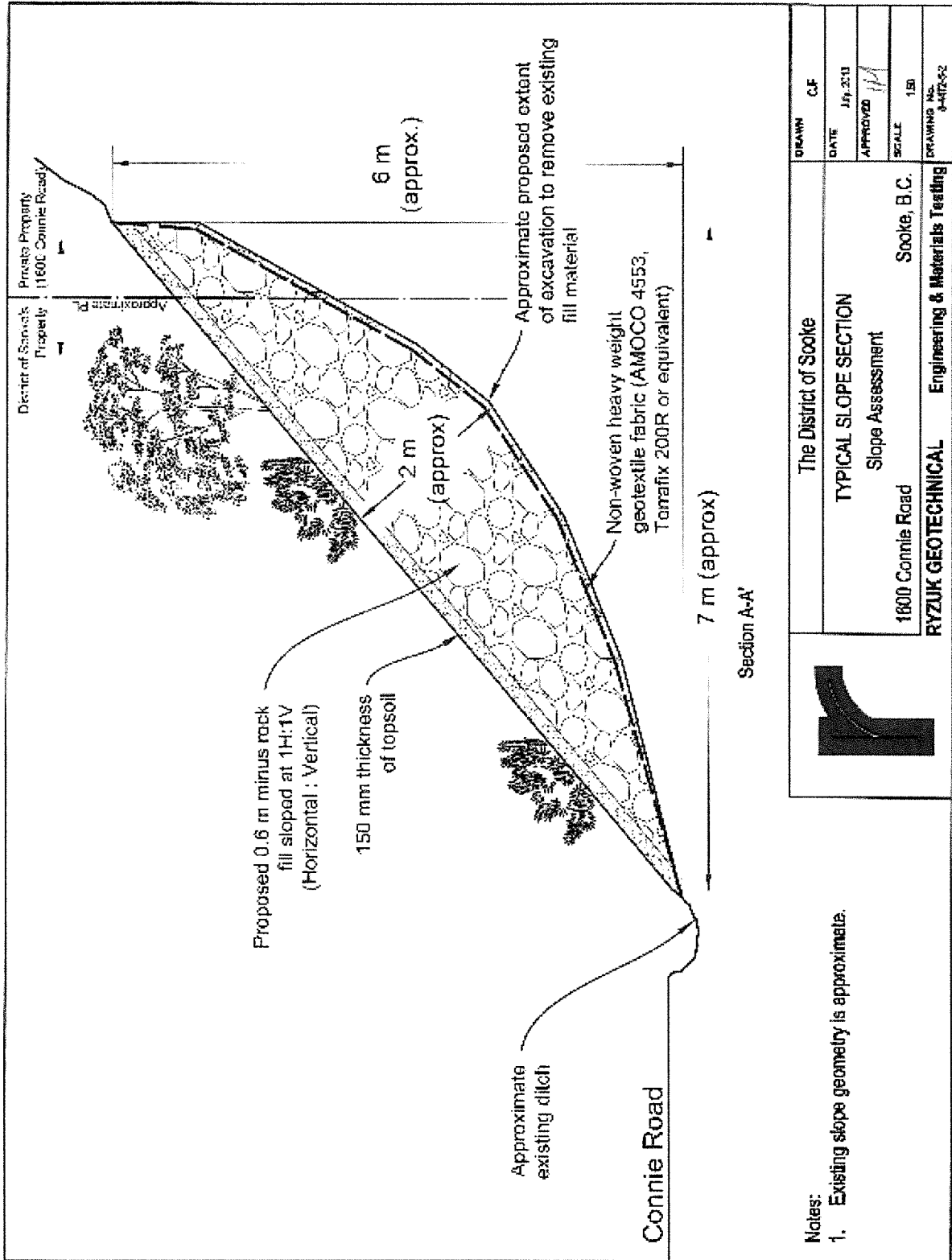
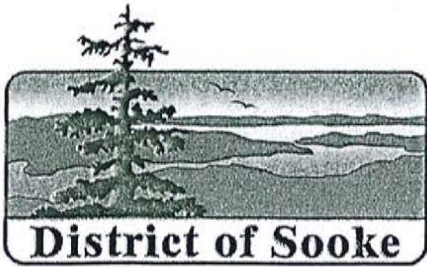


Figure 5 – Typical Slope Assessment cross-section



District of Sooke
JUN 27 2014
Received

2205 Otter Point Road
Sooke, BC V9Z 1J2
Tel: (250) 642-1634
Fax: (250) 642-0541
Email: info@sooke.ca

REQUEST TO APPEAR AS A DELEGATION

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DATE:

June 27/14

REQUESTED MEETING DATE:

~~Aug 11/2014~~ Sept 8/14

July 28/14

NAME:

Roy Bindig

ORGANIZATION NAME (if applicable):

N/A

ADDRESS:

CONTACT NUMBER:

EMAIL ADDRESS:

TOPIC:

Traffic & road conditions on East Sooke Road
deteriorating
due to construction/development @
Silver spray.

AUDIO/VISUAL NEEDS (if any):

R. Bindig

Tina Hansen

Subject: FW: Mayor and Council

Please accept this email as full support of this initiative. Sooke region has some serious issues that need your attention. My efforts with the WildSafeBC program, Working towards "Keeping wildlife wild and our communities safe" need to be recognized by Sooke council for a safe community . Our residents of Sooke have some viable concerns and are taking action to assist WildSafe BC. Your support is needed.

Debbie Read

Capital Regional District WildSafe BC Community Coordinator

Office: (250) 646-2997

Email: capitalregionaldistrict@wildsafebc.com

Website: www.wildsafebc.com

Facebook: <https://www.facebook.com/pages/WildSafeBC-Capital-Regional-District/481287361939169>

"Keeping wildlife wild and communities safe"

To: 'info@sooke.ca'

Subject: To Mayor and Council

To Mayor and Council:

Subject: Requesting that the Sooke Animal Control Bylaw be amended to prevent feeding of feral deer and rabbits within the municipal boundaries.

I am writing to ask that the Sooke Animal Control Bylaw be amended to prevent feeding of feral deer and rabbits within the municipal boundaries. In spite of attempts on behalf of Wildsafe BC and the BC Conservation officers to educate the public to NOT feed wildlife, some residents persist in doing so to the detriment of the animals and regardless of the effect on neighbouring properties. Feeding the deer and rabbits serves as an attractant to larger animals – particularly bear and cougar - who come to eat the rabbits and deer and any other food they can find left about in such hospitable circumstances. The dangerous animals thus attracted then tend to wander around neighbouring doors expecting the same hospitable treatment which results in calls to the conservation officer and dead animals. The dangerous animals are not usually fed directly - which is contrary to the BC Wildlife Act - rather, it is the buffet of rabbits, deer and leftovers that are attracting them, not to mention the friendly reception as the perpetrators hasten to take photos for their collection or to send to the Sooke News Mirror (like the cougar napping in front of a garage photo in the letters section last year – a prime example). The innate tendency of wild animals to avoid humans is necessary to safeguard their health, safety and well-being and ours - unfortunately, voluntary cooperation/education is not working and a Bylaw is necessary to enforce it.

Oak Bay addresses the issue of feeding deer, rodents, rabbits or raccoons and has recently amended their Ticketing Bylaw to increase the fine for feeding deer up to \$300 whereas Sooke, where it is badly needed, doesn't even mention deer in the Animal Control Bylaw. Please see below for links to and excerpts from the Oak Bay bylaw and a recent announcement re the fine increase.

I would appreciate being notified when my letter is discussed so that I may have the opportunity to address the issue or answer any questions.

Yours truly,

Elaine Ellinger

Sooke, BC

<https://www.oakbay.ca/our-community/mayor-council/news/deer-management> - Oak

BayAnnouncement re Deer Management

February 26, 2014

Message from the Mayor and Council: We have a bylaw that bans the feeding of deer. Council voted to increase fines for feeding the deer to \$300.00.

THE CORPORATION OF THE DISTRICT OF OAK BAY - BYLAW NO. 4013

(**amended by Bylaws No. 4102, 4194, 4208, 4246, 4292, 4340, 4369, 4417, 4425, 4477, 4491, 4529, 4541, 4546, 4566, 4591and 4609)

A Bylaw to provide for the licensing and controlling of animals in the Municipality of Oak Bay

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

<https://www.oakbay.ca/sites/default/files/4013%2C%20Animal%20Control%20Bylaw%2C%201999%20%28CONSOLIDATED%29.pdf>

“DEER” means a mammal of any species of the family Cervidae;
(**Bylaw 4491, adopted Jan 25, 2010)

“FEED” includes, without limiting generality, leaving food in a location that a person knows or ought to know will attract animals the feeding of which is prohibited under this Bylaw;
(**Bylaw 4491, adopted Jan 25, 2010)

“FERAL RABBIT” means a domestic rabbit that is not harboured and confined to the owner’s property as a pet;
(**Bylaw 4491, adopted Jan 25, 2010)

RODENTS

33. Where a person keeps or harbours any rodent or domestic rabbit on a parcel of land, he shall ensure that

(1) the rodent or domestic rabbit is not allowed to run at large; and
Bylaw No. 4013

10

(2) the rodent or domestic rabbit is confined to the parcel of land on which it

is kept or harboured;
(**Bylaw 4491, adopted Jan 25, 2010)

NO RELEASE OR ABANDONMENT

33.1 No person shall release or abandon a domestic rabbit on land within the Municipality.

NO FEEDING OF DEER, RACCOONS OR FERAL RABBITS

33.2(1) No person shall feed a deer within the Municipality.

33.2(2) No person shall feed a raccoon or feral rabbit within the Municipality.
(**Bylaw 4609, adopted Mar 24, 2014)

THE CORPORATION OF THE DISTRICT OF OAK BAY - BYLAW NO. 3952

A Bylaw to authorize the use of the municipal ticket information system

https://www.oakbay.ca/sites/default/files/3952%2C%20Ticket%20Information%20Utilization%20BL%2097%20%28CONSOLIDATED%29_0.pdf

SCHEDULE 3

Rodent or Rabbit at Large 33(1) \$50.00
Failure to Confine Rodent or Rabbit 33(2) \$50.00
Release or Abandon Domestic Rabbit 3.1 \$100.00
Feed Deer 33.2(1) \$300.00
Feed Raccoon or Feral Rabbit 33.2(2) \$100.00

--

Debbie Read

Capital Regional District WildSafe BC Community Coordinator

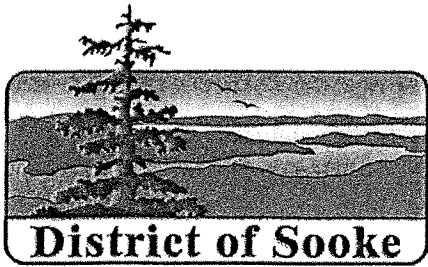
Office: (250) 646-2997

Email: capitalregionaldistrict@wildsafebc.com

Website: www.wildsafebc.com

Facebook: <https://www.facebook.com/pages/WildSafeBC-Capital-Regional-District/481287361939169>

"Keeping wildlife wild and communities safe"



District of Sooke
AUG 11 2014
Received

2205 Otter Point Road
Sooke, BC V9Z 1J2
Tel: (250) 642-1634
Fax: (250) 642-0541
Email: info@sooke.ca

REQUEST TO APPEAR AS A DELEGATION

In order to appear before Council as a delegation at a Council Meeting, you need to submit a written request to the Corporate Officer by 4:30 pm on the Tuesday before the scheduled Council Meeting. The request can either be by way of this form or a separate letter that you have written which contains the information requested on this form. You can submit your request in person, by mail or by fax at 250-642-0541. The Corporate Officer will let you know when you are scheduled to appear before Council. Council meetings take place at 7:00 p.m. in the Municipal Hall Council Chambers located at 2225 Otter Point Road. Delegations are usually scheduled near the beginning of the meeting. You are limited to a maximum of five (5) minutes to present your material. You may speak on more than one (1) topic or have more than one (1) speaker but you must keep your presentation within the five (5) minute time limit. Please attach to this form any material that you wish Council to review in advance of the meeting.

DATE: AUGUST 11, 2014 REQUESTED MEETING DATE: _____

NAME: BRENDA PARKINSON, FIONA PANTHIAN

ORGANIZATION NAME (if applicable): SOOKE COMMUNITY ARTS COUNCIL

ADDRESS: P.O. BOX 46 SOOKE, BRITISH COLUMBIA V9Z 0E4

CONTACT NUMBER: [REDACTED]

EMAIL ADDRESS: brendaparkinson79@shaw.ca

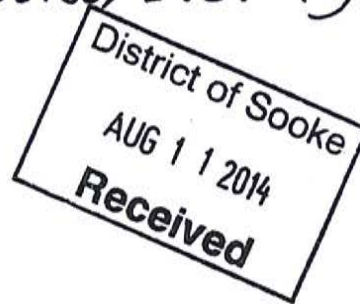
TOPIC: REQUEST THAT THE DISTRICT WAIVE THE FEES FOR 2 YEARS FOR USING ED MARGREGOR PARK.

AUDIO/VISUAL NEEDS (if any): —

39 Brenda Parkinson



The Sooke Community Arts Council
P.O. Box 46, Sooke, B.C. V9Z 0E4



July 18th, 2014

TO: Wendal Milne
Mayor
District of Sooke

Art in the Park is an initiative of the Sooke Community Arts Council which takes place in Ed Macgregor Park in Sooke each August. This year being our 12th year and the dates are Saturday and Sunday, August 16th and 17th.

This event is a truly a family event not only showcasing local artists and artisans but there are displays of local children's dance groups as well as musicians and local theatre groups.

The event is widely advertised and people come from all over the Island as well as many visiting the area, making Sooke a tourists' destination.

The Sooke Community Arts Council would request that the District waive the fees for 2 years for using the Ed Macgregor Park. The artists and artisans are selling their works but the Sooke Community Arts Council bears the cost of amenities, i.e. tents from Titanium Tents, night watchman's fee, advertising, etc. In fact the council is lucky to break even. However, being a non-profit organization, this is totally within our mandate.

Thank you for your consideration.

Fiona Phythian
Coordinator for Art in the Park
The Sooke Community Arts Council





Sooke Dance Studio

Location:

Sooke Dance Studio
6660 Sooke Road
Sooke, British Columbia

Mailing Address:

Carole Cave Dance
7072 Richview Road
Sooke, BC V9Z 0T3

August 19, 2014

Dear Arts and Beautification Committee,

This December our dance studio and the local dance community are putting on our fifth year of ***“THE NUTCRACKER IN A NUTSHELL”*** performance. It is a shorter, family friendly version of the full length ballet. It is classical and traditional with a “twist”. In addition to showcasing classical ballet performances we creatively incorporate Tapping Soldiers and Hip Hop Mice, Contemporary and Jazz Sweets. We look forward to providing the Sooke community with a traditional holiday performance each year to enjoy locally.

Our production showcases students ages 5 to adult, giving Sooke dancers an opportunity to be part of a holiday dance tradition in their own community. These dancers get to work with new choreographers and experience a semi professional show experience.

Our intention is to keep tickets reasonably priced so seniors and families of all economic means (many who may never have the opportunity to attend dance performance such as the Nutcracker) can attend “Nutcracker in a Nutshell”. Sooke Family Resource Society is invited to fundraise at the annual event and a portion of the ticket proceeds will benefit Sooke Family Resource Society.

We are hoping that you would like to be a part of this annual event by being a Sponsor. By joining this program you help our vision become a reality. I have attached an outline of our Sponsorship Program. Your donation will provide opportunity for dancers and promote art and culture in our community. Your annual contribution will be acknowledged on our performance programs as well as posted in our studio year round. With a Supporter or Patron contribution we would be happy to include you as sponsor in our promotion posters and advertisements.

I would be happy to speak with you directly and answer any questions you may have.

Sincerely,

Carole Cave
Sooke Dance Studio owner/director
“Nutcracker in a Nutshell” producer/co-artistic director

sookedancestudio@shaw.ca

250 642-6607

www.sookedancestudio.com

Sooke Dance Studio Sponsorship Program



Sponsorship levels
Patron (\$500 or more)
Supporter (\$100 - \$499)
Friend (\$10 - \$99)

Your contribution goes to:

- Provide dance opportunity for dancers in Sooke and art and culture to our community – including our biennial “Nutcracker in a Nutshell” performance, Year End Performance, workshop and festival opportunities.
- Keeping Dance Accessible to all by assisting Families who need financial assistant to participate in Dance.

Your annual contribution will be acknowledged on our performance programs as well as posted in our studio year round.

Please contact Carole Cave 250-642-6607 sookedancestudio@shaw.ca to join our Sponsorship Program or submit the form below with payment to Sooke Dance Studio or mail Carole Cave Dance, 7072 Richview Road, Sooke BC V9Z 0T3.

Your name: _____ Business name: _____

Donation amount (payable to Sooke Dance Studio): _____

Contact phone number/email address: _____

Thank you for supporting dance in our community.

Sooke Dance Studio Sponsorship Program



Sponsorship levels
Patron (\$500 or more)
Supporter (\$100 - \$499)
Friend (\$10 - \$99)

Your contribution goes to:

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Your name: _____ Business name: _____

Donation amount (payable to Sooke Dance Studio): _____

Contact phone number/email address: _____

Thank you for supporting dance in our community.

RA-4 Anti-Bullying and Harassment Policy, 2011

MOVED and seconded to postpone Agenda Item RA-4 Anti-Bullying and Harassment Policy, 2011 to the August 11th, 2014 Regular Council meeting.
CARRIED UNANIMOUSLY



REQUEST FOR DECISION
Regular Council
Meeting Date: July 14, 2014

To: Mayor and Council
From: Gord Howie, Chief Administrative Officer
Re: ***Anti-Bullying and Harassment Policy, 2011***

RECOMMENDATION:

THAT COUNCIL adopt the amendments to Policy No. 7.13, *Anti-Bullying and Harassment Policy, 2011*;
AND FURTHER adopt the amendments to Policy No. 7.10, *Code of Ethics Policy, 2011*;
AND FURTHER adopt the amendments to Policy No. 7.11, *Respectful Workplace Policy, 2011*;
AND FURTHER repeal Policy No. 7.14, *Complaint Resolution Policy, 2011*.

1. Executive Summary:

Effective November 1, 2013, new policies under the *Workers Compensation Act* came into force to help workers, employers and supervisors prevent and address workplace bullying and harassment. At Council's direction, staff have drafted amendments to District policies to comply with the new *WorkSafeBC* policies.

2. Background:

On February 2, 2014, Council participated in a training session presented by the municipal solicitor on workplace bullying and harassment. Council directed that staff draft a new harassment and complaint policy that is in compliance with the new *WorkSafe BC* regulations.

The District of Sooke currently has in place several policies to ensure that Council members, District officers, employees and volunteers have a respectful and safe workplace.

Policy No. 7.10, Code of Ethics Policy, 2011
Policy No. 7.11, Respectful Workplace Policy, 2011
Policy No. 7.12, Whistle Blower Policy, 2011
Policy No. 7.13, Anti-Harassment Policy, 2011
Policy No. 7.14, Complaint Resolution Policy, 2011

3. Analysis:

The new *WorkSafeBC* regulations outline the employer's duties to prevent, or otherwise minimize, workplace bullying and harassment:

- Take “reasonable steps” to prevent or minimize workplace bullying and harassment;
- Draft a policy statement that workplace bullying and harassment will not be tolerated
- Develop reporting procedures for incidents and complaints
- Develop procedures for dealing with and investigating incidents or complaints
- Train workers and supervisors to understand and follow the established procedures
- Conduct an annual review

Accordingly, Policy No. 7.13, *Anti-Harassment Policy, 2011* has been adapted to comply with the new *WorkSafeBC* policies:

- a. Bullying and harassment policy statement
- b. Definition of bullying and harassment
- c. Identification of potential sources of bullying and harassment
- d. Update of existing instructions for reporting complaints or incidents
- e. Inclusion of bullying and harassment training in training programs

Further, the following policies have been amended as to complaint resolution procedures:

- Policy No. 7.10, *Code of Ethics Policy, 2011* in sections 3.14 and 5.3;
- Policy No. 7.11, *Respectful Workplace Policy, 2011* in section 2.3

The complaint procedures in Policy No. 7.14, *Complaint Resolution Policy, 2011* have been incorporated into the amended Policy No. 7.13. Policy No. 7.14 may now be repealed.

With the adoption of the amendments to Policy No. 7.13, staff will proceed with the improvements required to meet the training and reporting procedures under the new policy. On February 2, 2014, Council participated in a training session presented by the municipal solicitor on workplace bullying and harassment.

Attached Documents:

1. Policy No. 7.13 with amendments underlined
2. Policy No. 7.13 without amendments
3. Policy No. 7.10 with amendments in s.3.14 and 5.3 underlined
4. Policy No. 7.11 with amendments in s. 2.3 underlined
5. WorkSafeBC Prevention Manual

Respectfully,



Gord Howie



Policy No. 7.12

Adopted by Council: May 9, 2011

ANTI-BULLYING AND HARASSMENT POLICY, 2011

The Corporation of the District of Sooke ("District") respects the rights and interests of all individuals and is committed to providing a working environment free of ~~personal or sexual~~ bullying and harassment. Bullying and harassment is not acceptable or tolerated in the District's workplace. The District will make every reasonable effort to ensure that no Council member, District officer, employee or volunteer is subjected to either ~~personal or sexual~~ bullying or harassment and will consider complaints of harassment to be serious.

The District will take disciplinary measures, corrective action, or any other appropriate action as is deemed necessary and as outlined in this Policy against any person who is found to have bullied or harassed another.

Purpose:

To affirm the District's commitment to providing a workplace free of bullying and harassment, and to comply with the *Workers Compensation Act* and the principles of the *Human Rights Code*, R.S.B.C. 1996, c. 210, as amended from time to time (the "Human Rights Code") to make all reasonable efforts to avoid harassment in the workplace from occurring.

Procedure:

1.0 Responsibilities

1.1 Council members, District officers, employees and volunteers all have a responsibility to not engage in the bullying and harassment of others in the workplace. They also have an obligation to be proactive to ensure that the workplace remains free from bullying and harassment. They must ensure that bullying and harassment is not allowed, condoned or ignored and must report if bullying or harassment is observed or experienced. ~~and while they may not be party to harassment, there may be grounds for independent discipline should they fail to deal with complaints or take corrective action once they have knowledge of harassment.~~ Those in positions of authority can often be the first contact for those seeking assistance with bullying and harassment concerns and have an added responsibility for preventing recurrences and escalation of harassment.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- 1.2 Council members, District officers, employees and volunteers must apply and comply with this policy and strive to have a clear understanding of what constitutes bullying and harassment and what their responsibilities are, as well have an awareness of the District's processes to prevent, educate and deal with bullying and harassment of all forms.
- ~~1.3 If an individual feels that he or she has been subject to harassment, either personal or sexual, and is comfortable discussing the issue directly with the harasser, he or she should tell the harasser that the behaviour is unwelcome and request that it stop immediately.~~
- ~~1.4 If an individual is unable to talk to the harasser about the behaviour, or if after confronting the harasser the behaviour persists, the individual should involve an advisor, who may be his or her supervisor or the Chief Administrative officer (or designate). Further information on making inquiries and dispute resolution are outlined in the District's *Complaint Resolution Policy*.~~

2.0 Scope of the Policy

- 2.1 This Policy covers ~~personal and sexual~~ bullying and harassment complaints ~~in the workplace.~~ based on the prohibited or protected grounds that are considered discriminatory and specified in the *Human Rights Code*.
- 2.2 This Policy also covers personal harassment complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but on other forms of mistreatment, including bullying and any behaviour that has the purpose or effect of intimidating or isolating an individual. Bullying and harassment will be considered to have taken place if it includes any inappropriate conduct or comment by a person towards another that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated. a reasonable person ought to have known such behaviour was objectionable or unwelcome.
- 2.3 This Policy does not cover legitimate job-workplace related actions performed in good faith and in a non-discriminatory manner by District officers, directors, Chief Administrative Officers and supervisors, which may include but is not limited to work direction or assignment, performance appraisal, attendance monitoring and implementation of disciplinary or other corrective actions.
- 2.4 This Policy is not meant to inhibit interactions or relations based on mutual consent or normal and acceptable social contact and banter. ~~While this Policy is not intended to curtail such behaviour, such normal interaction can generally be distinguished from personal or sexual harassment on the basis that it is consensual, mutual and that it was neither intended nor did it actually involve any form of intimidation or reprisal.~~

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

3.0 Application of the Policy

3.1 This Policy applies to all complaints made by Council members, District officers, employees or volunteers of alleged ~~personal or sexual~~ bullying or harassment by any Council member, District officer, employee or volunteer. This Policy applies to bullying and harassment that is work related whether it occurs at the workplace itself and includes, without limitation, job related travel and job related social functions.

4.0 Definitions

4.1 **District officer** includes the Chief Administrative Officer, Financial Officer, Corporate Officer, and other officers appointed by Council pursuant to the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time.

4.2 **District employee** includes District Officers, supervisors, and union and non-union staff employed by the District.

4.3 **Personal Bullying and harassment** includes any inappropriate conduct or comment by a person towards another individual that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated. It can be related to ~~is any~~ unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code*, if the conduct or comment was in respect of any of the following prohibited grounds:

- race
- conviction for an offence
- colour
- ancestry
- physical disability
- place of origin (birthplace)
- mental disability
- political belief
- sex
- religion
- age
- marital status
- sexual orientation
- family status

Personal bullying or harassment includes complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but on other forms of mistreatment, including ~~bullying and any behaviour~~ that has the purpose or effect of intimidating or isolating an individual.

~~Harassment will be considered to have taken place if a reasonable person ought to have known such behaviour was objectionable or unwelcome.~~

Examples of conduct or comments that might constitute bullying and harassment include:

- verbal aggression or insults

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- calling someone derogatory names
- harmful hazing or initiation practices
- vandalizing personal belongs
- spreading malicious rumours

4.4 **Sexual harassment** is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation or that might reasonably be perceived by the subject of the harassment as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Examples of sexual harassment may include but are not limited to:

- unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations
- verbal abuse and threats of a sexual nature
- leering, staring or making sexual gestures
- display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings
- unwanted physical contact such as touching, patting, pinching, hugging
- intimidation, threat or actual physical assault of a sexual nature
- sexual advances with actual or implied work related consequences

Note: *While it may not be a harasser's intention for personal or sexual harassment to occur, the intent of a harasser may be an irrelevant factor in a consideration of whether harassment has or has not occurred.*

4.5 **Volunteer** means a person serving the District of Sooke who is not a Council Member or District officer or employee and includes a person serving on any board, commission or committee established by the District.

4.6 **Workplace** includes, but is not limited to, work sites such as the Municipal Hall, Operations Centre, Fire Hall, parks locations and buildings, and construction or maintenance sites, business related social functions, work locations away from the office, work related conferences and training sessions, work related travel, telephone conversations, voice mail and electronic messaging.

5.0 Complaint Resolution Procedures

5.1 Confidentiality and Anonymity

5.1.1 Allegations of bullying and harassment may require the disclosure of sensitive information. Confidentiality must will be maintained to the extent possible to ensure that those who may have been bullied or harassed feel

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

free to come forward and are confident that their reputations will be protected throughout the process. It is the responsibility of all parties involved to respect this intent to protect the reputations of all individuals of confidentiality.

- 5.1.2 Confidentiality must, however, be distinguished from anonymity. If a complainant wishes to file a formal complaint and proceed with an investigation, the respondent must be made aware of the nature of the harassment complaint, which may include the identity of the complainant. Information will only be disclosed on a "need to know" basis and where disclosure is required to fairly investigate a complaint or as required by law. In order to conduct a fair and objective investigation that is in the best interests of all parties, hearsay or anonymous complaints will not be investigated.

~~All written materials, including all notes taken during a formal or informal workplace harassment resolution process and any report prepared in relation to the resolution of a complaint, will be treated as confidential for the purposes of applications under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.~~

5.2 Informal Procedure

- 5.1 ~~An individual who believes he or she is the victim of harassment should refer to the *Complaint Resolution Policy* for guidance on making inquiries or initiating complaints. This *Complaint Resolution Policy* has been established as a basis for dealing with complaints under this *Anti-Harassment Policy* or the *Respectful Workplace Policy*.~~

- 5.2.1 An individual who believes he or she has a complaint under this policy may bring the matter to the attention of the person responsible for the conduct and advise the conduct is unwelcome and request that it stop immediately. This is an important step to ensure that the person knows that his or her conduct is unwelcome. If disapproval has been made known to the person and the bullying or harassment persists, a written record of the continuing acts of bullying or harassment should be kept. If after discussing a complaint with the harasser person, the complaint is dealt with to an individual's satisfaction, the issue is considered to be resolved. If an individual feels that he or she has been subject to bullying harassment, and is comfortable discussing the issue directly with the harasser, he or she should tell the harasser that the behaviour is unwelcome and request that it stop immediately.

- 5.2.2 If an individual is unable does not feel comfortable to talk speaking to the person responsible for the conduct harasser about the behaviour, or if after

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

confronting the harasser person the behaviour conduct persists, the individual should involve an advisor, who may be his or her supervisor or the Chief Administrative officer (or designate) report the matter as set out below. Further information on making inquiries and dispute resolution are outlined in the District's Complaint Resolution Policy.

5.3 Informal Process and Mediation

- 5.3.1 Individuals covered by this policy who consider that they have been subjected to bullying or harassment may choose to consult an advisor, as follows.
- a. If the individual is a Council or Committee member, the initial advisor can be the Mayor or Chief Administrative Officer.
 - b. If the individual is a District employee, the initial advisor can be their immediate supervisor, any member of the District's management team, or the Chief Administrative Officer or designate.
 - c. If the individual is a volunteer, the initial advisor can be the Chief Administrative Officer or designate.
- 5.3.2 Discussions regarding the complainant's concerns will be considered advisory and informal in nature. If the advisor reasonably believes that bullying or harassment has occurred, the advisor will determine whether or not the alleged harasser has been made aware of the objectionable or unwelcome conduct. Where this has occurred but the alleged harasser's behaviour has persisted or where this has not occurred but the complainant is not comfortable doing so, the advisor may intervene at the complainant's request and inform the alleged harasser of the objectionable behaviour.
- 5.3.3 The advisor will also review this policy with the complainant and discuss various choices to assist the complainant in deciding which course of action is most appropriate.
- 5.3.4 At the request of the complainant and with the agreement of the respondent, the Chief Administrative Officer will select an independent third party to act as a mediator to assist the individuals in resolving the complaint through mediation. The role of the mediator is to help the complainant and respondent come to an agreement, and not to advocate a position or impose a decision.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

5.2 The mediator will be selected by agreement of the complainant and respondent, with the Chief Administrative Officer retaining the right to select a mediator if the complainant and respondent are unable to agree.

5.3.5 Both the complainant and the respondent may be accompanied by a representative of their choice during a mediation. If the complaint is resolved through Mutual Resolution by the mediation, a written record of the complaint and the resolution will be given to the complainant, respondent and the Chief Administrative Officer. Should there be recommendations for the employer to consider, the mediator will forward these recommendations as well to the Chief Administrative Officer. The resolution and recommendations must be kept in confidence by the Chief Administrative Officer.

5.3.6 If Mutual Resolution mediation does not prove to be successful in resolving the complaint, the complainant can submit a formal complaint as set out below within 10 working days of the conclusion of the mediation process. Other options may be pursued and must be confirmed by the complainant in writing within five (5) working days of receiving the mediator's report.

5.3.7 A matter dealt with to the complainant's satisfaction is considered to be resolved.

5.3.8 If the matter is not dealt with to the complainant's satisfaction, the complainant can submit a formal complaint as set out below.

5.4 Formal Procedure Process

5.4.1 Incidents or complaint should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

5.4.2 A complainant may submit a complaint in writing to the Chief Administrative Officer within 6 months of the most recent incident. This time limit can be extended with the agreement of the complainant and the Chief Administrative Officer. If the respondent is the Chief Administrative Officer, the written complaint should be submitted to the Mayor.

5.4.3 The written complaint should include as much information as possible including:

a. Name of the complainant and respondent(s)

b. Name of any other people involved

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- c. Where and when the event(s) occurred
- d. A detailed description of the behaviour or words that led to the complaint
- b.e. Any prior attempts to resolve

Attach any supporting documents such as emails, handwritten notes or photographs

5.4.4 The District reserves the right to proceed with an investigation under the Formal Process even if the complainant withdraws the complaint.

5.4.5 All complainants and respondents have the right to be represented by their union representative or a representative of their choice during an investigation.

5.4.6 Investigations will:

- a. Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
- b. Be fair and impartial, providing the complainant and respondent equal treatment in evaluating the allegations;
- c. Be sensitive to the interests of all parties involved;
- d. Be focused on finding facts and evidence, including interviews of the complainant, respondent and any witnesses;

5.4.7 The investigation will include interviews with the complainant, respondent and any witnesses. The investigator will also review any evidence such as emails, handwritten notes or photographs.

5.4.8 Within _____ days of receiving a written complaint, the Chief Administrative Officer or Mayor, as applicable, will review the complaint and will determine whether he or she will investigate the complaint. The Chief Administrative Officer or Mayor can designate another senior manager or an external third party to investigate the complaint.

5.4.9 Employees, Council members and volunteers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

5.4.10 The Chief Administrative Officer will prepare a report after completing the investigation. Where the investigation is delegated to a third party, The the Investigator will prepare a written report and provide it to the Chief

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

Administrative Officer or Mayor, as applicable. The report should contain a description of the allegations, a summary of the evidence of the parties and witnesses and a determination of whether bullying or harassment has occurred. The report may also include recommendations regarding the resolution of the complaint.

5.4.11 After reviewing the report of the Investigator, the CAO or Mayor as applicable will make a decision on the appropriate disciplinary action, if any, and take such action as the CAO or Mayor considers appropriate in the circumstances, including discipline up to and including dismissal.

5.4.12 The District will keep a written record of investigations, including the findings.

5.4.13 The Chief Administrative Officer is responsible for ensuring workplace investigation procedures are followed.

5.4.14 A Council member, District officer, employee or volunteer who knowingly makes a false, frivolous, bad faith or malicious report under this Policy may be subject to discipline.

5.4.15 A Council member, District officer, employee or volunteer who retaliates against an individual who has made a report under this policy may be subject to discipline.

6.0 Training and Education

6.1 The Chief Administrative Officer or designate, as part of staff training, will take steps to provide education to Council members, new and existing District officers and employees, and volunteers on ~~the Anti-Harassment Policy~~ this and how to prevent bullying and harassment from occurring in the workplace.

6.2 The Chief Administrative Officer or designate will ensure that the necessary training has been provided to those who may be involved in the investigative process and that they are made aware of their role and responsibilities.

6.3 The Chief Administrative Officer or designate will take steps to provide training updates or review on an annual basis or as required.

6.4 Once a complaint has been investigated in accordance with the above complaint resolution procedures, and it has been confirmed that bullying or harassment occurred, the Chief Administrative Officer or designate will determine if any additional training or education is required for the involved parties or if meetings with the affected parties are necessary. The Chief Administrative Officer or designate will also review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace.

~~6.1 Where a complaint has become public or reported in the press, a meeting will be held to ensure that all parties involved or affected are aware of their responsibilities, the *Anti Harassment Policy*, and that reprisals to either party will not be tolerated. Reprisals will be considered to be harassment and disciplinary action will be taken.~~

7.0 General

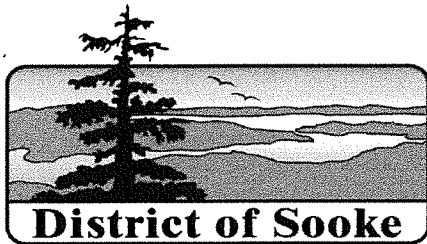
7.1 This policy will be provided to all employees, Council members and volunteers and posted in visible and accessible locations within the Municipal Hall and on the District's website.

7.2 In the event that any portion of this policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.

7.3 This policy is to be read in conjunction with other applicable District policies or employee handbooks as they are amended from time to time.

7.4 Any questions related to the interpretation of this policy should be directed to the Chief Administrative Officer or designate.

7.4.7.5 This policy and the above procedures will be reviewed on an annual basis.



ANTI-BULLYING AND HARASSMENT POLICY, 2011

The Corporation of the District of Sooke ("District") respects the rights and interests of all individuals and is committed to providing a working environment free of bullying and harassment. Bullying and harassment is not acceptable or tolerated in this workplace. The District will make every reasonable effort to ensure that no Council member, District officer, employee or volunteer is subjected to either bullying or harassment.

The District will take disciplinary measures, corrective action, or any other appropriate action as is deemed necessary and as outlined in this Policy against any person who is found to have bullied or harassed another.

Purpose:

To affirm the District's commitment to providing a workplace free of bullying and harassment, and to comply with the *Workers Compensation Act* and the *Human Rights Code* as amended from time to time

Procedure:

1.0 Responsibilities

- 1.1 Council members, District officers, employees and volunteers all have a responsibility to not engage in the bullying and harassment of others in the workplace. They also have an obligation to be proactive to ensure that the workplace remains free from bullying and harassment. They must ensure that bullying and harassment is not allowed, condoned or ignored and must report if bullying or harassment is observed or experienced. Those in positions of authority can often be the first contact for those seeking assistance with bullying and harassment concerns and have an added responsibility for preventing recurrences and escalation.
- 1.2 Council members, District officers, employees and volunteers must apply and comply with this policy and strive to have a clear understanding of what constitutes bullying and harassment and what their responsibilities are, as well have an awareness of the District's processes to prevent, educate and deal with bullying and harassment of all forms.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

2.0 Scope of the Policy

- 2.1 This Policy covers bullying and harassment complaints in the workplace.
- 2.2 This Policy does not cover legitimate workplace related actions by District officers, directors, Chief Administrative Officers and supervisors, which may include but is not limited to work direction or assignment, performance appraisal, attendance monitoring and implementation of disciplinary or other corrective actions.
- 2.3 This Policy is not meant to inhibit interactions or relations based on mutual consent or normal and acceptable social contact and banter.

3.0 Application of the Policy

- 3.1 This Policy applies to all complaints made by Council members, District officers, employees or volunteers of alleged bullying or harassment by any Council member, District officer, employee or volunteer. This Policy applies to bullying and harassment that is work related whether it occurs at the workplace itself and includes, without limitation, job related travel and job related social functions.

4.0 Definitions

- 4.1 **District officer** includes the Chief Administrative Officer, Financial Officer, Corporate Officer, and other officers appointed by Council pursuant to the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time.
- 4.2 **District employee** includes District Officers, supervisors, and union and non-union staff employed by the District.
- 4.3 **Bullying and harassment** includes any inappropriate conduct or comment by a person towards another individual that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated. It can be related to unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code*, if the conduct or comment was in respect of any of the following prohibited grounds:
- race
 - conviction for an offence
 - colour
 - ancestry
 - physical disability
 - place of origin (birthplace)
 - mental disability
 - political belief
 - sex
 - religion
 - age
 - marital status
 - sexual orientation
 - family status

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

Personal bullying or harassment includes complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but on other forms of mistreatment, that has the purpose or effect of intimidating or isolating an individual.

Examples of conduct or comments that might constitute bullying and harassment include:

- verbal aggression or insults
- calling someone derogatory names
- harmful hazing or initiation practices
- vandalizing personal belongs
- spreading malicious rumours

4.4 **Sexual harassment** is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation or that might reasonably be perceived by the subject of the harassment as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Examples of sexual harassment include but are not limited to:

- unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations
- verbal abuse and threats of a sexual nature
- leering, staring or making sexual gestures
- display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings
- unwanted physical contact such as touching, patting, pinching, hugging
- intimidation, threat or actual physical assault of a sexual nature
- sexual advances with actual or implied work related consequences

Note: *While it may not be a harasser's intention for sexual harassment to occur, the intent of a harasser may be an irrelevant factor in a consideration of whether harassment has or has not occurred.*

4.5 **Volunteer** means a person serving the District of Sooke who is not a Council Member or District officer or employee and includes a person serving on any board, commission or committee established by the District.

4.6 **Workplace** includes, but is not limited to, work sites such as the Municipal Hall, Operations Centre, Fire Hall, parks locations and buildings, and construction or maintenance sites, business related social functions, work locations away from the office, work related conferences and training sessions, work related travel, telephone conversations, voice mail and electronic messaging.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

5.0 Complaint Resolution Procedures

5.1 Confidentiality and Anonymity

5.1.1 Allegations of bullying and harassment may require the disclosure of sensitive information. Confidentiality will be maintained to the extent possible to ensure that those who may have been bullied or harassed feel free to come forward and are confident that their reputations will be protected throughout the process. It is the responsibility of all parties involved to respect this intent of confidentiality.

5.1.2 Confidentiality must, however, be distinguished from anonymity. If a complainant wishes to file a formal complaint and proceed with an investigation, the respondent must be made aware of the nature of the complaint, which may include the identity of the complainant. Information will only be disclosed on a "need to know" basis and where disclosure is required to fairly investigate a complaint or as required by law.

5.2 Informal Procedure

5.2.1 An individual who believes he or she has a complaint under this policy may bring the matter to the attention of the person responsible for the conduct and advise the conduct is unwelcome and request that it stop immediately. This is an important step to ensure that the person knows that his or her conduct is unwelcome. If disapproval has been made known to the person and the bullying or harassment persists, a written record of the continuing acts of bullying or harassment should be kept. If after discussing a complaint with the person, the complaint is dealt with to an individual's satisfaction, the issue is considered to be resolved.

5.2.2 If an individual does not feel comfortable speaking to the person responsible for the conduct, or if after confronting the person the conduct persists, the individual should report the matter as set out below.

5.3 Informal Process and Mediation

5.3.1 Individuals covered by this policy who consider that they have been subjected to bullying or harassment may choose to consult an advisor, as follows.

- a. If the individual is a Council or Committee member, the advisor can be the Mayor or Chief Administrative Officer.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- b. If the individual is a District employee, the advisor can be their immediate supervisor, any member of the District's management team, or the Chief Administrative Officer or designate.
 - c. If the individual is a volunteer, the advisor can be the Chief Administrative Officer or designate.
- 5.3.2 Discussions regarding the complainant's concerns will be considered advisory and informal in nature. If the advisor reasonably believes that bullying or harassment has occurred, the advisor will determine whether or not the alleged harasser has been made aware of the objectionable or unwelcome conduct. Where this has occurred but the alleged harasser's behaviour has persisted or where this has not occurred but the complainant is not comfortable doing so, the advisor may intervene at the complainant's request and inform the alleged harasser of the objectionable behaviour.
- 5.3.3 The advisor will also review this policy with the complainant and discuss various choices to assist the complainant in deciding which course of action is most appropriate.
- 5.3.4 At the request of the complainant and with the agreement of the respondent, the Chief Administrative Officer will select an independent third party to act as a mediator to assist the individuals in resolving the complaint through mediation. The role of the mediator is to help the complainant and respondent come to an agreement, and not to advocate a position or impose a decision.
- 5.3.5 Both the complainant and the respondent may be accompanied by a representative of their choice during mediation. If the complaint is resolved by the mediation, a written record of the complaint and the resolution will be given to the complainant, respondent and the Chief Administrative Officer. Should there be recommendations for the employer to consider, the mediator will forward these recommendations as well to the Chief Administrative Officer.
- 5.3.6 If mediation is not successful in resolving the complaint, the complainant can submit a formal complaint as set out below within 10 working days of the conclusion of the mediation process.
- 5.3.7 A matter dealt with to the complainant's satisfaction is considered to be resolved.
- 5.3.8 If the matter is not dealt with to the complainant's satisfaction, the complainant can submit a formal complaint as set out below.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

5.4 Formal Process

- 5.4.1 Incidents or complaint should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
- 5.4.2 A complainant may submit a complaint in writing to the Chief Administrative Officer within 6 months of the most recent incident. This time limit can be extended with the agreement of the complainant and the Chief Administrative Officer. If the respondent is the Chief Administrative Officer, the written complaint should be submitted to the Mayor.
- 5.4.3 The written complaint should include as much information as possible including:
 - a. Name of the complainant and respondent(s)
 - b. Name of any other people involved
 - c. Where and when the event(s) occurred
 - d. A detailed description of the behaviour or words that led to the complaint
 - e. Any prior attempts to resolve

Attach any supporting documents such as emails, handwritten notes or photographs.

- 5.4.4 The District reserves the right to proceed with an investigation under the Formal Process even if the complainant withdraws the complaint.
- 5.4.5 All complainants and respondents have the right to be represented by their union representative or a representative of their choice during an investigation.
- 5.4.6 The Chief Administrative Officer is responsible for ensuring workplace investigation procedures are followed
- 5.4.7 Investigations will:
 - a. Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
 - b. Be fair and impartial, providing the complainant and respondent equal treatment in evaluating the allegations;

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- c. Be sensitive to the interests of all parties involved;
 - d. Be focused on finding facts and evidence, including interviews of the complainant, respondent and any witnesses;
- 5.4.8 The investigation will include interviews with the complainant, respondent and any witnesses. The investigator will also review any evidence such as emails, handwritten notes or photographs.
- 5.4.9 Within ten (10) working days of receiving a written complaint, the Chief Administrative Officer or Mayor, as applicable, will review the complaint and will determine whether he or she will investigate the complaint. The Chief Administrative Officer or Mayor can designate another senior manager or an external third party to investigate the complaint.
- 5.4.10 Employees, Council members and volunteers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.
- 5.4.11 The Chief Administrative Officer will prepare a summary report after completing the investigation. The report should contain a description of the allegations, a summary of the evidence of the parties and witnesses and a determination of whether bullying or harassment has occurred. The report may also include recommendations regarding the resolution of the complaint.
- 5.4.12 Where the investigation is delegated to a third party, the Investigator will prepare a written report and provide it to the Chief Administrative Officer or Mayor, as applicable.
- 5.4.13 After reviewing the report, the Chief Administrative Officer or Mayor as applicable will make a decision on the appropriate disciplinary action, if any, and take such action as the Chief Administrative Officer or Mayor considers appropriate in the circumstances, including discipline up to and including dismissal.
- 5.4.14 The District will keep a written record of investigations, including the findings.
- 5.4.15 A Council member, District officer, employee or volunteer who knowingly makes a false, frivolous, bad faith or malicious report under this Policy may be subject to discipline.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

5.4.16 A Council member, District officer, employee or volunteer who retaliates against an individual who has made a report under this policy may be subject to discipline.

6.0 Training and Education

- 6.1 The Chief Administrative Officer or designate, as part of staff training, will take steps to provide education to Council members, new and existing District officers and employees, and volunteers on this and how to prevent bullying and harassment from occurring in the workplace.
- 6.2 The Chief Administrative Officer or designate will ensure that the necessary training has been provided to those who may be involved in the investigative process and that they are made aware of their role and responsibilities.
- 6.3 The Chief Administrative Officer or designate will take steps to provide training updates or review on an annual basis or as required.
- 6.4 Once a complaint has been investigated in accordance with the above complaint resolution procedures, and it has been confirmed that bullying or harassment occurred, the Chief Administrative Officer or designate will determine if any additional training or education is required for the involved parties or if meetings with the affected parties are necessary. The Chief Administrative Officer or designate will also review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace.

7.0 General

- 7.1 This policy will be provided to all employees, Council members and volunteers and posted in visible and accessible locations within the Municipal Hall and on the District's website.
- 7.2 In the event that any portion of this policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.
- 7.3 This policy is to be read in conjunction with other applicable District policies or employee handbooks as they are amended from time to time.
- 7.4 Any questions related to the interpretation of this policy should be directed to the Chief Administrative Officer or designate..
- 7.5 This policy and the above procedures will be reviewed on an annual basis.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.



COMPLAINT RESOLUTION POLICY, 2011

The District of Sooke ("District") complaint resolution policy is a process whereby Council members, District officers, employees and volunteers can feel confident that complaints about personal or sexual harassment are taken seriously and will be handled fairly, expeditiously and in a manner that respects the rights and dignity of all parties involved in a complaint.

Purpose:

To have a written procedure so all Council members, Council Committee members, District officers, employees and volunteers are aware of options and steps they can take should they have a complaint or are the subject of a complaint of personal or sexual harassment.

Pursuing a complaint under this policy does not preclude a Council member, District officer, employee or volunteer from filing a complaint with the *BC Human Rights Commission* (the "Commission") or pursuing any other available avenues such as the grievance procedure for unionized employees, where applicable. If a complaint is filed with the Commission, the complaint under this policy will be held in abeyance until the complaint with the Commission is resolved. If an individual chooses to pursue a complaint directly with the Commission, the complaint needs to be based on one of the prohibited grounds covered in the *Human Rights Code*, R.S.B.C. 1996, c. 210, as amended from time to time (the "Human Rights Code").

Procedure:

1. Confidentiality and Anonymity

- 1.1 Allegations of harassment may require the disclosure of sensitive information. Confidentiality must be maintained to ensure that those who may have been harassed feel free to come forward and are confident that their reputations will be protected throughout the process. It is the responsibility of all parties involved to respect this intent to protect the reputations of all individuals. Confidentiality cannot be guaranteed for individuals who initiate proceedings or make comments if they involve others outside the processes outlined in this policy.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- 1.2 Confidentiality must, however, be distinguished from anonymity. If a complainant wishes to file a formal complaint and proceed with an investigation, the respondent must be made aware of the nature of the harassment complaint, which may include the identity of the complainant. In order to conduct a fair and objective investigation that is in the best interests of all parties, hearsay or anonymous complaints will not be investigated.
- 1.3 Initially, complainants may wish to review this Policy, or discuss a problem without giving the name of potential respondents. There are options to do this in Step 2.1 of this Policy. The confidentiality of both the complainant and potential respondent will be respected until the complainant chooses a resolution process that requires identification.
- 1.4 All written materials, including all notes taken during a formal or informal workplace harassment resolution process and any report prepared in relation to the resolution of a complaint, will be treated as confidential for the purposes of applications under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.

2. Individual Steps to Resolution

- 2.1 If an individual feels that he or she has been subject to harassment, either personal or sexual, and is comfortable discussing the issue directly with the harasser, he or she should tell the harasser that the behaviour is unwelcome and request that it stop immediately. This is an important step to ensure that the harasser knows that his or her conduct is unwelcome. If disapproval has been made known to the harasser and the harassment persists, a written record of the continuing acts of harassment should be kept. If after discussing a complaint with the harasser, the complaint is dealt with to an individual's satisfaction, the issue is considered to be resolved.
- 2.2 If an individual is unable to talk to the harasser, or if after confronting the harasser the behaviour persists, the individual should involve an advisor.

If you have a concern in this regard or believe that you have been subject to harassment, you have the option of discussing your concern with a number of individuals. The steps to resolution that can be pursued are set out below.

3. Initial Consultation with Advisor

- 3.1 This stage of the complaint resolution process is an avenue to obtain information, voice a concern and develop a means to deal with the problem.
- 3.2 Individuals covered by this policy who consider that they have been subjected to harassment may choose to consult an advisor, as set out in section 2.2.

- a. If the individual is a Council or Committee member, the initial advisor will be the Mayor or Chief Administrative Officer.
 - b. If the individual is a District employee, the advisor will be their immediate supervisor, a member of the employee's departmental management, the Chief Administrative Officer or designate, any member of the District's management team, or another other representative as agreed upon.
 - c. If the individual is a volunteer, the initial advisor will be the Chief Administrative Officer or designate.
- 3.3 Discussions regarding the complainant's concerns will be considered advisory and informal in nature. If the advisor reasonably believes that harassment has occurred, the advisor will determine whether or not the alleged harasser has been made aware of the objectionable or unwelcome conduct. Where this has occurred but the harasser's behaviour has persisted or where this has not occurred but the complainant is not comfortable doing so, the advisor may intervene at the complainant's request and inform the harasser of the objectionable behaviour.
- 3.4 The advisor will also review the *Anti-Harassment Policy* and *Complaint Resolution Policy* with the complainant and discuss various choices to assist the complainant in deciding which course of action is most appropriate.
- 3.5 A complainant's concerns at the Initial Consultation stage will be treated in confidence by the advisor. The only exception to maintaining confidentiality is if the advisor deems the complaint to indicate a possible physical threat to any person. In that case, the advisor must immediately advise the Chief Administrative Officer, or designate, of the complaint and inform the complainant of this requirement to do so. The Chief Administrative Officer or designate will promptly initiate an investigation and keep the complainant aware of the developments.
- 4. Informal Resolution**
- 4.1 If the complainant, after the Initial Consultation, decides to proceed with a complaint of sexual or personal harassment, he or she must provide a written complaint to the Chief Administrative Officer at the earliest possible date. This written complaint will contain full particulars of the facts surrounding the complaint.
- 4.2 If the complainant initially chose not to consult with anyone with respect to an alleged incident of harassment, the written complaint must be initiated within six (6) months of the date of the last alleged incident of harassment. Upon receipt of such a complaint, the Chief Administrative Officer or designate will take whatever

steps are considered appropriate with the complainant and the respondent to resolve the matter informally within five (5) working days.

- 4.3 The complainant, with the assistance of the Chief Administrative Officer, will determine the best course of action. Some of the options for the complainant under this policy are as follows:
- a) discuss concerns directly with or write to the respondent;
 - b) discuss concerns directly with the respondent, with the assistance of the Chief Administrative Officer;
 - c) request that the Chief Administrative Officer meet individually with the respondent and discuss the complaint;
 - d) initiate Mutual Resolution;
 - e) initiate a Formal Review;
 - f) file a grievance for bargaining unit employees, if applicable;
 - g) file a complaint with the Commission, provided that the harassment complaint is based on one of the prohibited grounds covered under the *Human Rights Code*.

- 4.4 If the Informal Resolution process proves to be unsuccessful in resolving the harassment complaint, the parties will confirm so in writing to the Chief Administrative Officer within five (5) working days of the final Informal Resolution meeting and advise which further resolution option they wish to pursue. The complainant may, at his or her option, choose to proceed to Formal Review if the parties cannot agree to resolve the complaint through Mutual Resolution.

5. Mutual Resolution

- 5.1 At the request of the complainant and with the agreement of the respondent, and with the assistance of the Chief Administrative Officer, a third party will be selected to act as a mediator to assist the individuals in resolving the complaint through mediation. The role of the mediator is to help the complainant and respondent come to an agreement, and not to advocate a position or impose a decision.
- 5.2 The mediator will be selected by agreement of the complainant and respondent, with the Chief Administrative Officer retaining the right to select a mediator if the complainant and respondent are unable to agree.
- 5.3 Both the complainant and the respondent may be accompanied by a representative of their choice. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the complainant, respondent and the Chief Administrative Officer. Should there be recommendations for the employer to consider, the mediator will forward these recommendations as well to the Chief Administrative Officer. The

resolution and recommendations must be kept in confidence by the Chief Administrative Officer.

- 5.4 If Mutual Resolution does not prove to be successful in resolving the complaint, other options may be pursued and must be confirmed by the complainant in writing within five (5) working days of receiving the mediator's report.

6. Formal Review

- 6.1 A request for a Formal Review should be made in writing to the Chief Administrative Officer within five (5) working days of either the conclusion of the Informal Resolution or Mutual Resolution process. The Chief Administrative Officer will convene an ad hoc Investigative Committee within five (5) working days of the request being filed.

- 6.2 The Investigative Committee will be drawn from an established pool of candidates and will consist of three representatives, from whom a Chairperson will be selected. The complainant and respondent will each choose a member from the pool and, in turn, these two representatives will choose a third member from the pool to be Chairperson. The Investigative Committee will do the following:

- a) confirm receipt of the written complaint with the complainant;
- b) notify the respondent of the allegation(s), provide the respondent with a copy of the *Anti-Harassment and Complaint Resolution Policies* and advise the complainant of this notification;
- c) receive information from any witnesses whom they believe may have information relevant to the complaint. This information may be received through written documentation, interviews, or informal hearings;
- d) keep both the complainant and the respondent aware of any allegation(s) made against them and ensure that they are given a reasonable opportunity to respond; and,
- e) inform the complainant and the respondent that they may be accompanied by a representative of their choice during the Formal Review process.

- 6.3 The Investigative Committee is required to ensure all details, dates, conversations and meetings are well documented. Once the investigation has been completed, the Committee Chairperson, on behalf of the Investigative Committee, will prepare a written report and provide the report to the CAO. The report should, at a minimum, contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether

harassment occurred. The report may also provide recommendations with respect to the potential outcome.

- 6.4 After reviewing the report of the Investigative Committee, the CAO will make a decision on the appropriate disciplinary action, if any, and take such action as the CAO considers appropriate in the circumstances. In determining the appropriate disciplinary action in the context of harassment, the following factors will be considered:
- a) the degree and nature of the conduct;
 - b) whether the harassment was a single or repeated act;
 - c) whether the respondent was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;
 - d) the nature of the work relationship of the complainant and the respondent, and whether the respondent was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;
 - e) the impact of harassment on the complainant;
 - f) the respondent's acknowledgment of wrongdoing;
 - g) the respondent's history of other harassment; and
 - h) the nature of the respondent's employment relationship with the District, including length of service and position.
- 6.5 Where the Investigative Committee concludes that harassment has occurred, the District must endeavour to protect the complainant from any subsequent harassment, discrimination or reprisal within the District's jurisdiction. The District also recognizes its responsibilities to protect the rights of the harasser and to see that no reprisal takes place.
- 6.6 Where the Investigative Committee finds that the original complaint was initiated in bad faith or with intent to harm, the CAO will take appropriate disciplinary action against the complainant.
- 6.7 The CAO's decision pursuant to section 6.4 will be in writing and provided to the complainant and respondent within ten (10) working days of the receipt of the report from the Chairperson of the Investigative Committee. The CAO's report will also include the findings of the Investigate Committee. The CAO will determine if any further release of any information contained in the report is necessary and, if so, will respond accordingly.
- 6.8 A copy of the Investigate Committee's Report and the CAO's decision will be retained in a confidential file maintained by the Chief Administrative Officer.
- 6.9 The District reserves the right to proceed with the Formal Review even if the complainant withdraws the complaint.

In the case of a complaint against the CAO, the Mayor or an appointed representative of Council would assume the responsibilities assigned to the CAO as a part of the complaint process.

7. Other Options

If a complaint falls under the prohibited grounds of the *Human Rights Code*, an option for union or management workers would be to file a complaint with the Commission or seek private legal counsel.

8. Third Party Reprisal

Reprisals against either the complainant or the respondent will be considered serious and appropriate disciplinary action will be taken against any Council member, District officer, employee or volunteer found to be conducting themselves in an inappropriate manner against a complainant or respondent.

9. Discipline

- 9.1 For the purpose of this Policy, disciplinary action for District officers or employees may include verbal or written warnings, training or education, transfer, suspension or termination of employment.
- 9.2 Disciplinary action for volunteers may include warning or discontinuation of volunteer opportunities and associated privileges.
- 9.3 Disciplinary action for Council members may include written warnings, censure, training or education, limited access to the workplace, or, under circumstances deemed appropriate under the *Local Government Act*, removal from office.

10. Complaints against Council Members

Where a complaint is made against a Council Member, the following procedure applies:

- 10.1 A written complaint may be filed with the Chief Administrative Officer. The Chief Administrative Officer is required to report the complaint to the Corporate Officer.
- 10.2 The Corporate Officer will include on the agenda of the next closed meeting of Council an item in relation to the complaint that has been made. The Corporate Officer will provide the Council with the following information:
 - a) the existence of a complaint;
 - b) confirmation of the nature of the complaint; and,
 - c) the individual Council Member against whom the complaint is made.

- 10.3 Council will authorize an investigation of the complaint and appoint an outside consultant to carry out the investigation. The consultant shall be directed to make findings of fact and to decide whether those facts amount to harassment.
- 10.4 The consultant shall prepare a report in writing setting out the findings of fact and his or her conclusion as to whether the facts constitute harassment. The consultant's report will be presented to Council at a closed meeting for discussion.
- 10.5 Council must then pass a motion receiving the report and make any other directions as it sees fit to both the CAO and to the Respondent Council Member.

11. General

- 11.1 This policy will be posted in visible and accessible locations within the Municipal Hall and on the District's website.
- 11.2 In the event that any portion of this policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.
- 11.3 This policy is to be read in conjunction with other applicable District policies as they are amended from time to time.
- 11.4 Any questions related to the interpretation of this policy should be directed to the Chief Administrative Officer or his/her designate.



CODE OF ETHICS POLICY, 2011

The residents and businesses of the District of Sooke are entitled to have a fair, honest and open local government that has earned the public's full confidence for integrity. In keeping with the District of Sooke Vision and Council Values as described in the Strategic Plan, the District of Sooke seeks to maintain and enhance the quality of life for all District of Sooke residents through responsible, fair, community-minded and sustainable government. To help achieve this goal, the Council of the District of Sooke has adopted a Code of Ethics applicable to members of Council ("Members") and to all persons appointed by Council to boards, committees, commissions, panels or task forces, whether they are members of Council or not ("Appointees").

1. Purpose:

1.1 The purposes of the Code of Ethics are to ensure that:

- a) Public business is conducted with integrity, in a fair, honest and open manner;
- b) Members and Appointees respect one another, the public and staff and recognize the unique role and contribution each person has in making the District of Sooke a better place to work and live;
- c) The conduct of Members and Appointees in the performance of their duties and responsibilities with the District of Sooke is above reproach;
- d) Decision making processes are accessible, participatory, understandable, timely and just;
- e) Members and Appointees avoid any real or perceived conflict of interest; and
- f) Members and Appointees respect and uphold confidentiality requirements.

2. Application of the Code of Ethics

2.1 The Code of Ethics is applicable to all members of Council ("Members") and to any person appointed by Council to boards, committees, commissions, panels or task forces, whether they are members of Council or not ("Appointees"). The bodies to which Council can appoint Appointees are referred to collectively as "Committees" throughout this Code of Ethics.

3. Policy

3.1 *Act in the Public Interest*

Recognizing that the District of Sooke seeks to maintain and enhance the quality of life for all District of Sooke residents through effective, responsive and responsible government, Members and Appointees shall conduct their business with integrity and in a fair, honest and open manner.

3.2 *Comply with the Law*

Members and Appointees shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *Constitution Act, 1867, Criminal Code, Human Rights Code, Local Government Act, Community Charter*, all laws pertaining to financial disclosures and employer responsibilities, and relevant District of Sooke bylaws and policies.

3.3 *Conduct of Members*

The conduct of Members and Appointees in the performance of their duties and responsibilities with the District of Sooke shall be fair, open and honest. Members and Appointees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of each other, District of Sooke officers and employees, or the public.

3.4 *Compliance with Processes*

3.4.1 Members and Appointees shall perform their duties in accordance with the policies, procedures and rules of order established by the District of Sooke Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by District of Sooke staff.

3.4.2 Appointees shall be aware of the mandate of their respective Committees and act in accordance with it.

3.5 *Conduct of Public Meetings*

Members and Appointees shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the meeting, or otherwise disturb a meeting.

3.6 *Decisions Based on Merit*

Members and Appointees shall base their decisions on the merits and substance of the matter at hand.

3.7 *Gifts and Favours*

3.7.1 Members shall not accept any gift, money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the District of Sooke, except as follows:

- a) where such a gift or favour is authorized by law;
- b) where such contributions are lawful campaign contributions; or
- c) where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member.

3.7.2 Members and Appointees may participate in District of Sooke programs open to the public and may purchase District of Sooke property or goods offered for public sale.

3.8 *Communication*

Subject to sections 3.9 and 3.10, Members and Appointees shall publicly share substantive information that is relevant to a matter under consideration by the Council or a Committee that they may have received from sources outside of the public decision making process.

3.9 *Conflict of Interest*

3.9.1 Members shall be aware of and act in accordance with Division 6 of Part 4 of the *Community Charter*, and shall fulfill part (c) of their *Oath of Office*.

3.9.2 All Members and Appointees shall be aware of and declare, in writing where necessary, any real or perceived conflicts of interest.

3.9.3 A conflict of interest exists where:

- a) a Member or Appointee is a director, member or employee of an organization seeking a benefit from the District of Sooke upon which the decision making body will make a recommendation or decision;
- b) the Member or Appointee has a direct or indirect pecuniary interest in the outcome of deliberations.

- 3.9.4 A conflict of interest does not exist if:
- a) the pecuniary interest of the Member or Appointee is a pecuniary interest that is sufficiently in common with electors of the District of Sooke generally, or
 - b) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Member or Appointee in relation to the matter.
- 3.9.5 Where a conflict of interest exists, Members and Appointees are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter, must declare to the body that a conflict exists, and must absent themselves from the meeting during consideration of the issue to which the conflict relates. The declaration of a conflict and the Member's or Appointee's exit from and return to the meeting shall be noted in the minutes.
- 3.9.6 Where a perceived conflict of interest exists, the Member or Appointee may note that a perception of conflict of interest might exist but need not declare a conflict and exit the meeting if in the Member's or Appointee's view there is no actual conflict of interest.
- 3.9.7 Where in the opinion of Council or a Committee, a Member or Appointee is in a conflict of interest and has not so declared, the body may ask for a review of the matter by the Chief Administrative Officer or designate. The matter, if unresolved, may then be referred to Council for review and then, if still unresolved, to legal counsel.

3.10 *Confidential Information*

Members and Appointees shall respect the confidentiality of information concerning the property, personnel or legal affairs of the District of Sooke. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

3.11 *Use of Public Resources*

Members and Appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

3.12 *Advocacy*

Members and Appointees shall represent the official policies or positions of the District of Sooke, Council or Committee to the best of their abilities when

designated as delegates for this purpose. When presenting their individual opinions and positions, Members and Appointees shall explicitly state they do not represent Council, their committee or the District of Sooke, nor will they condone the inference that they do.

3.13 *Policy Role of Members and Appointees*

Members and Appointees shall respect and adhere to the structure of government as established in the District of Sooke. In this structure, the Council determines the policies of the District of Sooke with the advice, information and analysis provided by the public, Committees, and District of Sooke staff. Members and Appointees, therefore, shall not interfere with the administrative functions of the District of Sooke or with the professional duties of District of Sooke staff, nor shall they impair the ability of staff to implement Council policy decisions.

3.14 *Respectful Workplace Environment*

Members and Appointees shall treat each other, the public, and District of Sooke staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact with during the course of their professional duties. Members and Appointees shall be aware of and act in accordance with the *Respectful Workplace* and *Anti-Bullying and Harassment policies*.

4. **Implementation of the Code of Ethics**

4.1 The District of Sooke Code of Ethics is intended to be self-enforcing. Members and Appointees should view the Code of Ethics as a set of guidelines that expresses the standards of conduct expected of them. Implementation is most effective when Members and Appointees are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Ethics will be provided to candidates for Council and applicants to Committees.

4.2 Members and Appointees will be requested to sign the Statement, attached as Appendix A, affirming they have read and understood the District of Sooke Code of Ethics. In addition, Council and Committees shall annually review the Code of Ethics, and Council shall consider recommendations from Committees and update the Code as necessary.

5. **Compliance and Enforcement**

5.1 The District of Sooke Code of Ethics expresses standards of ethical conduct expected for Members and Appointees of the District of Sooke Council and Committees. Members and Appointees themselves have the primary responsibility to assure that these ethical standards are understood and met, and

that the public can continue to have full confidence in the integrity of the governance of the District of Sooke.

5.2 Council may impose sanctions on Members and Appointees whose conduct does not comply with the District of Sooke's ethical standards. Council may impose a motion of censure on a Member and may rescind the appointment of an Appointee to a Committee if he or she is found to have breached the Code of Ethics.

5.3 To ensure procedural and administrative fairness, a Member or Appointee who is accused of violating any provision of the Code of Ethics, with the exception of subsection 3.14 (to which the complaint resolution procedures set out in the *Anti-Bullying and Harassment Policy*~~Complaint Resolution Policy~~ applies), shall have a minimum of one week or the time between two consecutive meetings, whichever is greater, to prepare his or her case before Council to respond as to these allegations. Before considering a sanction, Council must ensure that a member has:

- a) received a written copy of the case against him or her;
- b) a minimum of one week or the time between two consecutive meetings, whichever is greater, to prepare a defence against any allegations; and
- c) a fair opportunity to be heard.

6. Violation Not Cause to Challenge a Decision

6.1 A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council or a Committee decision.

APPENDIX A:

MEMBER STATEMENT

Council of the District of Sooke and Council Appointees to Boards, Committees, Commissions and Task Forces

As a Member of the District of Sooke Council or an Appointee of a District of Sooke Committee, I agree to uphold the Code of Ethics adopted by the District of Sooke and conduct myself by the following model of excellence. I will:

- recognize the diversity of backgrounds, interests and views in our community;
- help create an atmosphere of open and responsive government;
- conduct public affairs with integrity, in a fair, honest and open manner;
- respect one another and the unique role and contribution each of us has in making the District of Sooke a better place to work and live;
- strive to keep the decision making processes open, accessible, participatory, understandable, timely, just and fair;
- avoid and discourage conduct which is not in the best interests of the District of Sooke;
- avoid any real or perceived conflict of interest and declare at the earliest opportunity, in writing, any interest that is or may be in conflict with the business of the body of the District of Sooke in which I am participating;
- respect and uphold confidentiality requirements; and
- treat all people with whom I come in contact in the way I wish to be treated.

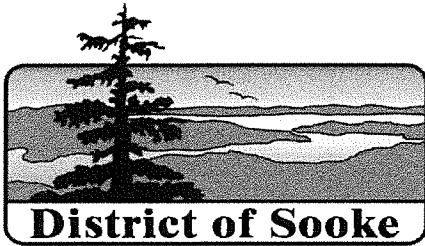
I affirm that I have read and understood the District of Sooke Code of Ethics Policy.

Signature: _____

Date: _____

Name (please print):

Office / Committee:



Policy No. 7.11

Adopted by Council: May 9, 2011

RESPECTFUL WORKPLACE POLICY, 2011

The Corporation of the District of Sooke is committed to creating and maintaining a work environment where colleagues treat each other with respect and are supportive of the personal dignity, self-esteem and well-being of one another.

A respectful workplace honours the entitlement of others to have a respectful experience and honours the pride and dignity of others. In a respectful workplace, the principles of promoting cooperative and collaborative behaviours are honoured, including healthy group dynamics and proactive problem solving.

Responsibility for creating and maintaining a positive workplace environment rests with all persons sharing our workplace including elected officials, employees, contractors, volunteers and visitors.

Individuals must refrain from conduct that may offend, embarrass or humiliate others. The District of Sooke will not condone behaviour in the workplace or by the public that is offensive and is likely to undermine otherwise-healthy work relations, efficiency or productivity.

1. Purpose:

- 1.1 This Policy has been developed to formalize the responsibility and commitment of the District of Sooke to ensure that we hold ourselves to high standards and values in creating and maintaining a respectful workplace. It recognizes that only by working together and respecting each other, can the District of Sooke be successful in achieving its goal of excellence in public service.
- 1.2 This Policy has also been developed to reaffirm and help work toward several aspects of Council's Values, as identified in the District of Sooke's Strategic Plan, including: communication, respect, courtesy, sincerity, listening, open-mindedness, politeness, accountability, patience, integrity, honesty, trust, and team building.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

2. Procedure:

- 2.1 This Policy embraces the District of Sooke values and therefore sets the expectations on how we will conduct ourselves in dealings with our fellow employees and others with whom we do business.
- 2.2 Conduct that undermines this Policy includes aggressive or demeaning behaviour toward others, bullying, gossiping, shunning, disrespecting another person's beliefs or valid approach to an issue, ignoring other's polite requests to cease offensive behaviour, or other similarly inappropriate behaviours.
- 2.3 Management has an on-going responsibility to immediately stop any activity that undermines this Policy and the values of the District of Sooke. Should there be reason to raise a concern or file a complaint; the complainant should follow the complaint resolution procedures ~~instructions outlined set out in the District of Sooke *Complaint Resolution Procedures Policy* established to cover issues related to this Policy or the District of Sooke *Anti-Bullying and Anti-Harassment Policy*~~. Everyone has a responsibility not to be frivolous or vindictive.

BACKGROUND

1. Preamble

An employer has a duty to ensure the health and safety of its workers, and as a result, employers must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for an employer to prevent where possible, or otherwise minimize, workplace bullying and harassment.

WorkSafeBC Officers will review whether the elements in this Policy have been developed, implemented and periodically reviewed.

2. Explanatory Notes

Section 115(1)(a) of the *Workers Compensation Act* ("Act") requires an employer to take all reasonable steps in the circumstances to ensure the health and safety of its workers.

Section 115(2)(e) of the *Act* requires an employer to inform, instruct, train and supervise workers to ensure their safety and those of other workers.

This policy (D3-115-2), which flows from the above sections in the *Act*, discusses employer duties regarding bullying and harassment. It identifies what WorkSafeBC considers to be reasonable steps for an employer to take to address the hazards of workplace bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-116-1, Worker duties, and Policy D3-117-2, Supervisor duties.

3. The Act

Section 115(1)(a) & Section 115(2)(e):

- (1) Every employer must
 - (a) ensure the health and safety of
 - (i) all workers working for that employer, and
 - (ii) any other workers present at a workplace at which that employer's work is being carried out...
- (2) Without limiting subsection (1), an employer must
 - (e) provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work....

POLICY**Definition**

"bullying and harassment"

- (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Reasonable Steps to Address the Hazard

WorkSafeBC considers that reasonable steps by an employer to prevent where possible, or otherwise minimize, workplace bullying and harassment include the following:

- (a) developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated;
- (b) taking steps to prevent where possible, or otherwise minimize, workplace bullying and harassment;

PREVENTION MANUAL

- (c) developing and implementing procedures for workers to report incidents or complaints of workplace bullying and harassment including how, when and to whom a worker should report incidents or complaints. Included must be procedures for a worker to report if the employer, supervisor or person acting on behalf of the employer, is the alleged bully and harasser;
- (d) developing and implementing procedures for how the employer will deal with incidents or complaints of workplace bullying and harassment including:
 - i. how and when investigations will be conducted;
 - ii. what will be included in the investigation;
 - iii. roles and responsibilities of employers, supervisors, workers and others;
 - iv. follow-up to the investigation (description of corrective actions, timeframe, dealing with adverse symptoms, etc.); and
 - v. record keeping requirements;
- (e) informing workers of the policy statement in (a) and the steps taken in (b);
- (f) training supervisors and workers on:
 - i. recognizing the potential for bullying and harassment;
 - ii. responding to bullying and harassment; and
 - iii. procedures for reporting, and how the employer will deal with incidents or complaints of bullying and harassment in (c) and (d) respectively;
- (g) annually reviewing (a), (b), (c), and (d);
- (h) not engaging in bullying and harassment of workers and supervisors; and
- (i) applying and complying with the employer's policies and procedures on bullying and harassment.

PRACTICE

The definition of bullying and harassment includes any inappropriate conduct or comment by a 'person' towards a worker that the 'person' knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

PREVENTION MANUAL

In order to determine what is reasonable in the policy, a definition below is included for a 'reasonable person'.

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

"...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions..."

EFFECTIVE DATE: November 1, 2013

AUTHORITY: s 115(1)(a) and s115(2)(e) of the *Workers Compensation Act*

HISTORY:

APPLICATION:

BACKGROUND

1. Preamble

A worker has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, a worker must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for a worker to prevent where possible, or otherwise minimize, workplace bullying and harassment.

2. Explanatory Notes

Section 116(1)(a) of the *Workers Compensation Act* ("Act") requires workers to take reasonable care to protect the health and safety of other persons who may be affected by the worker's acts or omissions at work.

This policy (D3-116-1), which flows from the above section in the *Act*, discusses worker duties regarding bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-115-2, Employer duties, and Policy D3-117-2, Supervisor duties.

3. The Act

Section 116

- (1) Every worker must
- (a) take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work....

POLICY**Definition**

"bullying and harassment"

- (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

A worker's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- (a) not engaging in bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- (b) reporting if bullying and harassment is observed or experienced in the workplace; and
- (c) applying and complying with the employer's policies and procedures on bullying and harassment.

PRACTICE

The definition of bullying and harassment includes any inappropriate conduct or comment by a 'person' towards a worker that the 'person' knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or

PREVENTION MANUAL

co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

“...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions...”

EFFECTIVE DATE: November 1, 2013
AUTHORITY: s 116(1)(a) of the *Workers Compensation Act*
HISTORY:
APPLICATION:

RE: Supervisor Duties - Workplace Bullying and Harassment**D3-117-2**

BACKGROUND

1. Preamble

A supervisor has a duty to take all reasonable steps to ensure the health and safety of workers under their supervision, and as a result, a supervisor must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for a supervisor to prevent where possible, or otherwise minimize, workplace bullying and harassment.

2. Explanatory Notes

Section 117(1)(a) of the *Workers Compensation Act* ("Act") requires supervisors to take all reasonable steps to ensure the health and safety of workers under their supervision.

This policy (D3-117-2), which flows from the above section in the *Act*, discusses supervisor duties regarding bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-115-2, Employer duties, and Policy D3-116-1, Worker duties

3. The Act

Section 117

- (1) Every supervisor must
- (a) ensure the health and safety of all workers under the direct supervision of the supervisor....

POLICY**Definition**

“bullying and harassment”

- (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

A supervisor’s obligation to ensure health and safety of workers includes:

- (a) not engaging in bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer; and
- (b) applying and complying with the employer’s policies and procedures on bullying and harassment.

PRACTICE

The definition of bullying and harassment includes any inappropriate conduct or comment by a ‘person’ towards a worker that the ‘person’ knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

A ‘person’ includes any individual, whether or not they are a workplace party. This means that a ‘person’ could be a workplace party such as an employer, supervisor, or co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

PREVENTION MANUAL

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

"...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions..."

EFFECTIVE DATE: November 1, 2013

AUTHORITY: s 117(1)(a) of the *Workers Compensation Act*

HISTORY:

APPLICATION:

RA-5 2076 Otter Point Road (Tin Grotto) Enforcement Action

MOVED and seconded to postpone Agenda Item RA-5 2076 Otter Point Road (Tin Grotto) Enforcement Action to the August 11th, 2014 Regular Council meeting.

CARRIED UNANIMOUSLY



File No. 4020-20

REQUEST FOR DECISION
Regular Council
Meeting Date: July 14, 2014

To: Gord Howie, Chief Administrative Officer
From: Bylaw
Re: **2076 Otter Point Rd (Tin Grotto) Enforcement Action**

RECOMMENDATION:

THAT COUNCIL direct staff to proceed with the notification to the property owner to give 20 days to comply with order to remove “unsightly” conditions from 2076 Otter Point Road, known as the “Tin Grotto” or “Trading Post”;
AND, if the property owner does not bring the property into compliance, to authorize the removal and disposal of all items on the perimeter of the building;
AND, in the event of non-payment of costs by the property owner, to attach the costs to the property taxes.

1. Executive Summary:

The purpose of this report is to request that Council provide staff with direction as to enforcement measures for ongoing contraventions of Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*.

2. Background:

Bylaw contravention issues for 2076 Otter Point Road (“Tin Grotto”) date back to 2001 when the Capital Regional District was the legislated authority to enforce bylaws.

At the November 10, 2008 meeting, Council resolved as follows:

“Bylaw Enforcement 2076 Otter Point Road

That Council direct staff to proceed with notification to the property owner to give 14 days to comply with order to remove “unsightly” conditions from front and side yard setbacks;

AND TO authorize the removal and storage of the unsightly or stored material (impoundment) at the cost of the municipality and to attach the costs to the property taxes.”

The property owner was advised of the Council resolution and some work was carried out by the owner at the time.

In April 2012, the Tin Grotto ceased operating as a business and the business owner moved away from Sooke. For the period of April 2012 to approximately September 2013 an individual was sorting and discarding some of the items that remained in the building, as well as some in the rear yard. That activity has since ceased and no further attempts to clean the property have been made.

The latest attempt to have the owner comply was May 19, 2014 with failure of the property owner to comply with Bylaw No. 296 or to contact the District of Sooke when requested.

There is ongoing storage and accumulation of material at the rear of the building, bordered by Sooke Legion Senior's Housing and Ayre Road. This storage area is exposed to the weather elements and has been for many years. Neighbouring residents have stated they have noticed a dramatic increase in rodents leaving the storage area at the rear of the building. The fence separating the storage from the Seniors Housing is falling down due to the weight of the items against it, lack of maintenance and the age of the wood.

Discarded items are deposited on the boulevard next to the building along Ayre Road and do not appear to be "out of place" given the unsightly issues of the adjacent storage. The stored items, in some locations, are higher than the height of the fence.

The problem with this property has been ongoing for years with numerous complaints from neighbouring residents. Visitors traveling along Otter Point Road to the Municipal Hall and along Ayre Road to Ayre Manor Residential Care Facility are faced with driving past this property.

A time line of events is attached to this report.

3. Analysis:

After considerable and ongoing attempts over the past twelve years to have the property owner bring the property into compliance, Staff recommends that Council consider the removal and discarding of the unsightly and stored material at 2076 Otter Point Road and recovering costs from the property owner. The costs may be attached to the property taxes if not paid. The removal of the unsightly material by the District is an instant solution.

4. Legal Impacts:

The issues for this property have arisen due to repeated complaints relating to unsightly conditions. There are specific options set out under the *Community Charter* and Bylaw No. 296 to obtain compliance.

5. Financial Impacts:

- Truck rental & Employees/Agents to haul material: for approximately one week; and Bylaw Enforcement Officer to oversee task: approximately one week; or
- Machine and dump truck for approximately 2 days.

- Costs to be recovered from property owner or added to property taxes.

Attached Documents:

1. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*
 - Part 5, Schedule 402 – General Commercial Zone (C-2)
 - Part 1, Section 1.5
2. Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*
3. *Unsightly Premises and Other Objectionable Situations Policy, 2007*
4. *Community Charter [SBC 2003] Chapter 26 Section 16 and 17*
5. Time Line of Events

Respectfully,



Medea Mills
Bylaw Compliance and Enforcement Officer

Approved for Council Agenda

Engineering

✓

Corp. Services

✓

CAO

Planning



Finance

General Commercial

C2

402.1 Purpose: This zone provides for a wide range of commercial uses.

402.2 Permitted Uses:*

Principal Uses:

- | | |
|--|---|
| a) Amusement facility – indoor | r) Household equipment sales, service & repair |
| b) Assembly use | s) Institutional use |
| c) Auction rooms, including storage in accessory buildings | t) Office |
| d) Auto service facility* | u) Pub |
| e) Bakery | v) Parking lot, parkade |
| f) Brew pub | w) Personal services |
| g) Bus depot | x) Place of worship |
| h) Car wash | y) Plant nursery |
| i) Convenience store | z) Private club |
| j) Commercial exhibit | aa) Residential above the first floor |
| k) Commercial school | bb) Restaurant |
| l) Country market | cc) Retail |
| m) Financial institution | dd) Shopping centre |
| n) Funeral home | ee) Theatre |
| o) Gas bar* | ff) Vehicle sales/rentals <i>(amended by Bylaw No. 583 adopted February 11, 2014)</i> |
| p) Health services | gg) Veterinary clinic in an enclosed building |
| q) Hotel and/or motel | |

* See conditions of use.

Accessory Uses:

- hh) Employee housing *

402.3 Minimum Lot Size for Subdivision Purposes:

- a) Within Sewer Specified Area: 900 m²
- b) Outside Sewer Specified Area: 1 ha

402.4 Minimum Width for Subdivision Purposes: 15 m

402.5 Maximum Height: *See conditions of use.

- a) Principal Buildings: 14 m
- b) Accessory Buildings: 9 m

402.6 Maximum Lot Coverage: 60% within Sewer Specified Area; 40% outside SSA
Schedule 402 - General Commercial (C2)

402.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
First storey of Building or Structure	0 m	0 m	0 m	6 m	0 m
Adjacent to residential zones, including CD zones	0 m	0 m	4.5 m	4.5 m	0 m

402.8 Conditions of Use:

- a) Notwithstanding the permitted uses, all except "parking lot, parkade" are prohibited on Lot 68, Section 6, Sooke District, Plan 26921 (PID 002-472-503). The maximum height of a parking lot, parkade on this site is 6 m.
- b) Gross floor area for a single retail use other than grocery must not exceed 2200 m². Gross floor area for a grocery store must not exceed 3000 m².
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- d) Gas bars are only permitted north of Highway #14.
- e) On lands designated as Town Centre by the Official Community Plan, auto service facilities are only permitted north of Highway #14 with the exception of the property legally described as Lot 1, Section 3, Sooke District, Plan VIP1536 (PID 003-789-411).

1.4 Severability

If any section, subsection, clause, or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

Division 2: Compliance

1.5 Permitted Uses

No lands, buildings, or structures in any zone shall be used by the owner, occupier, or any other person for any use, except as provided in this Bylaw and being specifically permitted for the zone in which it is located as set out in the Zone Schedules in Part 5 of this Bylaw.

1.6 Enforcement and Inspection

Bylaw Enforcement Officers, Building Officials and Fire Inspectors of the District of Sooke are designated to enforce this Bylaw and:

- a) are authorized to enforce this Bylaw and carry out inspections regarding the use and occupancy of buildings and property;
- b) are authorized to enter at all reasonable times upon any property in the District of Sooke for the purpose of ascertaining whether the requirements of this Bylaw are being met and the regulations under this Bylaw are being observed; and
- c) may give notice to the owner of any property directing the owner or occupant to correct any condition which constitutes a violation of this Bylaw.

No person shall interfere with or obstruct the entry of an officer or employee of the District of Sooke onto any land, or into any building, to which entry is made or attempted pursuant to the provisions of this Bylaw.

1.7 Offences and Penalties

- a) Every person who contravenes a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.
- b) Each day that an offence exists or continues under this Bylaw constitutes a separate and distinct offence.
- c) This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter* or by bylaw notice issued under the *Local Government Bylaw Notice Enforcement Act*.
- d) No person may interfere with a Bylaw Enforcement Officer, Building Officer or Fire Inspector in issuing a ticket or Bylaw notice or otherwise carrying out his



DISTRICT OF SOOKE

BYLAW NO. 296

A bylaw to prevent unsightliness and other objectionable situations on real property in the District of Sooke.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*.

Prohibitions

2. The owner or occupier of real property shall NOT cause or permit:
 - (a) refuse, garbage, or other noxious, offensive, or unwholesome material to accumulate on such real property or in any buildings or structures located on such real property;
 - (b) water to accumulate on such real property or in any buildings or structures located on such real property;
 - (c) unsanitary conditions to exist on such real property or in any buildings or structures located on such real property;
 - (d) noxious weeds designated under the *Weed Control Regulation* of the *Weed Control Act*, as amended from time to time, to grow or accumulate on such real property;
 - (e) any trees or other growths that create a safety hazard to remain on such real property;
 - (f) graffiti to be placed or remain on any buildings or structures located on such real property;
 - (g) unsightly conditions to exist on such real property or in any buildings or structures located on such real property.

Removal Required

3. Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property all:
 - (a) accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
 - (b) accumulations of water;
 - (c) unsanitary conditions;
 - (d) noxious weeds designated under the *Weed Control Regulation* of the *Weed Control Act*, as amended from time to time;
 - (e) trees and other growths that create a safety hazard;
 - (f) graffiti; and
 - (g) unsightly conditions.

Non-compliance

4. In the event the owner or occupier of real property fails to comply with section 3 of this bylaw, and the owner or occupier of such real property has been given an opportunity to appear before Council to be heard in respect of such failure, the District of Sooke may, by its own officers and employees or other persons, carry out the work necessary to comply with section 3 of this bylaw at the expense of the owner or occupier, and the District of Sooke may recover the costs of undertaking such work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

Rubbish on Public or Private Property

5. No person shall deposit or throw bottles, broken glass, or other rubbish on any highway, public place, or private property in the District of Sooke.

Graffiti on Public or Private Property

6. No person shall place graffiti on a building or structure, or elsewhere, on any highway, public place, or private property in the District of Sooke.

Right of Entry

7. Any officer or employee of the District of Sooke may enter at all reasonable times on any real property or in any buildings or structures located on such real property to ascertain whether the regulations and requirements of this bylaw are being observed.

No Interference

8. No person shall obstruct or interfere with:
 - (a) an officer or employee of the District of Sooke in the performance of his or her duties under this bylaw; or
 - (b) any person directed by the District of Sooke to carry out the work under section 4 of this bylaw.

Offence and Penalties

9. Any person who contravenes this bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.
10. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
11. Bylaw enforcement officers are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.
12. The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
13. The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

Severability

14. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal of Existing Bylaw

15. The *Unsightly Premises Bylaw No. 1, 1991* is hereby repealed and replaced with this bylaw.

Introduced and read a first time the 10th day of April, 2007.

Read a second time the 10th day of April, 2007.

Public Information Meeting the 22nd day of May, 2007.

Amended the 7th day of June, 2007.

Read a third time the 7th day of June, 2007.

Adopted on the 11th day of June, 2007.

Janet Evans
Mayor

Evan Parliament
Chief Administrative Officer

SCHEDULE "A"

MUNICIPAL TICKET INFORMATION DESIGNATIONS

Offence	Bylaw Section No.	Fine
Accumulation of refuse, garbage or other material on property	2(a)	\$100.00
Accumulation of water on property	2(b)	\$100.00
Unsanitary conditions on property	2(c)	\$100.00
Noxious weeds on property	2(d)	\$100.00
Unsafe tree or other growth on property	2(e)	\$100.00
Graffiti on property	2(f)	\$100.00
Unsightly conditions on property	2(g)	\$100.00
Failure to remove refuse, garbage or other material on property	3(a)	\$100.00
Failure to remove accumulations of water on property	3(b)	\$100.00
Failure to remove unsanitary conditions on property	3(c)	\$100.00
Failure to remove noxious weeds on property	3(d)	\$100.00
Failure to remove unsafe tree or other growth on property	3(e)	\$100.00
Failure to remove graffiti on property	3(f)	\$100.00
Failure to remove unsightly conditions on property	3(g)	\$100.00
Rubbish on public or private property	5	\$100.00
Graffiti on public or private property	6	\$100.00
Interference with enforcement	8	\$100.00



Unsightly Premises and Other Objectionable Situations Policy, 2007

Purpose:

To provide general guidelines as to what conditions Council considers may render real property or any building or structure located on such real property "unsightly" under Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*.

Policy Statement:

1. The Council of the District of Sooke has authority under the *Community Charter* to regulate, prohibit, and impose requirements, by bylaw, in relation to public places and to nuisances, disturbances, and other objectionable situations.
2. Council has adopted Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*, a bylaw to prevent unsightliness and other objectionable situations on real property in the District of Sooke.
3. Investigations into non-compliance with Bylaw No. 296 will be based on complaints received from the community and the observations of members of Council and District of Sooke staff that certain identified properties are not in alignment with the District of Sooke's goal to enhance the liveability of its community.
4. Concerns that may be addressed include but are not limited to those conditions that cause public discomfort, insult or degrade the social code of a neighbourhood, or are affront or displeasing to a reasonable persons senses.
5. Without in any way restricting the generality of the word "unsightly" in Bylaw No. 296, any one or more of the following conditions may render real property or any building or structure located on such real property "unsightly" within the meaning of Bylaw No. 296:
 - a) real property or any building or structure located on such real property that is dilapidated or in a state of disrepair including but not limited to broken fences, extensive growth of moss on roofs, broken gutters or stormdrains, exterior finishes that have become conspicuously unclean or deteriorated due to lack of maintenance and yards overgrown with noxious weeds;

- b) materials of any sort that are strewn about real property or in or on any buildings or structures located on such real property rather than piled in a neat and orderly manner;
- c) the storage or accumulation of all or any part of a vehicle that is not validly licensed for the current year or is incapable of moving under its own power on real property;
- d) the storage or accumulation of all or any part of a boat that is currently inoperable, unseaworthy or in a dilapidated state on real property;
- e) the storage or accumulation of furniture, bedding or appliances (other than furniture or appliances specifically designed for outdoor use) on real property;
- f) unused landscaping materials such as dirt piles, discarded planting pots, or tree and plant material clippings on real property;
- g) uncontained or unmaintained compost piles on real property;
- h) accumulations of rubbish, trash, bottles, broken glass, metal pieces, wood products, or other unwholesome materials on real property;
- i) the storage or accumulation of construction material or construction equipment that is not currently required for construction on real property or in any building or structure located on such real property;
- j) the accumulation of water that creates excessive ponding of water or dampness accumulating near buildings or structures.

Procedures

1. Once a complaint is received or situation is known by the District of Sooke that real property may be in non-compliance with Bylaw No. 296, it will be investigated by a Bylaw Enforcement Officer.
2. The owner and occupier of the real property will be notified of any non-compliance with Bylaw No. 296 and ordered to comply by a specified date. At the same time, a date will be set and provided to the owner and occupier to appear before Council to be heard in the event that compliance is not obtained by the specified date.
3. The situation will be monitored by a Bylaw Enforcement Officer and if compliance is not met by the specified date, a Report to Council will be prepared by the Corporate Officer for a show cause hearing date that will seek a Council Resolution to use District of Sooke employees or contractors to effect compliance with costs to be recovered from the property owner.

Authority to enter on or into property

- 16** (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.
- (2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.
- (3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (4) Except in the case of an emergency, a person
- (a) may only exercise the authority at reasonable times and in a reasonable manner, and
 - (b) must take reasonable steps to advise the owner or occupier before entering the property.
- (5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:
- (a) the occupier consents;
 - (b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;
 - (c) the entry is made under the authority of a warrant under this or another Act;
 - (d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;
 - (e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.
- (6) Without limiting the matters to which this section applies, a municipality may enter on property for any of the following purposes:
- (a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the council, a municipal officer or employee or a person authorized by the council has exercised authority under this or another Act to regulate, prohibit and impose requirements;

(b) to take action authorized under section 17 (1) [*municipal action at defaulter's expense*];

(c) in relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;

(d) to assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority — trees*].

Municipal action at defaulter's expense

17 (1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may

(a) fulfill the requirement at the expense of the person, and

(b) recover the costs incurred from that person as a debt.

(2) Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

Summary of Activity

2076 Otter Point Road operating as Tin Grotto/Trading Post Property ("Property")

Dec 11, 1986	Permit from Fire Dept	Permit received for wood stove
February 16, 1999	Fire Report*	Letter sent to OWNER from Fire Dept indicating noted deficiencies during inspection
Aug 29, 2001	First email in file:	Planner rec'd email from CRD explaining OWNER will no longer allow items to pile up.
Aug 29, 2001	CRD email	CRD employee states during his visit to OWNER residence it was "not very bad"
Dec 9, 2001?	Complaint	Resident complaint Property is unsightly and dangerous. No notes on complaint form
Sept 17, 2003	Fire Inspection*	Report indicates inspection was "satisfactory" with a notation that a "second means of egress must be installed on second floor" Subsequent follow-up inspection due Dec 2003
June 4, 2003	MTI	OWNER issued MTI by CRD for Animal at Large from his res
Jan 7, 2004	Notation*	Note form Bylaw to Fire Dept. stating back taxes have been paid.
Jan 13, 2004	notation	Note that there is a possible move to the property across the road
March 10, 2004	Letter to OWNER	Planner sends letter re outdoor storage not being a permitted use; photo attached
June 7, 2004	Photos	Complete set of photos taken
July 6, 2004	Dev Tech Agenda	Proposed course of action with respect to Property; 1. Fire chief issue order under BC Fire Code, 2. Council seek court injunction to clean up property 3. Staff issue letter following week to OWNER re above steps being taken
July, 2004	notation	note that CAO directed more photos be taken, report to Council be prepared, letter to OWNER
July 5, 2004	CRD fax	Fax rec'd from CRD with copy of June 4, 2003 MTI asking if payment be made to contact CRD
???	Photos	Two photos of OWNER res on Ayre Rd no notations
July 6, 2004	GIS searches	Sooke GIS searches showing property zoning

July 9, 2004	Memo	To CAO from BEO recommending that Council instruct CAO to instruct municipal solicitor to apply for court injunction for outside storage and that notice on title be filed Background info states OWNER admits violations of Bylaws but states outside storage is a benefit to Sooke by the tourists photographing the "attraction"
July 10, 2004	Letter	To OWNER from BEO re Council Consideration of Action with Respect to the "Property"
July 12, 2004	Council Motion	Instruct solicitor to apply for court injunction as per memo dated July 9, 2004
July 13, 2004	Complaint	Resident complaint re 6723 Ayre Rd
July 14, 2004	Sooke Mirror	"Property to clean up act" stating council decided to apply for an injunction to stop outside storage. Councillor quoted, "I think it has some charm and attraction" and questioned what makes a property unsightly, noting it is in the eye of the beholder.
July 19, 2004	Photos	Series of photos; 6723 Ayre Rd (OWNER residence) and vehicle storage beside Buy and Sell.
July 26, 2004		DOS Notice re Sect 57 Community Charter shown on Title Search
July 28, 2004	Fax	Background info sent to lawyer to proceed with injunction
August 5, 2004	Letter	Deputy Clerk sent letter with file to lawyer to proceed to court for injunction for violations under Unsightly Premises and Zoning Bylaw
Sept 17, 2004	Memo*	From Deputy Clerk to Bldg Inspector indicating the deficiencies indicated in the fire reports of Feb 16, 1999 must be resolved to the satisfaction of the Bldg inspector before Notice on Title is removed. Noted in the report was Bldg code violations
August 10, 2004	Burns Registry	Purchase Order indicating Notice on Title for 2076 Otter Point Rd
August 18, 2004	Draft Letter	From municipal lawyers re Property to OWNER stating they have been retained to commence legal proceedings against OWNER compelling him to remove unsightly material accumulation.
August 19, 2004	Fax	To lawyers from Deputy Clerk stating to call Bldg Inspector if their office has any questions on the issues of the Property.
August 25, 2004	Note on Letter	Note on above draft letter to OWNER asking lawyers to "hold off" until Council Resolution for 6723 Ayre Rd.

August 25, 2004	Photos	Photos of 6723 Ayre Rd
September 29, 2004	Note on Letter	Letter (draft) from lawyers to OWNER was sent to DOS for approval. Notation from Deputy Clerk indicated lawyer was instructed to send letter & to ahead with injunction.
September 29, 2004	Memo	From BEO to CAO re 6723 Ayre Rd that Council direct CAO to instruct municipal lawyer to apply for an injunction as per Charter Sect 274 for unsightly and zoning issues Re-inspection of property conducted with no measurable improvement
October 1, 2004	fax from lawyer	Copy of letter from lawyer for DOS to OWNER re 2076 Otter Point Rd (Property) stating instructions have been received to commence legal proceedings against OWNER. Lawyer also adds there are likely contraventions against the <i>Highway Scenic Improvement Act</i> and OWNER has 10 days to comply.
November 15, 2004	email	From Deputy Clerk to BEO stating lawyers called and asked if DOS was proceeding with legal action or not. Clerk stated DOS was going to take the "slow & inexpensive" route and the BEO was taking new photos. Lawyer stated he could file a Writ without the photos. Lawyer also asked if a Fire Order was also considered, as it was another quick and easy way for compliance.
November 19, 2004	Email	Sent to Deputy Clerk from lawyers; attached are Statement of Claim in Supreme Court (Draft) provided by municipal lawyers and a Writ of Summons in Supreme Court (Draft) Clerk forwarded email to BEO
Unknown date	notes	BEO made notes referring to recommendations to Council, i.e. sewer upgrade and performance bond. Marked "Decision" of Fire Chief is not to put firemen inside for personnel safety issues re threat of bldg collapse, tripping and toxic fumes
November 25, 2004	email	From BEO to lawyer stating BEO would like to discuss both 6723 Ayre Rd and Property
Unknown date	notes	BEO notes re preparing for and having conversation with municipal lawyers. BEO gathering info for preliminary report to Council
December 7, 2004	notes	Meeting notes; Fire Dept, Bldg and BEO discussed Property/ Notes state there is a threat to life safety but not an immediate threat to life safety as occupancy is so minimal. Remedial options are noted such as a performance bond of 1000 thousand that can be reduced each month if OWNER substantially reduces his outdoor stock.

February 22, 2005	note	From BEO to CAO stating BEO was having a phone interview with lawyer (municipal) and an office interview with another municipal lawyer in the afternoon to discuss a definitive solution to the issues
February 23, 2005	notes	BEO notes talk with municipal lawyer resulted in lawyer stating the zoning and unsightly bylaws are too weak to proceed on. Notes indicated front yard setback is the only viable solution but OWNER could just move the items to the side yard and there would not be anything DOS could do
February 25, 2005	email	From lawyer to BEO as a summary to phone conversation of February 23, 2005. The discussion refers to "unsightly" including junk, etc in the definition however OWNER would claim the items are not junk. The DOS would fail in proving to court "unsightly". The other issue is the zoning that says what can be in the front yard setback. The problem with the zoning is OWNER could move the items to the side yard and be compliant with the bylaws.
April 15, 2005	notes	Meeting with BEO, Bldg Inspector, Fire Dept and realtor and potential purchaser Dennis Property Owner. Property Owner has offered to buy the house (6723 Ayre) as well as Property.
February 24, 2006	complaint	Unsightly premises and dangerous items stored outside i.e. fridge, freezers. Etc
February 24 & 28, 2006	complaint	Police file # 2006/707 original complaint from resident; unsightly
February 27, 2006	email	From RCMP (to CAO) who investigated fridges etc and found them to be safe. The unsightly would be left up to DOS staff.
February 28, 2006	email	From CAO to RCMP thanking them for their action and stating enforcement staff will "deal with the mess on site"
March 28, 2006	Title Search	showing resolution re Sec 57 Charter
March 28, 2006	Company Search	BC Company Summary for purchaser of Property
March 28, 2006	Complaint	from resident re concern about Property, he complained about six months ago
April 7, 2006	notes	From BEO to Bldg inspector stating "unsightly" argument is weak. Discussed was the issue that the Property might be "grandfathered".

September 28, 2006	Report to Council	Recommendation was to support staff taking effective action to clean up Property by Bldg Code, Fire Code and Bylaw issues. Consideration be given to legal opinion that action could be taken which would have some effect on the visible tidiness of the property. Options for Council consideration are: to leave situation alone as too costly for gained benefit or to proceed with re-investigation and likely take legal action.
October 2, 2006	Council Minutes	Moved to support staff taking action to clean up Property and to obtain a land survey to determine municipal right-of-way (survey not realized).
August 13, 2007		New Bylaw Enforcement Officer commences employment
August 15, 2007	Complaint	Re 6717 and 6727 Ayre Rd
August 21 2007	file	BEO reviews Property file -- sort through various files and loose papers to locate remainder of file
August 30, 2007	Complaint	re 2717 Ayre Rd
August 30, 2007	Call	returned call message left that I was new but would read the file
September 28, 2007	complaint	Squatters in 2717 Ayre Rd vacant residence
October 23, 2007	file	Staff review of all property notes
October 25, 2007	visit	Attended 2076 Otter Point Road to mention the "unsightliness". OWNER advised the property wasn't his and I should speak with property owner,
October 30, 2007	visit	Staff encouraged tenant to clean property.
November 2007	Site Visit	Attended Property and met with PROPERTY OWNER. I provided him with CAO's business card, which requested he call to make arrangements to meet with CAO.
November 28, 2007	Letter	Letter written to property owner, to be hand delivered when he shows for appointment with CAO.
November 29, 2007	Appointment	PROPERTY OWNER had an appointment with CAO but showed up after lunch when CAO had another meeting. PROPERTY OWNER did not leave a message nor identify himself at the reception therefore no one knew it was he who arrived. He asked for the CAO and left.

November 30, 2007	notes	PROPERTY OWNER on site at Property for sewer inspect. During phone conversation he said he was dealing with his lawyer re the Property and OWNER. PROPERTY OWNER did not want OWNER made aware of our conversation. PROPERTY OWNER agreed to meet with CAO after he was finished with the sewers. PROPERTY OWNER did not arrive as agreed upon.
December 10, 2007	Letter	To PROPERTY OWNER regarding complaints received for 2076 Otter Point of unsightly. PROPERTY OWNER, was to meet at DOS with CAO at which time letter was to be hand-delivered. PROPERTY OWNER did not attend.
December 12, 2007	Site visit	Observed PROPERTY OWNER working at front of Property. I mentioned items on boulevard d and when they would be removed. PROPERTY OWNER said the items were not his. PROPERTY OWNER was argumentative when asked about property clean-up.
January 2008	Site Visit	Approached OWNER and asked if he could tidy up the property. OWNER agreed to work on the issue.
January – April 2008	Site Visits	More site visits were conducted. Each time I encouraged OWNER by stating how much better things were starting to look.
April – June		Ongoing discussions with supervisor regarding property
June 17, 2008	Letter	Draft letter prepared, given to supervisor for approval.
August 12, 2008	Letter	Letter sent to Property Owner to bring property into compliance by September 15, 2008
	Property Owner	Met with CAO re bringing this property into compliance. Matter was with CAO and Director of Engineering



REQUEST FOR DECISION

Regular Council Meeting
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Planning
Re: **2061 Otter Point Road – Development Variance Permit**

RECOMMENDATION:

THAT COUNCIL issue Development Variance Permit PLN01103 to vary section 403.7 of Bylaw 600, *Sooke Zoning Bylaw, 2013* to allow for a reduced rear lot line setback, adjacent to a residential property, from 4.5m to 1.2m at 2061 Otter Point Road.

1. Executive Summary:

The property is zoned C3 Service Commercial, and is currently being used as an auto repair shop. The owner would like to construct a covered storage area at the rear of his property to be used in conjunction with the business.

Section 403.7 of Sooke Bylaw No. 600, *Zoning Bylaw, 2013* requires a minimum rear lot line setback from residential properties to be 4.5m. The applicant has requested a variance to the rear lot line setback from 4.5m to 1.2m to accommodate a proposed covered storage area.

The area surrounding the subject property is a mix of both commercial and residential zones. The proposal meets all other requirements of Bylaw 600.


2. Legal Impact:



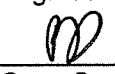
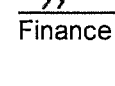

Property owners/occupiers within 100m of 2061 Otter Point Road were notified by mail on August 27, 2014 detailing the owner's request to vary section 403.7 of the Zoning Bylaw to reduce the rear setback from 4.5m to 1.2m.

Staff have no concerns with this application.

Attached Documents:

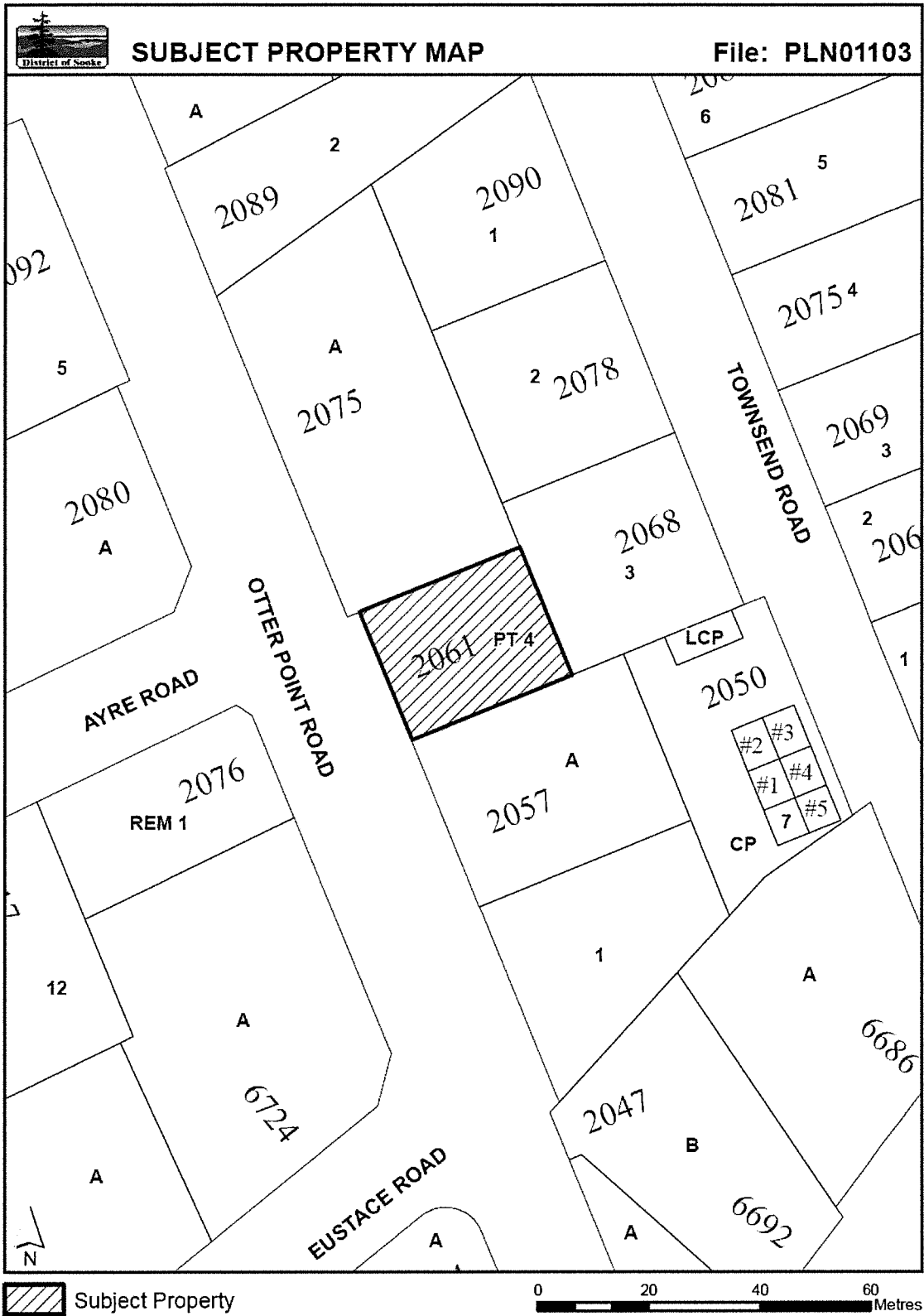
1. Referral Summary Comments
2. Subject Property map & Ortho Photo
3. Draft Development Variance Permit PLN01103
4. Schedule A: Site Plan


Katherine Lesyshen
Planner II

Approved for Council Agenda	
 Engineering	 Planning
 Corp. Services	 Finance
 CAO	

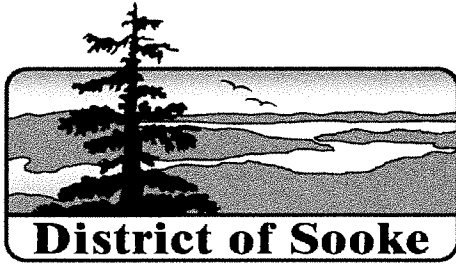
Referral Summary

Department	Referral Comments	Follow Up
Fire	<p>The only concern with this application is in relation to the stairway from the second floor suite. As this is the only EXIT and means of egress to this suite, it would be unsafe and not permitted to exit through a storage area filled with combustible material.</p> <p>Options may include:</p> <ol style="list-style-type: none"> 1. Enclosing the stairwell and a corridor, leading to the building exterior with an appropriate fire rating and interconnected smoke alarms as per the BC Building Code or, 2. Turn the staircase so that it exits to the other side of the building without passing through the storage area or, 3. Provide some other suitable means of egress from the second floor suite or 4. Discontinue the use of the suite and use it as a storage area for the business so that no living or sleeping accommodations are provided. 	<p><i>The owner has shifted the location of the proposed exterior staircase to meet the requirements of the BC Building Code, and to meet access and egress requirements to the second floor of the building. Updated Plans have been submitted to Building.</i></p>
Engineering	<p>Engineering has only one concern with the potential drainage impacts of this structure. The applicant has to ensure that the drainage from this structure is appropriately dealt with on their property and does not negatively impact the neighboring properties. This should be confirmed during the building permit process.</p>	<p><i>This concern has been addressed by the Building Department comments below.</i></p>
Building	<p>The Building Department will address site drainage such as lot grading & perimeter storm. This is known as a 2-pipe system. Building will be performing site inspections. No concerns.</p>	



- 4 -
ORTHO PHOTO





2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
Phone (250) 642-1634 • Fax: (250) 642-0541

DEVELOPMENT VARIANCE PERMIT PLN01103

DATE: September 8, 2014
TO: Carl Scott, Sooke Centre Auto Repair Ltd.
SUBJECT PROPERTY: 2061 Otter Point Road.

1. This Development Variance Permit is issued subject to compliance with all of bylaws of the District of Sooke applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the District of Sooke described below (legal description), and any and all buildings, structures, and other development thereon.

(Parcel Identifier: 004-044-592)
Lot 4, Section 10, Sooke District, Plan 16283, Except part in Plan VIP53281

3. Section 403.7 of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is varied to reduce the rear setback adjacent to a residential property from 4.5m to 1.2m in accordance with:

Schedule A: Site Plan

4. The development shall be carried out to the following time schedule: N/A
5. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Permittee does not commence the Development Variance permitted by this Permit within n/a of the date of this Permit, the Permit shall lapse.
7. This Permit is NOT a Building Permit.

Motion carried by Council the 8th day of September, 2014

ISSUED this day of 2014.

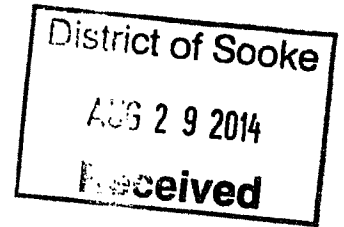
Gord Howie,
Chief Administrative Officer

WESTWOOD MANAGEMENT CORP.

1-6631 Sooke Road

Sooke, BC V9Z 0A3

Tel: (250) 642-3323 Fax (250) 642-3039



District of Sooke

August 29, 2014

2205 Otter Point Road

Sooke, BC V9Z 1J2

Re: Application for a Development Variance Permit
For 2061 Otter Point Road
PLNO 1103

We are the owners of the properties located at 2050 Townsend Road
and 2057 Otter Point Road and have no objection to the above
application being approved.

Yours truly,

A handwritten signature in cursive script that reads "James A. Mitchell".

James A. Mitchell



REQUEST FOR DECISION

Regular Council Meeting
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Planning Department
Re: **7064 Richview Drive – Development Variance Permit**

RECOMMENDATION:

THAT COUNCIL issue Development Variance Permit PLN01105 to vary section 104.7 of Bylaw 600, *Sooke Zoning Bylaw, 2013* to allow for a reduced front lot line setback for an accessory building located at 7064 Richview Drive from 7.5m to 1.5m and to allow for a reduced westerly side lot line setback for an accessory building from 3m to 1.5m.

1. Executive Summary:

The applicant has requested a variance to 1.5m from both the front lot line and the westerly side lot line for a proposed garage/workshop.

Section 104.7 of Sooke Bylaw No. 600, *Zoning Bylaw, 2013* requires an accessory building or structure to be located 7.5m from a front lot line and 3m from a side lot line.

2. Background:

The property is zoned Rural Residential (RU4) and is surrounded by rural residential properties. The site is 1943.4m² and is a panhandle lot; therefore the front lot line is the lot line adjoining and perpendicular to the access strip.

The maximum height for an accessory building in the RU4 zone is 9m (29.5ft). The applicant plans to build a garage/workshop that will be approximately 6m high. To meet the 7.5m setback from the front lot line would require a mature cherry tree and mature cypress hedges to be removed, as well as a large area of yard. The adjacent properties are larger rural residential lots and no residences abut the property lines where the garage building will be located.

Planning staff has no concerns. The garage building should not be a visual impediment. Building, Engineering and Fire Departments have no concerns. The building will not be used for residential purposes.





3. Legal Impact:

Adjacent neighbours within a 100 m radius of 7064 Richview Drive were notified by mail on August 27, 2014 of the variance application.

Attached Documents:

- 1. Subject Property map & Ortho Photo
- 2. Draft Development Variance Permit PLN01105

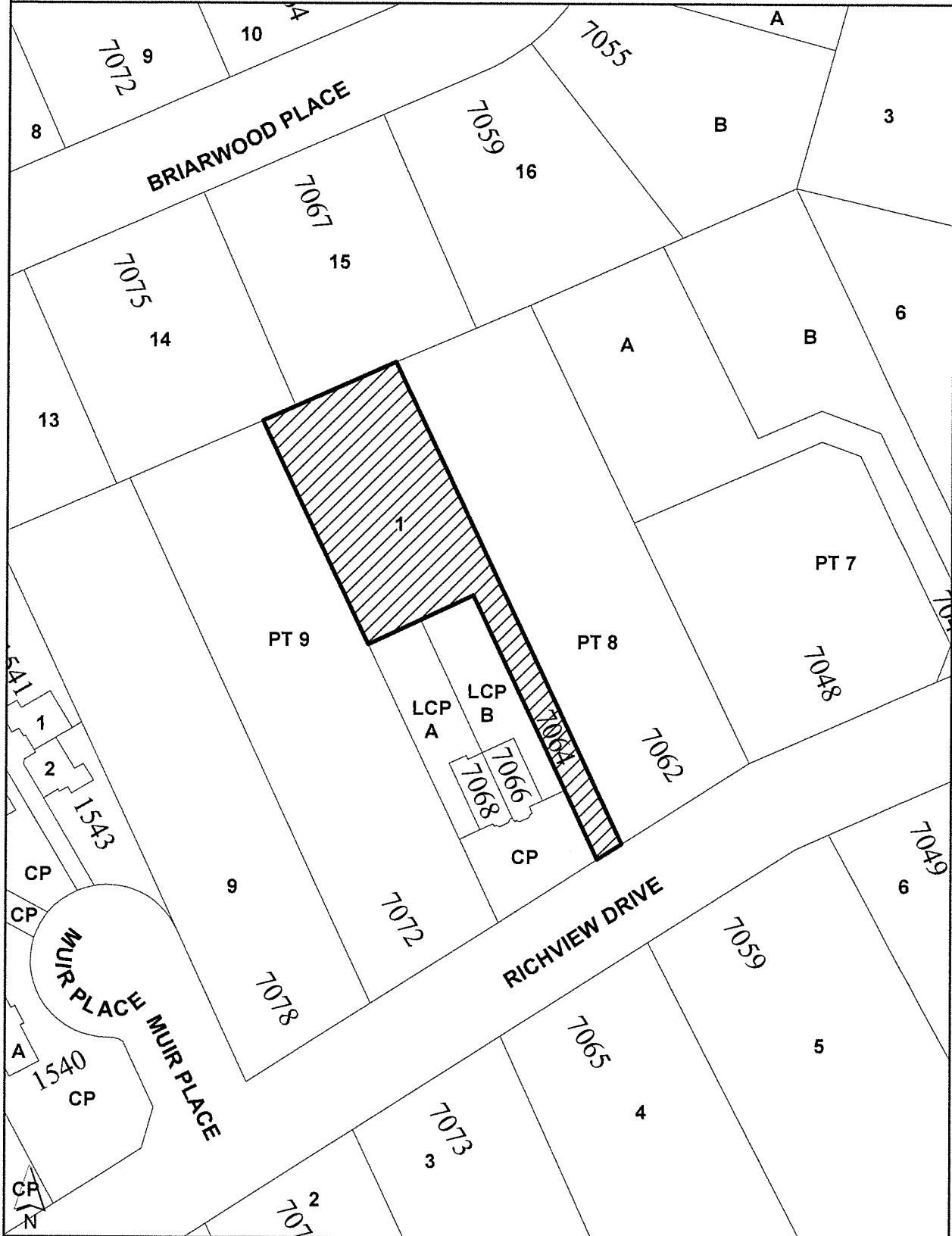

Tara Johnson
Planner II

Approved for Council Agenda	
	
Engineering	Planning
	
Corp. Services	Finance
	
CAO	

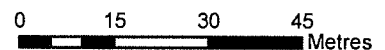


SUBJECT PROPERTY MAP

File: PLN01105



 Subject Property



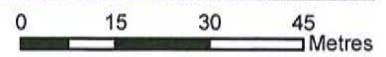


SUBJECT PROPERTY MAP

File: PLN01105



 Subject Property





2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
Phone (250) 642-1634 • Fax: (250) 642-0541

DEVELOPMENT VARIANCE PERMIT PLN01105

DATE: September 08, 2014
TO: John Stirling and Lori Power
SUBJECT PROPERTY: 7064 Richview Drive

1. This Development Variance Permit is issued subject to compliance with all of bylaws of the District of Sooke applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the District of Sooke described below (legal description), and any and all buildings, structures, and other development thereon.

(Parcel Identifier: 018-064-540)
Lot 1, Section 6, Sooke District, Plan VIP55721)

3. Section 104.7 of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is varied to allow for a reduced front lot line setback from 7.5m to 1.5m for an accessory building and to allow for a reduced westerly side lot line setback from 3m to 1.5m for an accessory building as part of Development Permit PLN01105 in accordance with:

Schedule A: Site Plan

4. The development shall be carried out to the following time schedule: N/A
5. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Permittee does not commence the Development Variance permitted by this Permit within n/a of the date of this Permit, the Permit shall lapse.
7. This Permit is NOT a Building Permit.

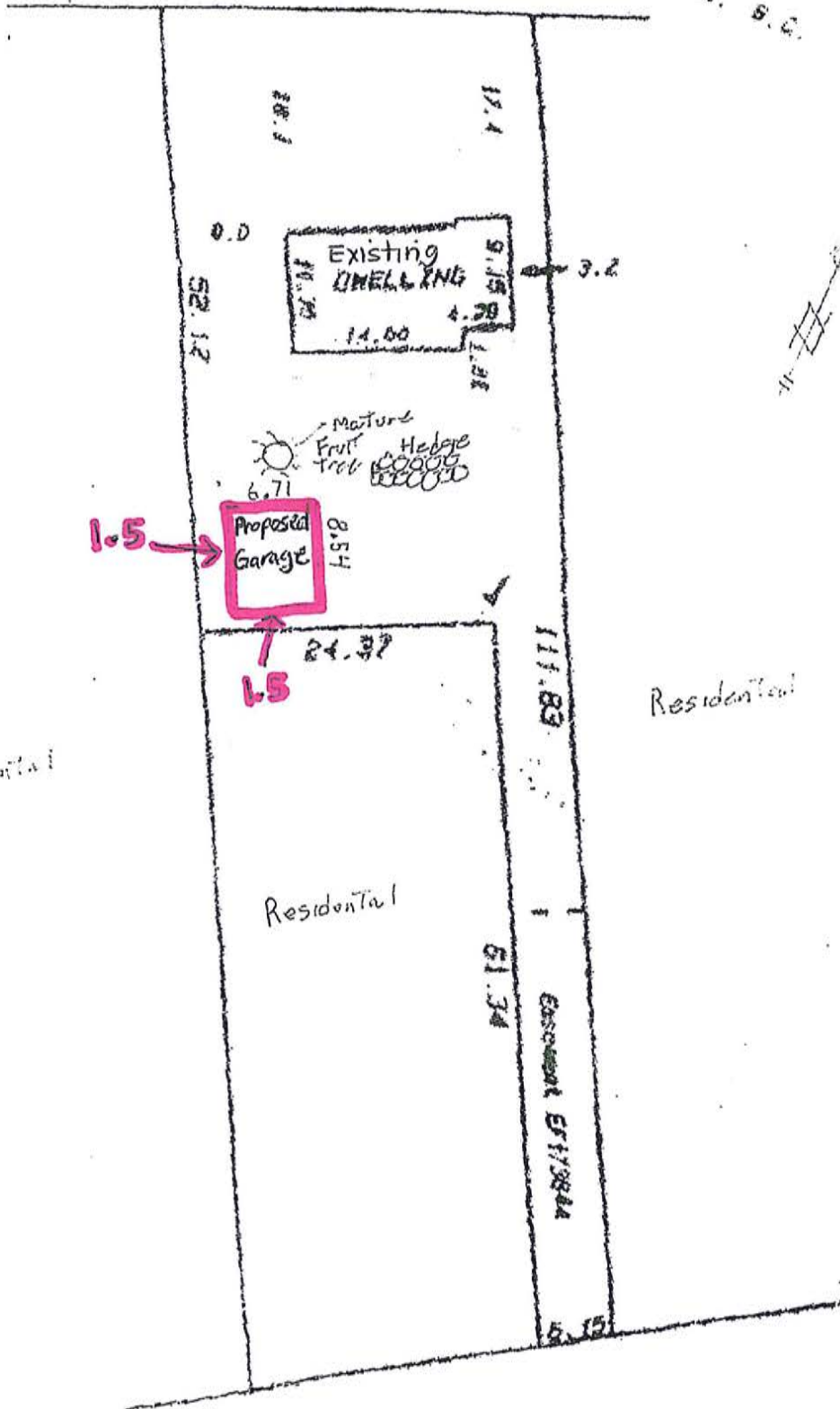
Motion carried by Council the day of , 2014

ISSUED this day of 2014.

Gord Howie
Chief Administrative Officer

30.48

Richview Road, S.W. 82nd St., S.E.



Residential

Residential

Residential

RICHVIEW

ROAD

ORIGINALLY
IS ONE?
VARIANCE

30/09/2014

Board of Variance

I am adjacent to 7064 Richview. I understand the owners of 7064 wish to build a garage on their property. I have talked to them about their plans and think its a great idea.

I fully endorse the approval for the variance which will allow them to build their garage.

[Handwritten Signature]

Original Document to File No. 0550-20			
For Action by:	CC	Agenda	Other
Mayor/Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Council Reader File	<input type="checkbox"/>		
CAO	<input type="checkbox"/>		
Corp Services	<input type="checkbox"/>		
Engineering	<input type="checkbox"/>		
Finance	<input type="checkbox"/>		
Planning	<input checked="" type="checkbox"/>		
Fire	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

District of Sooke
SEP 02 2014
Received



REGULAR COUNCIL
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Corporate Services Department
Re: **Expansion of Oil Tanker Traffic through Coastal BC Waters**

RECOMMENDATION:

THAT COUNCIL provide further direction to staff as to the proposal received from the Transition Town Sooke Society on the expansion of oil tanker traffic through Coastal BC Waters.

1. Executive Summary:

It is not recommended placing a question on the ballot for the upcoming local election on the increase in oil tanker traffic issue. It is recommended that Council consider a resolution similar to those of other local municipalities. The resolution would re-state Council's position on the proposed increased tanker traffic in BC waters.

2. Background:

In 2011 and 2012, the Union of BC Municipalities considered the oil tanker traffic issue at their annual convention. The 2012 resolution was as follows:

*"WHEREAS a crude oil spill would have devastating and long lasting effects on British Columbia's unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coastal and First Nations communities;
AND WHEREAS citizens of British Columbia, particularly those living in coastal communities, and First Nations communities and environmental groups have expressed well-founded concerns over the expansion of oil pipelines and oil tankers:
THEREFORE BE IT RESOLVED that UBCM oppose projects that would lead to the expansion of oil tanker traffic through BC's coastal waters;
AND BE IT FURTHER RESOLVED that UBCM urge the Premier of British Columbia, the Leader of the Official Opposition and members of the Legislative Assembly to use whatever legislative and administrative means that are available to stop the expansion of oil tanker traffic through BC's coastal waters."*

The Province's response to the UBCM resolution is attached to this report.

At the July 21, 2014 meeting, Council received information from the Transition Town Sooke Society on the proposed expansion of oil tanker traffic through Coastal BC Waters. Council resolved as follows:

*“**MOVED** and seconded to refer the proposal received from the Transition Town Sooke Society as to the Expansion of Oil Tanker Traffic through Coastal BC Waters to staff to provide a report to Council on options for including a question on the 2014 General Municipal Election ballot as to increased oil tanker traffic;
AND THAT staff include an option for presenting the question on a separate election ballot. **CARRIED**”*

3. Analysis:

Non-binding Question on Ballot

It is not recommended placing the following question proposed by Transition Town on the ballot at the upcoming local government election:

“Should Sooke join other municipalities in renewing and restating its opposition to the expansion of oil tanker traffic through coastal BC waters?”

Staff have consulted with lower Vancouver Island municipalities as to their current position on the increase in oil tanker traffic. Capital Regional District municipalities will not have the question on the ballot for the upcoming election.

Further, the District of Sooke Chief Election Officer, Tom Moore, has advised not to place the question on the ballot. He advises that, with the loan authorization bylaw approval question already on the ballot, a non-binding question may cause confusion for the voter. As well, a non-binding question would have to be on a separate ballot, which would require additional notices, separate ballots and voting machine and additional election staff.

Resolution to Re-state District of Sooke Position

Council may wish to re-state its opposition to pipeline proposals which would lead to increased tanker traffic off BC's coast. In January 2012, Council forwarded a letter approved by Council which stated that the District of Sooke opposed increased oil tanker traffic through the Juan de Fuca Strait and past the West Coast of Vancouver Island and stated that the “people who potentially will be most affected by any disaster need to be involved in the decision making process.” A response to the letter was received February 21, 2012 (copy enclosed).

The public and environmental groups, as well as BC local governments have been monitoring the progress of the pipeline project.

Resolutions of Vancouver Island Municipalities:

a. Village of Cumberland - July 28th, 2014 Council meeting:

*"WHEREAS proposed bitumen export pipelines present unacceptable risk to this region's maritime based economy, its unique ecosystems, and the sustainable jobs in aquaculture, fisheries, tourism and recreation; and
WHEREAS the threat of a spill from the dramatic increase in tanker traffic resulting from these proposed pipelines threatens the social and cultural identification with the coastal environment and way of life.
AND WHEREAS exporting raw natural resources reduces the total number of jobs available to citizens in this community who choose to work in the oilfields:
BE IT RESOLVED that the Village of Cumberland express its opposition to the Bitumen Export Pipeline proposals that would lead to the expansion of oil tanker traffic through B.C.'s coastal waters;
BE IT FURTHER RESOLVED that the Village of Cumberland supports its citizens who are oilfield workers and acknowledges that it is unwise to export an unrefined product at an unsustainable rate thereby reducing the future job opportunities for these workers, and future generations of our residents who may wish to seek employment in the oil fields;
AND BE IT FURTHER RESOLVED that the Village of Cumberland urge the Provincial and Federal governments to use whatever means are available to stop the expansion of crude oil tanker traffic on our coast, encourage them to develop the oil sands for domestic benefit, encourage them to refine this natural resource in Canada to enhance job creation and tax revenue, and to notify Provincial and Federal government representatives and officials of this resolution."*

b. City of Colwood - August 25, 2014 Council meeting

*"WHEREAS a crude oil spill would have devastating and long lasting effects on B.C.'s unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coast and First Nations communities;
AND WHEREAS citizens of B.C. particularly those living in coastal communities and First Nations communities have expressed well founded concerns over the expansion of oil pipelines and oil tankers;
THEREFORE BE IT RESOLVED that Colwood oppose the expansion of oil tanker traffic through B.C.'s coastal waters;
AND BE IT FURTHER RESOLVED that Colwood urge the Premier of B.C., the Leader of the Official Opposition and members of the Legislative Assembly to use whatever legislative and administrative means that are available to stop the expansion of oil tanker traffic through B.C.'s coastal waters."*

c. District of Metchosin (Finance and Environment Committee) – August 18, 2014:

"WHEREAS a crude oil spill would have devastating and long lasting effects on B.C.'s unique and diverse coastline, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental, and economic health of coastal and First Nations communities;

*AND WHEREAS citizens of B.C. particularly those living in coastal communities and First Nations communities have expressed significant concerns over the expansion of oil pipelines and oil tanker traffic;
THEREFORE BE IT RESOLVED that Metchosin Council reaffirm its opposition to the expansion of oil tanker traffic through B.C.'s coastal waters;
AND IT BE FURTHER RESOLVED that Metchosin urge the Premier of B.C., the Leader of the Official Opposition and members of the Legislative Assembly to use all available legislative and administrative means to stop the expansion of oil tanker traffic through B.C.'s coastal waters."*

Emergency Resolutions to UBCM

The City of Victoria and City of Burnaby have or will be sending emergency resolutions to the Union of BC Municipalities for the 2014 UBCM Convention.

- City of Burnaby – August 25, 2014 Council Meeting

*"WHEREAS on 2013 December 16, Kinder Morgan submitted an application to the National Energy Board (NEB) for the Trans Mountain Expansion Project;
AND WHEREAS the NEB has made an arbitrary decision to remove from the standard Public Hearing for a major pipeline project long-standing protocols which provided opportunities for public review through open meetings, oral hearings and cross-examination;
AND WHEREAS the loss of the standard Public Hearing from the application review process constitutes a significant erosion of the democratic rights of Provinces, Territories, Local Governments, First Nations and citizens to cross-examine evidence presented, articulate concerns and voice opposition to applications;
AND WHEREAS the loss of all opportunities for intervenors to participate in oral hearing and to cross-examine evidence within the NEB regulatory review process, has broad social, environmental and economic implications that would impact all local governments and their citizens;
THEREFORE BE IT RESOLVED that the Union of BC Municipalities (UBCM) call on the Federal Government and Nation Energy Board, through the Federation of Canadian Municipalities and other avenues as appropriate, to oppose the loss of the standard Public Heraing process from the National Energy Board's application review and tribunal process.
AND BE IT FURTHER RESOLVED that the Union of BC Municipalities call on the Provincial and Federal Governments, through their appropriate and respective roles, to develop, in consultation with local governments, first nations, and citizens, the restoration of a full Public hearing process to the National Energy Board's consideration of all applications."*

- City of Victoria, Governance & Priorities Committee – August 28, 2014 (for consideration by City of Victoria Council on September 11, 2014):

" WHEREAS the Environmental Assessment Office of the Province of British Columbia ("the EAO") entered into an Agreement in 2010 with the National Energy Board ("NEB") under which the EAO accepts that the NEB assessment of a pipeline constitutes the equivalent of an assessment under the British Columbia Environmental Assessment Act;

AND WHEREAS Trans Mountain's responses to motions filed in early July 2014 by intervenors in the NEB hearing process for the Trans Mountain Expansion Project demonstrate that Trans Mountain is failing to adequately respond to written information requests, which are the only opportunity for intervenors to test and clarify Trans Mountain's evidence;

AND WHEREAS this failure to respond to written information requests means that intervenors are not able to properly prepare their own evidence and participate meaningfully in the assessment process for the Trans Mountain Expansion Project, in contravention of the preamble to the Agreement, which states that any assessment of a project pursuant to the National Energy Board Act would take into account any comments submitted during the assessment process by the public and Aboriginal peoples;

THEREFORE BE IT RESOLVED that the UBCM request that the Province direct the EAO to withdraw formally from the Agreement pursuant to Clause 6 thereof and undertake its own Environmental Assessment process for the Trans Mountain Expansion Project, which should include sufficient opportunity for meaningful participation by all interested British Columbians."

4. OPTION A: Council Resolution:

Council may consider a resolution similar to one of the above resolutions and forward the same to the Provincial and Federal Governments.


5. OPTION B: Online Survey

Council may consider directing staff to carry out an online survey to determine the support of the community as to the increased oil tanker traffic issue.




Attached Documents:

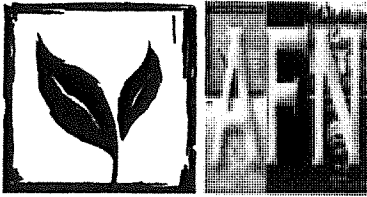
1. Submissions by Transition Town July 21, 2014
2. 2012 UBCM resolution A-8
3. Letter from Minister of Environment February 21, 2012
4. City of Burnaby Council Report
5. City of Victoria Council Member Motion

Respectfully,



 Bonnie Sprinkling

Approved for Council Agenda	
	
Engineering	Planning
	
Corp. Services	Finance
	
CAO	



Tina's copy

Rec'd July 21/14
BSS.

July 21, 2014

Presentation to the District of Sooke by Transition Sooke and Awareness Film Night re: Proposed second referendum question on the November ballot

"Should Sooke join other municipalities in renewing and restating its opposition to the expansion of oil tanker traffic through coastal B.C. waters?"

This package contains:

1. Summary of local, Vancouver Island and mainland B.C. actions, resolutions, motions, declarations and overall opposition to and concerns with increased oil tanker traffic in coastal BC waters.
2. Letters and notes of support from Sooke & JDF regional residents:

- * Christa & Phil Rosner
- * Sheila Whincup
- * Margaret Critchlow
- * Kelly Izzard
- * Melody Kimmel
- * Roland Alcock
- * Mark Ziegler
- * Kandace Kerr
- * Britt Santowski
- * Carolyn & Jeff Bateman
- * Sofie Hagens
- * Ron Ramsay
- * Neil Heinrichs
- * Mary Coll
- * Kara Middleton
- * Yvonne & Dave Court
- * Rosemary & Sid Jorna
- * Barry Whiting
- * Ken Moore

Additional letters (one copy only)

- AMANDA JOHNSTON
- CHAD JOHNSTON
- CHRISTINE HOPKINS
- JOHN CORSIGLIA
- Tia Leschke
- Katie Armitage
- Gail + John Armitage

Documents made available to the District of Sooke (three copies)

* Transition Sooke's newsletter report on the June 26 "The Enbridge Decision & Our Response" public forum held at the St. Rose of Lima Church in Sooke

* Sooke resident Michael Elcock's 2012 report on *Oil Spills & Other Marine Disasters covering the period 1988 to 2012.*

SUMMARY

Local, Vancouver Island and Provincial concern & opposition to increased oil tanker traffic in coastal BC waters

Sooke:

- * More than 800 Sooke residents have signed the Dogwood Initiative's "**Pledge to Support the No Tankers Initiative**" in the last four weeks (*source: Sooke Chapter of the Let BC Vote campaign, Bob Phillips Canvasser*).
- * 47 area residents have joined a newly created No More Tankers campaign volunteer team over the last month.
- * 1,532 Sooke residents to date have signed the **No Tanker's citizen's initiative**, bringing the total number of signees in the JDF region to 3,888 (as of Jul. 18).
- * About 100 locals attended "**The Enbridge Decision and Our Response**" public forum co-presented by Transition Sooke and Awareness Film Night on June 26, 2014 at St. Rose of Lima Church. (*source: Sooke News Mirror*)
- * Number of Sooke interveners in National Energy Board's review of Kinder Morgan's Trans Mountain pipeline expansion – 4 (T'Souke First Nation, Kandace Kerr, Kelly Izzard and Ann Fredette)
- * **Letter from Mayor Milne** to then federal Minister of the Environment Peter Kent, dated Jan. 9, 2012 and approved by a council resolution. <clip> "*Until you embark on a process of meaningful consultation, we are opposed to any increased oil tanker traffic through the Strait of Juan de Fuca.*"
- * **Candle-light vigil at the Sooke loggers' pole** on the evening of Dec. 3, 2009 to encourage climate change action at the Copenhagen talks.
- * **Awareness Film Night** screenings at Edward Milne Community School over the years (1994 to present) have included numerous films related to peak oil, fossil fuel consumption, pollution and oil-related threats to the west coast environment. These include: *On The Line: An Ecoadventure Along the Proposed Route of the Northern Gateway Pipeline; Oil On Ice; The Oil Factor; Blue Gold: World Water Wars; The End of Suburbia; The Power of Community: How Cuba Survived Peak Oil; A Really Inconvenient Truth; Escape From Suburbia: Beyond the American Dream; Homo Toxicus; In Transition; and Salmon Confidential.* (All are available for rent at Sooke's Video To Go).

Vancouver Island:

- * Resolution by the **Association of Vancouver Island and Coastal Communities**, April 2012 – adopted resolution to "oppose projects furthering the expansion of tanker traffic through coastal waters without substantive increases of safeguards in place."
- * **Metchosin, Esquimalt, View Royal, Saanich, Victoria, Oak Bay, North Saanich and the Islands Trust** (representing 12 southern and northern Gulf Islands) have passed resolutions opposing increased tanker traffic.
- * **Courtenay** town council will be asked to consider a motion tonight (Jul. 21)
http://organize.notankers.ca/190/courtenay_council_to_hear_no_tankers_motion_20140721
- * **Cumberland and Comox** will consider the issue this month as well
<http://www.comoxvalleyrecord.com/news/267375781.html>.

Local, Vancouver Island and Provincial concern & opposition to increased oil tanker traffic in coastal BC waters .../2

British Columbia:

* **Yinka Dene Alliance 'Save The Fraser Declaration,'** 2010 – Representatives of well over 100 First Nations throughout BC and Canada are now signatories to this powerful legal document - "*adamant and resolved*" in their position to defend and protect our watersheds and to "*not tolerate this great threat to us all and to all future generations.*"

* **Coastal First Nations Declaration,** signed by First Nations on the central and north Pacific coast and the Haida Gwaii, 2011 - "*we declare that oil tankers carrying crude oil from the Alberta tar sands will not be allowed to transit our lands and waters.*"

* **Union of B.C. Municipalities,** Sept. 28, 2012 – Passed a resolution to "oppose projects that would lead to the expansion of oil tanker traffic through BC's coastal waters" and "urge the Premier of British Columbia, the Leader of the Official Opposition and members of the Legislative Assembly to use whatever legislative and administrative means that are available to stop the expansion of oil tanker traffic."

* Motions of concern and opposition to the Northern Gateway project passed by municipal governments in **Nelson, Prince Rupert, Terrace, Smithers, Fort St. James, Whistler, Skeena-Queen Charlotte Regional District, Kitimat-Stikine Regional District** and four communities on **Haida Gwaii**

* Motions of concern and opposition to Kinder Morgan's Trans Mountain pipeline expansion passed by **City of Burnaby** and **Port Moody.**

Further reference ...

Details about a wide range of BC municipal resolutions:

<https://powellriverregionaldistrict.civicweb.net/document/17877/Mary%20Ann%20Lammersen%20re%20Bitumen%20Pipelines%20in%20BC%20and%20Supertankers%20on%20BC%27s%20Coast.pdf?handle=031D20FCD92F46E5A3F2C414310DD732>

Christa and Phil Rossner

[REDACTED]
Sooke, BC V9Z 0V5
[REDACTED]

July 21, 2014

District of Sooke
2205 Otter Pt Rd
Sooke, BC V9Z 1J2

Dear Mayor and Members of Council,

As residents of the District of Sooke we are very concerned about any increase of tanker traffic in Juan de Fuca Strait so encourage you to support *Sooke Transition Town Society, Awareness Film Night* and local concerned *citizens* who are requesting a question on this subject be added to November's referendum.

Our family revel in the beauty, and appreciate the marine life, fishing and some of the other commercial and recreational activities of our coastal community. Clean coastal waters are an essential part of our town's identity, charm and economy. Unfortunately the condition of our coastal waters is already in jeopardy and heavily taxed by nuclear accidents and other environmental incidents in foreign waters, etc, without adding to the risks to its fragile balance.

Mayor Milne you are strongly supported for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline BC communities. Thanks also to council for showing its unanimous support for that letter. You all have clearly recognized some of the same concerns being expressed by your constituents.

Now it's time for the District of Sooke and, just as importantly, we the people of Sooke to reaffirm that position. A referendum question would allow Sooke residents the opportunity to add local input to the wave of concern now arising in response to the continued progress of major pipeline projects. We have formally added our voices in opposition, along with the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations who passed the Save the Fraser and Coastal First Nations declarations.

We have chosen to live, work, raise our family and volunteer here in Sooke. We want our community strong, vibrant, and healthy. We want to support and contribute to the community's deep concerns about oil tankers and express that with other levels of government. We have been sickened by oil spill disasters in other parts of the world and would be traumatized along with the rest of our neighbours to see something similar in our home town.

Please support this request and give us and other Sooke voters the opportunity to weigh in on something so critical to our lifestyles, the tanker traffic question. We'd like it on the November ballot.

Respectfully,

Christa and Phil Rossner
[REDACTED]

Sheila Whincup
2014

18 July 2014

[REDACTED]
Sooke, BC V9Z 0J6

Re: Referendum Question on Increased Tanker Traffic

Dear Mayor and Members of Sooke District Council:

I have lived in the Sooke area since 1975, and have come to believe that the vast majority of residents here, including each of you, feel blessed to live in such an awesome coastal environment. Besides offering simple pleasure and spiritual enrichment, this coast provides many people with their livelihoods.

The Northern Gateway project along with other pipeline proposals would pose risk of unacceptable damage to this valuable coastline. I am very concerned about any increase of tanker traffic along the coast, and especially in the Juan de Fuca Strait.

Therefore, I hope you will support the request by Sooke Transition Town Society and Awareness Film Night to add a referendum question on this subject to November's ballot.

Mayor Milne, I congratulate you on the letter you sent in January, 2012 to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for its unanimous support for this letter.

It is now timely for the District, along with the people of Sooke, to reaffirm that position. A referendum question would allow Sooke residents to add a strong local flavour to the wave of concern developing in BC and elsewhere about the progress of major pipeline projects. The voters who live and work here want to help you share this community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to express their views on this important issue through a referendum question on the November ballot.

Respectfully,



Sheila Whincup

Margaret Critchlow

██████████ Sooke, BC V9Z 1H8

20 July 2014

Dear Mayor and Members of Council,

I was proud to be a member of this community when Mayor Milne's letter expressing Sooke Council's unanimous opposition to increased tanker traffic appeared at the beginning of his term. Here is a great opportunity to complete the election cycle with a question on our municipal ballot to allow citizens to express their views on this topic. Clean coastal waters are crucial to Sooke's wild and wonderful nature. Let's give municipal voters a chance to add our voices of the chorus of those who've already stated their opposition, and to encourage awareness of the issue for those who have yet to take a stand.


Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

A handwritten signature in black ink that reads "Margaret Critchlow". The signature is written in a cursive, slightly slanted style.

Margaret Critchlow

District of Sooke
2205 Otter Point Rd.
Sooke, BC


Sooke, BC

Mayor Milne and Members of Council,

I am writing today to tell you that I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I believe that the voters who live and work here in Sooke— who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community’s deep concerns about oil tankers with other levels of government. I want a say in protecting our community. I feel strongly that as elected officials you have a responsibility to represent our concerns and take them forward to those who make decisions that could impact our community. And you can only know our concerns if we have the opportunity to voice them *as* a community.

I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question regarding increased tanker traffic in Juan de Fuca Strait to this fall’s referendum.

Respectfully,

Kelly Izzard

Melody Kimmel

July 21, 2014

[REDACTED]
Shirley, BC V9Z 1G6

Dear Mayor and Members of Council,

As a resident of Shirley I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

As a resident of this area I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, the people of the Juan de Fuca region to reaffirm that position.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. I'd like to add my voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Melody Kimmel

Dr. Roland M. Alcock

██████████
Sooke B.C.
V9Z 0G1

19th July, 2014

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

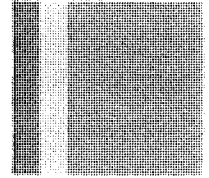
Respectfully,



Roland M. Alcock B.Sc.: Ph.D.

Mark Ziegler

[REDACTED]
Sooke, BC
V9Z 0V9



July 21, 2014

Submission to District of Sooke Council

I am opposed to the increase in oil tanker traffic in BC Coastal waters which would arise from federal government approval of proposals to twin the existing Kinder Morgan pipeline and construct the Enbridge Northern Gateway pipeline. I respectfully ask the Mayor and Councillors of the District of Sooke to consider the following three concerns.

1. The scheduled phase-out of all single-hull oil tankers in Canadian waters by the end of this year will reduce the risk and severity of oil spills in BC coastal waters but double-hull tanker traffic will continue to pose a risk to our economy and environment. These vessels are more secure in grounding incidents, especially in areas of the BC coast which are not rocky. The safety benefits are less clear if large tankers were to impact rocky shores at high speed; both hulls may be breached in such cases. It should be noted that some supertankers currently carry 2,000,000 barrels of oil. I respect the professional of Transport Canada regulators (I was three years with the Canadian Coast Guard and two years as Chief, Ports Policy, with Transport Canada) but am concerned that a significant risk of coastal oil spills exists under current regulations.
2. The tourism sector generates \$2.2 billion dollars and more than 60,000 jobs annually for the Vancouver Island economy (source: Tourism Vancouver Island). Tourism also provides many of the amenities and experiences for the residents of coastal communities, including Sooke. An oil spill could seriously jeopardize these benefits for years to come.
3. A related concern is the potential catastrophic harm which a large oil spill would cause to the wildlife inhabiting BC marine waters and coastlines. Fish, birds, mammals, molluscs and vegetation would be all affected. We have a moral obligation to protect these species which are vulnerable to the very negative consequences of mistakes and miscalculations made by our species in the pursuit of profits and increased shareholder dividends.

I request that you pass a resolution that opposes any increase in oil tanker traffic in BC Coastal waters.

Mark Ziegler



District of Sooke
2205 Otter Point Rd.
Sooke, BC


Sooke, BC

Mayor Milne and Members of Council,

As a new resident of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question regarding increased tanker traffic in Juan de Fuca Strait to this fall's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. We relocated last year for work and chose Sooke over Victoria, despite the fact that our work is in Victoria. Living by the ocean and enjoying all that this area offers was more important to us than a short commute to work, and we would be devastated should that be spoiled by oil. Given Sooke's relationship to the coast, I feel it is important for Sooke as a community to have a voice in any decision to expand tanker traffic.

I know that in 2012 you unanimously supported a letter from Mayor Milne to then Minister of the Environment, Peter Kent, opposing increased tanker traffic without meaningful consultation. I thank you for that letter, and support you in continuing that position. But I think it is now time for the District of Sooke and the people of Sooke to reaffirm that position.

I am writing today to tell you that the voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government. I want a say in protecting our community. I feel strongly that as elected officials you have a responsibility to represent our concerns and take them forward to those who make decisions that could impact our community. And you can only know our concerns if we have the opportunity to voice them *as a community*.

I thank you for the opportunity to share my concerns and my wishes with you.

Respectfully,

Kandace Kerr

From: [REDACTED]
Subject: **Letter to the District**
Date: July 20, 2014 8:14:34 PM PDT (CA)
To: Jeff Bateman [REDACTED]
Reply-To: [REDACTED]

Britt Santowski

July 20, 2014

[REDACTED]
Sooke, BC V9Z 0W1

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Britt Santowski

Carolyn & Jeff Bateman

████████████████████
Sooke BC V9Z 0T2

July 20, 2014

Dear Mayor and Members of Council:

We have been residents of the District of Sooke for the past 11 years and live in the Whiffin Spit neighbourhood. We are very concerned about increased tanker traffic in Juan de Fuca Strait.

We enjoy all that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason why we moved to the area.

Thank you, Mayor Milne, for your January 2012 letter to then-federal Minister of the Environment Peter Kent, in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.


We encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum. A referendum question would allow Sooke residents to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice to those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want to help you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Sincerely,

Carolyn & Jeff Bateman


Sooke, BC
V9Z 0H7

Dear Mayor and Members of Council:

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Sofie Hagens.

Ron Ramsay

July 21, 2014

Shirley, BC V9Z 1G6

Dear Mayor and Members of Council,

As a resident of Shirley I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

As a resident of this area I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, the people of the Juan de Fuca region to reaffirm that position.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. I'd like to add my voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Ron Ramsay

July 20, 2014

Neil Heinrichs



Sooke, BC

V9Z 0H7

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Neil Heinrichs

Mary Coll

[REDACTED]
Sooke, V9Z0V6

July 20, 2014

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.


Respectfully,

Mary Coll

Name

Kara Middleton

July 21st, 2014


Sooke V97 1A1

Dear Mayor and Members of Council,

As a resident of East Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter. Now it's time for the District of Sooke to reaffirm this commitment to protect our endangered ocean.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot. Residents in neighbouring Juan de Fuca communities will be very grateful as well.

Respectfully,

Kara Middleton

From: [REDACTED]
Subject: 'no tankers'
Date: July 21, 2014 11:08:58 AM PDT (CA)
To: [REDACTED]
Hi, Jeff.

David and I definitely support the no tankers referendum and will attend this evening.

Yvonne and Dave

From: [REDACTED]
Subject: hold a tanker traffic referendum
Date: July 21, 2014 7:48:46 AM PDT (CA)
To: wmilne@sooke.ca
Cc: [REDACTED]

To the Mayor and Council of the District of Sooke Increased tanker traffic on the coast of BC affects all of us on the coast , the more voices the better so please add the question to the referendum in November giving this coast community a voice.

Yours Rosemary & Sid Jorna
[REDACTED] V9Z 0R3

From: [REDACTED]
Subject: Tankers.
Date: July 21, 2014 7:20:49 AM PDT (CA)
To: [REDACTED]

Indeed, the very thought of laying pipes across Beautiful BC, is positively obscene.
Barry Whiting
Sooke.

From: [REDACTED]
Subject: Support
Date: July 21, 2014 5:41:06 AM PDT (CA)
To: [REDACTED]

I endorse the effort to add the referendum question re the pipelines issue to the November ballot.

Ken Moore
[REDACTED]
Sooke

--

"We shall not cease from exploration/And the end of all our exploring/Will be to arrive where we started/And know the place for the first time" -T.S. Eliot

Rec'd July 21/14

Amanda Johnston

July 18, 2014

[REDACTED]
Sooke, BC
V9Z-0R1

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait and the potential for increased oil spills in our waters. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us – it's the only reason we chose to live here. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,



Amanda Johnston

Rec'd July 21/14

Chad Johnston

July 18, 2014

██████████
Sooke, BC
V9Z-0R1

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait and the potential for increased oil spills in our waters. I encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

My family and I enjoy the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us – it's the only reason we chose to live here. Our coastal waters are an essential part of our town's identity and charm, and a major reason that this area is so beloved by residents and visitors alike.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,



Chad Johnston

Reed July 21/14

July 19, 2012

Christine Hopkins

[REDACTED]
Shirley, BC
V9Z 1G6

To whom it may concern:

I attended the first 'No Tankers' meeting at the Rose of Lima Catholic Church and put my name down to collect signatures. I also took part in the Tar Sands Healing Walk on June 28th in Victoria. I support the proposed referendum question as suggested by Transition Sooke and Awareness Film Night.

My last three weeks were totally consumed finalizing organization of an amazing 'Seaweed Intensive' last weekend here on the west coast involving internationally respected Dr. Prannie Rhatigan MD, aka the "Irish Seaweed Doc." She is incredibly knowledgeable about the nutritional and medicinal properties of seaweeds and other algae as well as their critical role in protecting our oceans and all marine life (not to mention human life!).

Our small 'Seaweed Intensive' brought people from as far away as Chilliwack, Powell River, and Cortes Island - all folks who understand that we must protect our unique and precious Strait and attached inland waters of the Salish Sea. Although Dr. Prannie and her family grew up and still live in the rich seaweed culture of NW Ireland, they were "blown away" by our extraordinary diversity of algae - from tiny micro algae to the phenomenal large brown Kelps which my teaching colleague Amanda Swinimer harvests.

Our rich algae beds require extreme protection to preserve a huge number of marine species and our oceans. Any local seaweed expert can confirm this (i.e., Ms. Swinimer, Diane Bernard, Gloria Snively in East Sooke, Fiona Hammersley Chambers in Metchosin, Dr. Nancy Turner at the University of Victoria, and many others).

By the way, most people do not know that seaweeds and other algae produce more than 50% of the oxygen on the planet. Literally we must protect them for the air that we breathe!

I'm sure you'll understand why we all feel so passionately about the critical importance of protecting this phenomenal resource.

Regards,
Christine (and Richard) Hopkins

REC'D JULY 21/14

From: john corsiglia [REDACTED]
Subject: **No more tankers for this coast!**
Date: July 21, 2014 4:29:43 PM PDT (CA)
To: [REDACTED]

Dear Sooke Council and all who must consider oil outfalls for B.C.

Sooke's future, such as it may be, will for the foreseeable future depend on salmon fishing and beautiful waters.

The sketchy plans to pump Tar Sands Bitamin--a particularly nasty brew of black sludge oil and chemicals would produce a dark and particularly nasty soup that will do nothing for us.

Big companies drag along their own experts and grunts--it won't mean labour except "volunteer" labour working for gratuities when there is an accident and ad hoc attempts at "clean up".

It's a bad idea! The bitamin product is so degraded it cannot compete with the sweet crude oils that already glut the market.

Our Premier may long to earn points with Ottawa, but this is not reason enough to put our coast and a great many important organisms at risk. Besides, will petroleum companies who are set up for handling, refining and marketing sweet crude switch the black crud that already languishes in an increasingly conscious and environmentally concerned world?

The writer, K. Vonnegut may have been talking to us when he wrote, "There are no bad people—just bad ideas and bad chemicals."

Thanks for your care and attention to this matter and thank you for all you do.

John Corsiglia
[REDACTED]

V9Z 1A2

Tia Leschke

Rod Nyberg

7/21/14

Dear Mayor and Members of Council,

As a resident of the District of Sooke I am very concerned about any increase of tanker traffic in Juan de Fuca Strait. I encourage you to add a question on this subject to November's referendum.

Our family enjoys the beauty, the marine life, the fishing and other commercial and recreational activities that living by the ocean offers us. Our son is a commercial crab fisherman whose livelihood could be destroyed by just one spill off our area.

Thank you Mayor Milne for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to council for showing its unanimous support for this letter.

Now it's time for the District and, just as importantly, we the people of Sooke to reaffirm that position

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the continued progress of major pipeline projects. We'd like to add our voice of the chorus of those who've already stated their opposition, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

The voters who live and work here – who own businesses and raise families here, and who volunteer to make our community strong, vibrant, and healthy – want a say in helping you share the community's deep concerns about oil tankers with other levels of government.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,

Tia Leschke 

Rod Nyberg



Rec'd July 21/14

July 21, 2014

The Honourable Wendal Milne, Mayor and
Members of Sooke District Council
2225 Otter Point Rd
Sooke, BC V9Z 0M2

Dear Mayor Milne and Members of the Sooke District Council:

As a resident of the District of Sooke I am very concerned about the proposal to significantly increase oil tanker traffic in the Juan de Fuca Strait. I am strongly encouraging you to support the Sooke Transition Town Society and Awareness Film Night in their request to add on this subject to November's referendum.

I moved out to Sooke from Alberta in 2006. I had fallen in love with the West Coast and decided to make Sooke my home to live, and work in. The risk of a spill out here is great. The Federal Government of Canada has recognized the southern tip of Vancouver Island as one area that is at greatest risk of an oil spill with the amount of ship traffic moving within the area already. This is before a pipeline is extended to Kitimat as well as another pipeline to the Vancouver area. Current predictions are that with the additional ship traffic these pipelines would bring in will increase the risk to between four to nine oil spills in the next fifty years. To put this in perspective the Exxon Valdez oil spill was 25 years ago and yet oil is still being found today on the beaches that is just as toxic as the day it exited the Exxon Valdez. Experts are now saying that it could take centuries for that oil to break down. Oil derived from the tar sands has already proven to be more costly to clean up as it is more difficult to get out of the environment. The oil coming out of the tar sands is also unique as it is a blend of highly toxic chemicals that must be added to the oil to allow it to flow in the pipelines, and into the ships. Benzene is one that is commonly added--a known lethal carcinogen that would be released into the air, and would also float on the surface of the ocean. Our way of life, and economy, would be destroyed with one oil spill. On a personal note I would like to also mention I am a first responder volunteer for such a spill and I know the health crisis I will likely face in the future should I be called to deal with an oil spill.

Thank you, Mayor Milne, for your letter in January 2012 to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to the Council for allowing my views, and many others, to be expressed. Now is the time for the District, and the people of Sooke, to take this a step further and voice opposition to increased tanker traffic off the BC coast. Events are moving rapidly.

A referendum question would allow Sooke residents the opportunity to add a voice for a community directly in the path of a potential oil spill.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully

Katie Armitage

Katie Armitage


COPY

Rec'd July 21/14

The Honourable Wendall Milne, Mayor and
Members of Sooke District Council
2225 Otter Point Road
SOOKE, BC V9Z 0M2

July 20, 2014

Dear Mayor Milne and Members of the Sooke District Council:

As residents of the District of Sooke we are very concerned about the proposals to significantly increase oil tanker traffic in the Juan de Fuca Strait. We strongly encourage you to support the Sooke Transition Town Society and Awareness Film Night in their request to add a question on this subject to November's referendum.

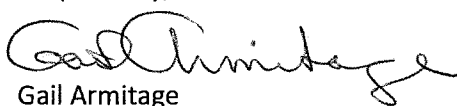
Our family moved to Sooke in 2006 and the fundamental reason for that move was that we fell in love with the beauty of the West Coast and the feeling that Sooke was not a town like others, that it had a true connection with the ocean and lands surrounding it ("Wild by Nature"). The fact that, within a few minutes' drive, we can walk along the beaches and see marine life, and watch fishing boats, sail boats and kayaks offshore makes this a special part of the world. One oil spill would destroy this for all of us and would have a huge, negative impact on our economy.

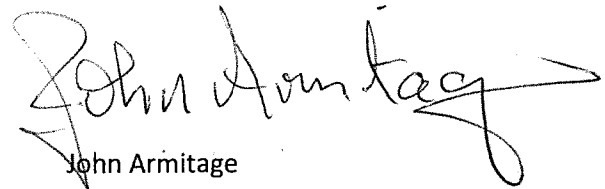
Thank you, Mayor Milne, for your January, 2012 letter to then federal Minister of the Environment Peter Kent in which you opposed increased tanker traffic without meaningful consultation with local frontline communities. Thanks also to Council for showing its unanimous support for this letter. Now it's time for the District and, just as importantly, the people of Sooke to take this letter a step further and voice opposition to increased tanker traffic off the BC coast. Events are moving rapidly.

A referendum question would allow Sooke residents the opportunity to add a strong local flavour to the wave of concern now arising in response to the pressure to approve major pipeline and rail transport projects which would result in a significant increase in tanker traffic up and down BC coastal waters. We'd like to add our voice to the chorus of those who've already stated their strong opposition to these projects, among them the Union of B.C. Municipalities, the Association of Vancouver Island Coastal Communities and the First Nations federations that passed the Save the Fraser and Coastal First Nations declarations.

Please support this request and give Sooke voters the opportunity to weigh in on this vital question on the November ballot.

Respectfully,


Gail Armitage

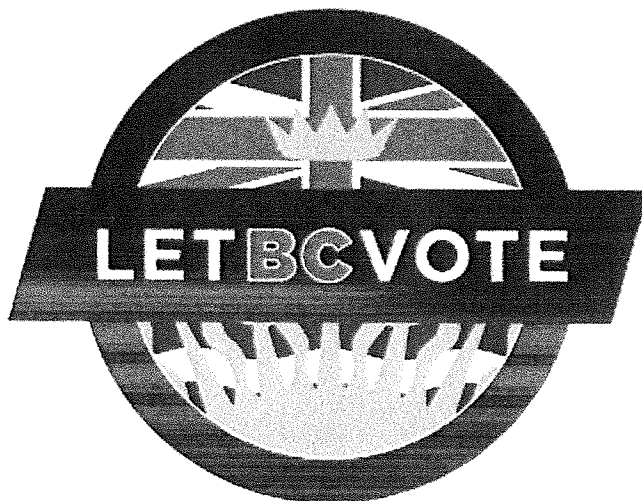

John Armitage

Gail and John Armitage


SOOKE, BC V9Z 0N4

Report on No Tankers Forum

[View this email in your browser](#)



Hello Transitioners!

This months newsletter is devoted to the No Tankers Citizens Initiative that Dogwood Initiative started and which TS supports.

What's the problem?

There are three proposals made that will lead to more oil tanker traffic on the coastal BC waters:

1. Northern Gateway Pipeline by Enbridge: The idea is to pipe Alberta oil sands (or tar sands) through Northern BC to the Pacific and then through B.C. coastal waters in super tankers to Asia.
2. Kinder Morgan wants to expand it pipeline from the tar sands to Burrard Inlet to increase the capacity from 300 000 to 890 000 barrels per day. This means that every day an oil tanker would pass by Southern Vancouver Island.
3. CN Rail wants to load oil on trains to Vancouver or Prince Rupert and ship it to Asia, again through B.C. coastal waters.

Hmm... We from Transition Town have our doubts by the sanity of these projects and together with Dogwood Initiative and Jo Philips' Awareness Film Night we organized an informative public forum on June 26 at the Rosa of Lima Church in Sooke. About 100 concerned citizens turned out to hear our panel of speakers: David Anderson, Andrew Moore, Maja Tait, Kai Nagata and Terry Dance-Bennink.



Is *this* what they mean with tar sands??

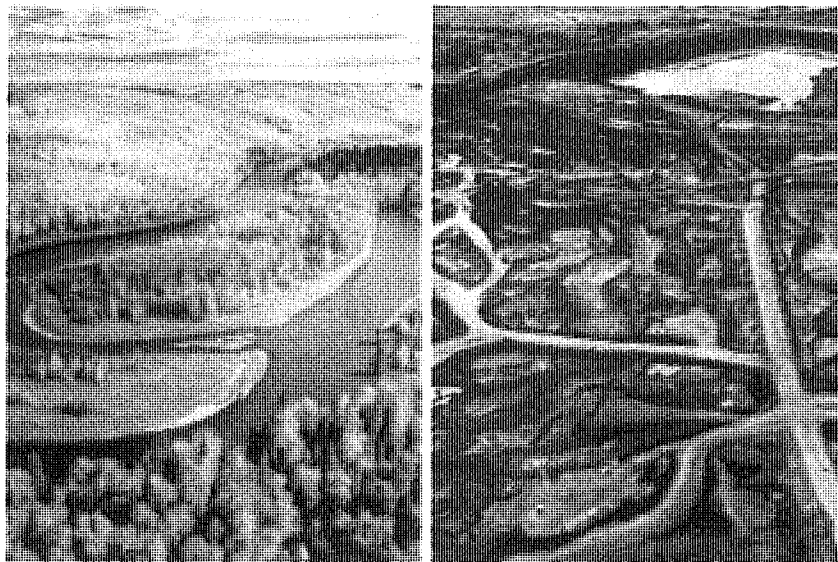
Inspired by the evening, Transition Sooke and Awareness Film Night have asked the District of Sooke to pose a second referendum question on the November ballot. Our proposed wording, subject to a rewrite by the Mayor and council, reads: "Should Sooke join other municipalities in renewing and restating its opposition to the expansion of oil tanker traffic through coastal B.C. waters?"

Please come out to council chambers this Monday night, July 21, for our formal presentation. All should be said and done within a half-hour of the meeting's 7 p.m. start time, and you have the opportunity to make some noise and also have your say during the public comment portion of the evening.

This potential referendum question is one aspect of a larger local campaign. In the wake of the Harper government's Northern Gateway decision one short month ago, a team of 47-and-counting Sooke volunteers has quickly come together under regional coordinator Terry Dance-Bennink to spearhead local activities for the Let B.C. Vote campaign. Numbers keep climbing among those who've signed the No Tanker's citizen's initiative pledge (1,532 in Sooke alone, and 3,888 in the JDF riding as a whole). Sooke residents participated in Victoria's recent Tar Sands Healing Walk. And blue "No More Tankers" signs are popping up all over the place.

If you feel inspired and want to do something about all this, please contact the local volunteer organizer Amanda Johnston. Or sign the pledge here and the petition here.

Now read on to learn more about what our speakers had to say at the June 26 forum.



This picture shows the scenery before and after the tar sands. We clearly prefer the left picture, what about you?

Dogwood Initiative, Kai Nagata and Terry Dance-Bennink

Dogwood Initiative started a "No Tankers" campaign as answer to the Enbridge, Kinder Morgan and CN Rail proposal. Since these projects would run throughout B.C. they feel that the people from this province should have an input as well. Hence the "Let BC Vote" initiative.



This citizen's initiative is being stewarded by Kai Nagata, a Mayne Islander who was a TV news journalist, documentary filmmaker and Tye columnist before joining Dogwood as its Energy & Democracy Director this spring. He noted that there is a "widening gap between the values of most citizens and the current system of law" - evidence of which is the fact that Northern Gateway has gotten as far as it has despite strong dissent from BC residents and the vast majority of

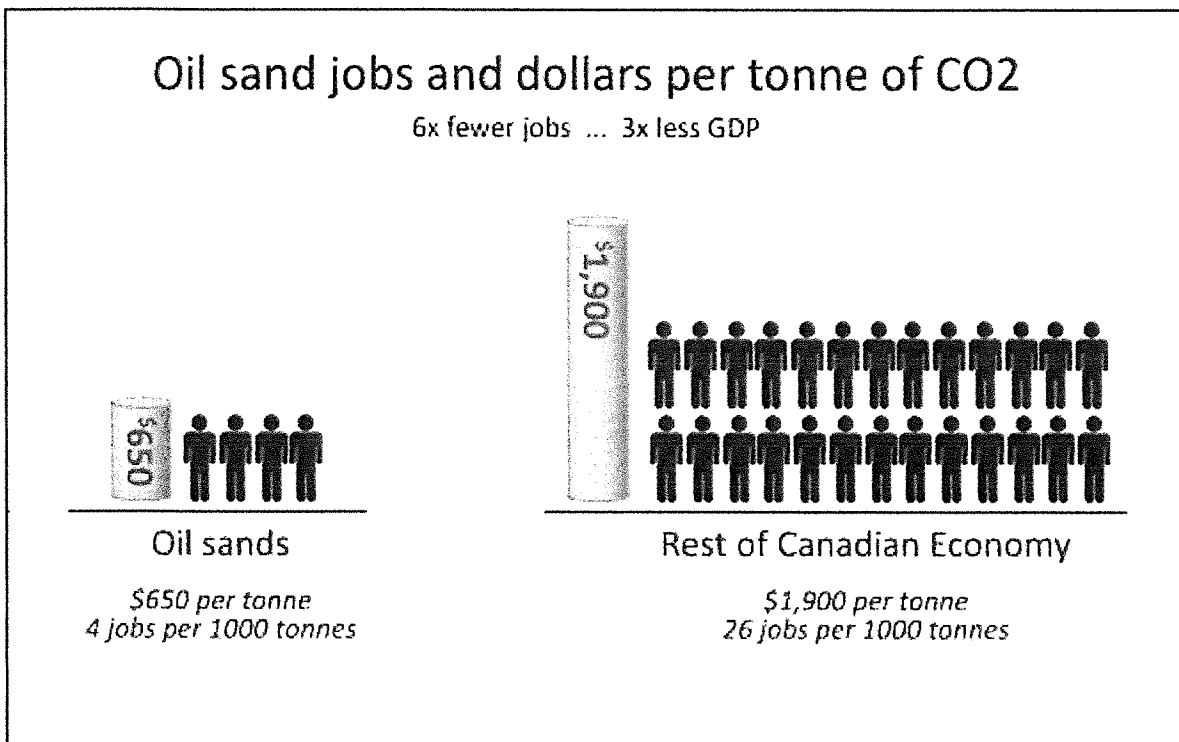


When Terry Dance-Bennink came back from a life-changing trip to the oil sands in September 2013, she decided she wanted to step up. Terry says the most upsetting part of her trip was meeting people living in First Nations communities who were dying from toxins released by the tarsands "Cancer rates are 30 per cent higher than normal in some areas. As a cancer survivor, my heart goes out to them," Terry says. "When I came home, I felt the urge to do more than sign petitions, donate

those who appeared at NEB hearings. The citizen's initiative is intended to once and for all quantify B.C. opposition to heavy oil pipelines and increased tanker traffic. "Ideally, a strong, concerted campaign now will ensure that we won't have to keep playing whack-a-mole with every new dirty energy project that arises over the next 30 years," he explained.

money and attend protest rallies. I've been giving talks about our trip at various churches and now I'm a Dogwood organizer. I believe in building a grass-roots movement in B.C. as a way to influence politics"

This highly energetic lady spends all her time on public speaking about her trip, rallying and supporting volunteers and making sure the grass-roots movement is flourishing.



data source: LRI, CAPP Canada - National Inventory Report to UN 1990-2008 part 2
http://www.barryswebpage.ca/bk/flags/otg/otg.html

Don't we loose job opportunities without these projects? Should we not support the economy this way?

Kai's response:

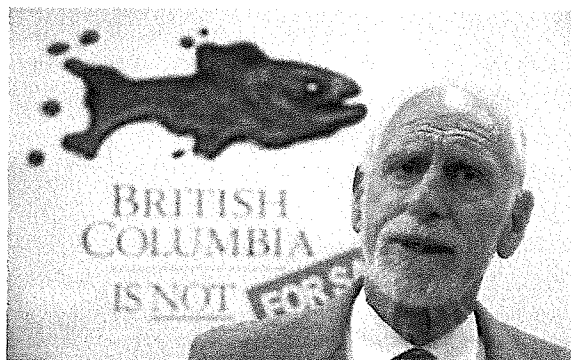
Bitumen is not a B.C. resource -- it's an Alberta resource, meaning all the royalties and the lion's share of employment and GDP creation go to Alberta. The energy itself is then used to power economies overseas. B.C. is really just in the way; a transit corridor for a hazardous product.

There is zero refinery capacity in British Columbia that can handle oil sands crude. Not a single drop of what comes through those pipelines will be used by British Columbians. Even if we all went renewable tomorrow, it wouldn't change the incentive for oil companies to get through B.C. to markets overseas.

That said, I think we all support a transition to lower-carbon energy sources that are safer for our communities, coastline and climate. Personally I'm quite inspired by what T'Souke Nation is doing. The metaphor of literally taking back local power is appealing. Also important is to work on efficiency. There are huge, invisible energy savings to be found in boring stuff like air-conditioner scheduling, home insulation and shared transport.

Study after study suggest both renewable energy and efficiency retrofits provide far more jobs per dollar invested than fossil fuels.

More info on Dogwood's new site: www.FairShareBC.ca.



David Anderson: Enbridge is the last company on earth that should get this contract

The former federal Environment and Fisheries & Oceans minister was optimistic that Enbridge's Northern Gateway proposal will not go ahead and that "serious civil disobedience won't be necessary, as much as I'm looking forward to it," he joked. The company will learn soon enough, Anderson said, that it's deluded about both the potential price per barrel of oil it can secure as well as the level of bitumen



Andrew Moore: Alternatives to Energy from Oil Sands

The project manager for the T'Sou-ke First Nation (and a co-founder of Transition Sooke) was on hand to discuss alternatives to resource extraction and how the "power to the people" movement is rapidly gaining momentum. Using the example of the First Nation's solar array, he said it's increasingly possible for businesses and homeowners to invest now, maximize rebate programs and gradually move

and LNG in overseas markets (especially with the recent announcement of Russia's new mega-pipeline project shipping gas to China). He argued that the National Energy Board's review process was fundamentally flawed because of an "inadequate analysis of safety and economic factors." Anderson is "very confident Enbridge will disappear," he said while also noting that Alberta oil interests will likely learn from the experience and return within a decade with a smartly retooled pipeline proposal. "The lure of fast money" is irresistible, he explained. "We've fought back against these kinds of proposals before, and I'm sure we'll have to do so again," he said.

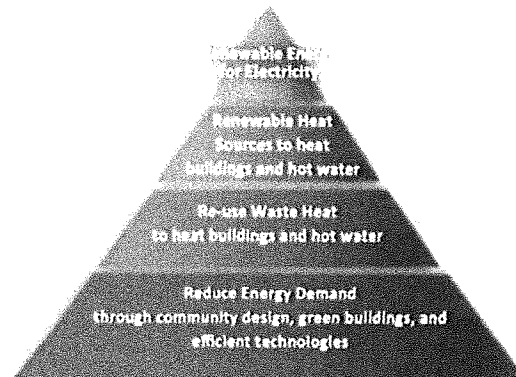
More reasons why this whole pipeline is a dumb plan and why Enbridge should be the last company on earth to get involved are posted in an article on [our website!](#)



Maja Tait: Risking our biggest asset, the ocean

Maja Tait, councillor for Sooke is not impressed with the Enbridge proposal. "Are we really willing to put our biggest asset, the ocean, at risk? And for what reason? This community has no benefits leading from the Enbridge pipeline, but has to deal with the negative impact." According to Tait, Enbridge is not prepared to deal with an oil spill, which will have major consequences for all coastal towns - Sooke included.

into a "net zero" situation where they are generating their own power and selling excess energy back to the grid. The provincial government is eager to facilitate the process and is rolling out a series of generous incentive programs through BC Hydro, Fortis BC and, in the Greater Victoria region, the Solar CRD program.



Moore focused on the "energy pyramid" model of energy efficiency, which is founded on changing habits at the household level. First put all your efforts into reducing your energy consumption through the use of power-smart appliances, better insulation, LED light bulbs, etc. Once that's accomplished, you need only a fraction from the solar retrofits and the like to reach "net zero". This way power is in the hand of the consumer.

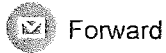
"Tourism is our major industry here, we cannot risk to lose this."



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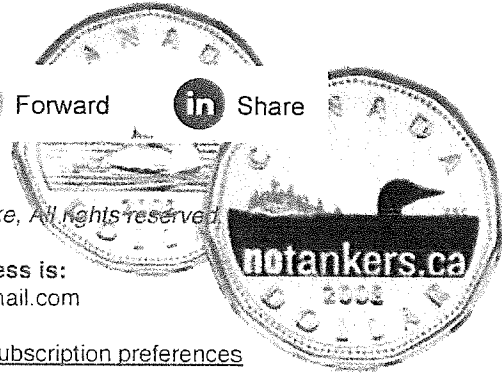


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Oil Spills (& other marine disasters)

This is a short paper to show the major accidents/disasters from tankers – and some oil rigs - over the last twenty-five years. I have omitted a considerable body of information about spills from pipelines over the same period as these would not directly affect Sooke.

Recently there have been statements from the proponents of pipeline(s) through Alberta and BC to the west coast that the statistical probability of a tanker accident carrying oil from the Enbridge and/or Kinder Morgan pipelines is one in every 15,000 years. Unfortunately human error does not take that kind of a break from reality. Evidence from a wide resource of information, including reports, public (and other) enquiries, etc., etc., shows that “. . . *old-fashioned human error [is] still the main cause of 80% of shipping accidents. . .*” (John Cameron, Scottish Review, January 17th, 2012.)

Here is an abbreviated list of some – not all - of the more important oil spills since 1988.

1988 22 April 1988: Newfoundland. The tanker **Athenian Venture** caught fire and exploded. 10.6 million gallons spilled into the Atlantic Ocean approx. 350 miles SE of Cape Race. (All hands lost, as well as several wives – 29 altogether.)

Nov. 10, Saint John's, Newfoundland: The **Odyssey** spilled 43.1 million gallons of oil into the North Atlantic – 1,175 Kms NE of St. John's & south of Greenland in rich fishing waters.

1989 March 24, Prince William Sound, Alaska. The tanker **Exxon Valdez** hit an undersea reef and spilled more than 10 million gallons of oil. More than 1,000 miles of coastline was fouled. Although far from the biggest spill in US history, this was considered the worst because of the damage it did to sustainable, core and indigenous, industries along a previously unspoiled coastline.

Some 1,800-2,100 kms (1,100-1,300 miles) of shoreline was fouled in Prince William Sound and along Alaska's south coast as far west as Kodiak Island. Tens of thousands of people were involved in trying to contain and clean up the spill, along with 1,400 ships and 85 helicopters.

The World Wildlife Fund estimated that the number of animals killed by the spill include 250,000 seabirds, 2,800 sea otters, 300 harbour seals, 250 bald eagles, 22 killer whales. Beaches in Prince William Sound remain oiled today – more than twenty years later.

Note: As well known as this disaster is, it barely ranks in the top 40 spills by volume over the last 25 years. (Cause? The ship's Master was intoxicated.)

Dec. 19, Canary Islands: The Iranian supertanker - **Kharg-5** – exploded. 19 million gallons of crude oil spilled into the Atlantic Ocean approx. 400 miles North of Las Palmas. The slick covered 100-square-miles.

1990 March 6: Linden, New Jersey. The barge **Cibro Savannah** exploded beside the dock and spilled approx. 708,000 gallons (2,300 tons) of fuel oil.

June 8, Galveston, Tex.: Explosion and fire on board the tanker **Mega Borg**. 5.1 million gallons (approx. 16,000 tons) of oil released into the Gulf of Mexico approx. 60 nautical miles SSE of Galveston.

1991 Jan. 23–27. Southern Kuwait: Gulf War. Iraq released 240–460 million gallons of crude oil into the Persian Gulf from tankers 10 miles off Kuwait.

April 11, Genoa, Italy: The tanker **Haven** caught fire, exploded and spilled 42 million gallons (230,000 tons) of oil at a platform 7 miles south of Genoa. The oil polluted the Mediterranean coast of Italy and France *for the next 12 years*. The damage to marine life has lasted much longer and is still evident.

May 28, Angola: The **ABT Summer** exploded and sank. It was not clear how much oil was on board but it is estimated at approximately 260,000 tons – as much as 81 million gallons. The ship sank some 800 miles off shore and nothing was done to try and clean up the mess.

1992 26 April 1992: South Africa. The tanker **Katina P** was damaged in a storm 180 kms west of Durban. The ship was towed to Maputo Bay, Mozambique and beached, where she leaked a considerable amount of her cargo. She was eventually towed out to deep water and sunk. Oil spilled: 22 million gallons (72,600 tonnes).

03 December 1992: La Coruña, Spain. The tanker **Aegean Sea** ran aground in bad weather. 20-23 million gallons spilled (approx. 67,000-74,000 tonnes). The spill destroyed the livelihood of more than 4,000 fishermen, shellfish harvesters and fish farmers. This accident occurred in the same area as the huge *Urquiola* spill (9,240,000 gallons) in 1976.

1993 05 January 1993; Garth Ness, Shetland Islands, UK. The tanker **Braer** – en route from Norway to Quebec - ran aground and spilled 85,000 tons (approx. 26 million gallons) of crude oil into the North Sea and Atlantic Ocean north of Scotland. This was more than twice as much oil as the *Exxon Valdez* spilled. 45 million GBP (approx. \$100 million) was paid out in compensation. It was not deemed to be enough, but the disaster compensation fund had reached its limit.

Aug. 10, Tampa Bay, Florida. Three ships collided - a barge **Bouchard B155**, a freighter **Balsa 37**, and a barge **Ocean 255**. The **Bouchard** spilled an estimated 336,000 gallons of No. 6 fuel oil into Tampa Bay.

1994 January 7, 1994: San Juan Puerto Rico. The barge **Morris J. Berman** went aground in the surf zone off Escambron Beach in San Juan, Puerto Rico. The barge had a capacity of 3 million gallons but was reportedly only half full. The

cargo, a heavy #6 fuel oil, began spilling and impacted nearby shoreline and shallow inter-tidal habitats immediately. No estimated leakage rate was available.

Note: This accident is noteworthy because it illustrates the fact that those responsible for such disasters are often woefully under-insured. In the case of the **Morris J. Berman** the company initially assumed responsibility for the spill, but very quickly expended the 10 million dollar limit of their insurance policy. The US taxpayer was once again left holding the bag and the disaster became a United States Coast Guard (USCG) directed response.

31 March: Gulf of Oman. The tankers **Seki** and **Baynuna** collided. The **Seki** spilled 16,000 tons (approx. 5 million gallons) of crude oil into the sea. 30 kms of coastline was oiled. Thousands of dead fish and many turtles washed up on the beaches.

21st October: South China Sea. The tanker **Thanassis A** broke up in Typhoon Theresa. 11 million gallons (37,000 tonnes) of heavy fuel oil was spilled.

1996 Feb. 15, off Welsh coast: The supertanker **Sea Empress** ran aground at the port of Milford Haven in Wales. It spilled 70,000 tons (approx. 14 million gallons) of crude oil, and created a 25-mile slick along sheltered, tidal waterways on the Pembrokeshire coast.

7 March 1996: Mexico. Tanker (Name unknown) spilled 10.6 million gallons (36,050 tonnes) of oil into the Bay of Campeche, Tuxpan, Veracruz.

1997 January 2: Sea of Japan. The tanker **Nakhodka** capsized and broke in two near the west side of the Japanese island of Honshu during a storm. It spilled an estimated 17-19,000 tons of oil (5.2-5.85 million gallons). More than 300 kms of Japanese coastline was fouled.

15th October, 1997: Singapore Strait. The tanker **Evoikos** collided with the tanker **Orapin Global**. An estimated 25,000-29,000 tonnes (7.7-8.9 million gallons) of oil were spilled into the Strait. Dozens of islands were fouled along with miles of Malaysia's shoreline.

1999 Dec. 12, French Atlantic coast: The Maltese-registered tanker **Erika** broke apart and sank off Brittany, spilling an estimated 5.85-8.62 million gallons (19,000 – 28,000 tonnes) of heavy oil into the sea.

Note: Approximately 400 kms of shoreline was fouled between Finistère (NW Spain) and Charente-Maritime (France). Almost 65,000 oiled birds were collected from beaches, of which almost 50,000 were dead. *More than 250,000 tonnes of oily waste* was collected from beaches during the cleanup operation.

- 2000 Jan. 18, off Rio de Janeiro.** A ruptured pipeline owned by the Brazilian government oil company, **Petrobras**, spilled 343,200 gallons of heavy oil into Guanabara Bay.
- Nov. 28, Mississippi River, South of New Orleans.** The oil tanker **Westchester** lost power and ran aground near Port Sulphur, La. The tanker dumped 567,000 gallons of crude oil into the lower Mississippi. This was the biggest spill in U.S. waters since the *Exxon Valdez* disaster of March 1989.
- 2002 Nov. 13, Galicia, Spain:** The tanker **Prestige** suffered a damaged hull in heavy seas and eventually broke up and sank. It is estimated that approximately 19.4 to 23.7 million gallons of oil were spilled (63,000 - 77,000 tonnes. Some of the oil remains underwater, leaking slowly.)
- Oil from the **Prestige** fouled several hundred miles of beaches along the Bay of Biscay, from Galicia in Spain to Brittany in north-western France. Some contamination was found on the shores of southern England. Approximately 1,900 kms (1,200 miles) of shoreline was affected. The World Wildlife Fund estimated that somewhere between 65,000 and 130,000 birds were affected during the first two months of the oil spill.
- 2003 July 28, Pakistan:** The **Tasman Spirit**, a tanker, ran aground near the Karachi port, and eventually cracked into two pieces. One of its four oil tanks burst open, leaking 8-9 million gallons (28,000 tons) of crude oil into the sea.
- 2004 Dec. 7, Unalaska, Aleutian Islands, Alaska:** A major storm pushed the bulk freighter **M/V Selendang Ayu** onto a rocky shore. The ship broke in two and 337,000 gallons of oil were released, most of which was driven onshore. The environmental cleanup went on for more than two years. (The ship's owners eventually agreed to pay the State of Alaska the sum of \$850,000 to settle oil spill, wreck removal and lost fish tax claims.)
- 2005 Aug.-Sept., New Orleans, Louisiana:** The Coast Guard estimated that more than 7 million gallons of oil were spilled during Hurricane Katrina from various sources, including pipelines, storage tanks and industrial plants.
- 2006 June 19, Calcasieu River, Louisiana:** An estimated 71,000 barrels of waste oil were released from a tank at the CITGO Refinery on the Calcasieu River during a violent rain storm.
- August 11th, Guimaras Island, The Philippines:** The tanker **M/T Solar 1** sank off the coast of the Philippines. It was carrying 530,000 gallons of oil and it sank in deep water. The country's fishing and tourism industries were devastated, along with many square miles of mangrove. More than 4,000 families were displaced or affected by the spill. A May 2009 article describes ongoing re-training of local

fishermen and other islanders to undertake handicrafts and some agricultural pursuits. The **M/T Solar** continues to leak oil.

The US Government – [not the oil company] - paid out \$2.4 million for rehabilitation and retraining programmes for the islanders.

- 2007 December 7, South Korea:** Collision involving the tanker **Hebei Spirit**. An estimated 2.8-3.3 million gallons (9,000-10,800 tonnes) of crude oil spilled into the sea 10 km off the west coast of South Korea. The tanker ran into a steel cable connecting a tug and a barge. The spill fouled the shoreline up to 300 kms away and caused "...an environmental disaster, destroying beaches, coating birds and oysters with oil, and driving away tourists with its stench." The seafood industry in the area was devastated—including oyster beds and seafood farms. Nine thousand people were involved in the attempted cleanup. 140 ships were deployed to try and mop up oil to prevent more of it from washing ashore.

(**Note:** by the standards of the spills listed here, this was a small one. . .)

See: <http://earth.tryse.net/oilspill.html>

- 2008 July 23, New Orleans, Louisiana:** A 61-foot **American Commercial Lines barge**, carrying 419,000 gallons of heavy fuel, collided with a 600-foot oil tanker **Tintomara** in the Mississippi River at Gretna, near downtown New Orleans. 419,000 gallons of Number 6 fuel oil (thick, industrial fuel) spilled from the barge. The oil reached all the way down to the Gulf of Mexico and posed a major threat to the fragile delta ecosystem. The accident brought a halt to all river traffic while cleanup efforts began to try and limit the environmental fallout.

It was estimated by the Director of the Port of New Orleans that the economic impact of the shutdown cost the [US] national economy \$275 million per day. This figure did not include the cost of the cleanup itself – which involved hundreds of workers and volunteers, boats and ships, and the US Coast Guard among other agencies.

- 2009 March 11, Queensland, Australia:** During Cyclone Hamish, unsecured cargo aboard the container ship **MV Pacific Adventurer** came loose on deck and caused the release of 52,000 gallons of heavy fuel and 620 tons of ammonium nitrate, a fertilizer, into the Coral Sea. About 60 km of the Sunshine Coast—a major tourism area—was covered in oil, prompting the closure of half the area's beaches.
- 2010 Jan. 23, Port Arthur, Texas:** The oil tanker **Eagle Otome** and a barge collided in the Sabine-Neches Waterway, causing the release of approximately 462,000 gallons of crude oil. The US Coastguard announced later that "environmental damage was minimal as about 46,000 gallons were recovered and 175,000 gallons were dispersed or evaporated..." There appears to be no mention of the impact of the 240,000 gallons of oil that were not recovered.

April 20-July 15, Gulf of Mexico: The Deepwater Horizon, a semi-submersible drilling rig, exploded - and sank two days later. Approx. 60,000 barrels of oil per day leaked into the Gulf of Mexico. Exact figures are hard to obtain, but something between 400,000 and 700,000 tonnes of crude oil spilled into the Gulf. (Approximately 123,200,000 – 215,600,000 gallons.) Oil polluted the shores of several US States including Louisiana, Florida, Alabama, and Mississippi. This is the largest oil spill – to date - in U.S. history.

British Petroleum is responsible for the cleanup, but the US taxpayer—through departments of the U.S. Government, including the US Coastguard and US Navy—supplied BP with massive resources to help contain the damage.

May 25, Singapore Strait: The tanker **Bunga Kelana 3** collided with the bulk carrier MV Waily in the Strait. This was a (relatively) small spill of approximately 700,000 gallons(2,000-2,500 tons).

Conclusion & Notes

The record of serious spills from oil pipeline leaks, ruptured storage tanks, loading and unloading mishaps, oil rigs disaster and other causes, would fill many, many more pages. The above list is simply to show (a) those spills that have some relevance to situations that may arise in the waters around Sooke, (b) that members of the public have very short memories and the oil industry relies upon this fact, and (c) that we trust the word of those in the oil industry at our peril.

Note 1: The weight-to-volume ratio of oil varies depending on whether it is crude oil, refined oil, or the type of fuel or bunker oil. For example, Regular Gasoline has a volume-to-weight ratio of 374.5 US Gallons per Ton, while Diesel is 306 US Gallons per Ton.

Bitumen, which is likely to be carried in the tankers transiting the Juan de Fuca Strait, has a volume-to-weight ratio of 258.5 US Gallons per Ton (6.15 American Barrels per Ton).

Note 2: Much of the oil spilled in the accidents noted above, was Crude oil. The volume-to-weight ratio of crude also varies widely, depending on its consistency, specific gravity and so on. The oil industry uses average figures for crude oil as follows:

1 Ton = 7.33 Barrels = 308 US Gallons

In the event of an accident we are likely to be given figures in Barrels, as the US Oil Industry tends to use Barrels as its primary unit of measurement. However most citizens have no idea how much oil, or gasoline, is contained in a barrel.

Reference for the above: <http://www.eppo.go.th/ref/UNIT-OIL.html>

See also - U.S. Energy Information Administrations: [http://tonto.eia.doe.gov/kids/Select 'energy calculators'](http://tonto.eia.doe.gov/kids/Select%20energy%20calculators)

The Crude Oil calculator shows 1 metric ton=7.33 bbl crude oil. 1 barrel=42 US gallons.

Note 3:

- a) Every year since 1991 there appears to have been at least one incident of catastrophic proportions [i.e. spills of over 10,000,000 gallons or 34,000 tons] - with the exception of 1995 and 1997.
- b) A 1991 study by the US Coast Guard (USCG) and the National Oceanic and Atmospheric Administration (NOAA) of oil spills in US coastal waters indicated that oil spills of over 10,000 gallons (34 tonnes) represented only 1.1% of the total *number* of spills, but represented 87.5% of the *volume* of spillage.

Points a) and b) are taken from the paper “Historical Overview of Oil Spills from All Sources (1960–1998)”, prepared by Dagmar Schmidt Etkin for the Oil Spill Intelligence Report (Arlington, Massachusetts). The paper was presented to the 1999 International Oil Spill Conference.

Dagmar Schmidt Etkin (B.A. Biology, U. Rochester; A.M., Ph.D. Biology, Harvard U.) is Senior Research Analyst/Consultant for the *Oil Spill Intelligence Report* and the Cutter Consortium. She is a member of the United Nations/International Maritime Organization Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection Working Group on Oil Discharges into the Marine Environment. She maintains the International Oil Spill Database and consults on oil spill issues, and Y2000 problems for the oil transportation, production, and spill response industries.

Note 4: CBS News “Oil Spills ‘Round the World - the 2011 Edition” makes chilling reading. At best it shows a cavalier attitude from some oil companies about problems of their own making. At worst it shows that (a) they do not often tell the truth, (b) they are reluctant to take responsibility for the messes they make, and (c) that they are often under-insured.

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www.environmental-research.com/erc_papers/ERC_paper_11.pdf

See also resolutions C6, C7, C8, C9 and C10.

Conference decision: _____

ENVIRONMENT

A8 OIL TANKER TRAFFIC

Saanich

WHEREAS a crude oil spill would have devastating and long lasting effects on British Columbia's unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coastal and First Nations communities;

AND WHEREAS citizens of British Columbia, particularly those living in coastal communities, and First Nations communities and environmental groups have expressed well-founded concerns over the expansion of oil pipelines and oil tankers:

THEREFORE BE IT RESOLVED that UBCM oppose projects that would lead to the expansion of oil tanker traffic through BC's coastal waters;

AND BE IT FURTHER RESOLVED that UBCM urge the Premier of British Columbia, the Leader of the Official Opposition and members of the Legislative Assembly to use whatever legislative and administrative means that are available to stop the expansion of oil tanker traffic through BC's coastal waters.

NOT PRESENTED TO THE ASSOCIATION OF VANCOUVER ISLAND & COASTAL COMMUNITIES

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: **Endorse**

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee notes that the UBCM membership has consistently endorsed resolutions opposing the expansion of oil tanker traffic on the coast of British Columbia (2010-B139, 2010-B140, 2008-B143).

Resolution 2010-B139 opposed the expansion of tanker traffic, and further, requested a legislated ban on bulk crude oil tanker traffic through Dixon Entrance, Hecate Strait and Queen Charlotte Sound. Resolution 2010-B140 expressed UBCM opposition to tar sands oil being shipped in pipelines across northern BC for loading onto crude oil tankers, especially as related to the proposed Enbridge Northern Gateway Pipelines (NGP) project.

In response to Resolution 2010-B139 the Province pointed out that "coastal communities, including Vancouver Island, are able to obtain supplies of oil and gasoline by barge and tanker transport. It is important for tankers to reach our ports." However, the Province indicated that the federal government has regulatory authority over tanker traffic on the British Columbia coast.

In their responses to 2010-B140, the federal Ministry of Natural Resources and Ministry of Environment both stated that comments regarding the Enbridge Project specifically are welcome through the review process. The Ministry of Environment also stated that "(w)ith regard to oil tanker traffic, although a moratorium exists on oil and gas exploration and development off the coast of British Columbia, it does not apply to tanker traffic. Under federal and provincial law, tankers are free to travel to and from British Columbia ports. There is, however a Tanker Excursion Zone, which is a voluntary measure negotiated between Canada and the United States. This applies only to loaded southern-bound oil tankers en route from Alaska and would not apply to the

proposed Enbridge Gateway Pipeline Project.”

The Committee also notes that the membership endorsed a related resolution, 2011-LR6, which requested that any applications to expand the amount of oil transported by pipeline or tanker in BC undergo the highest degree of environmental assessment and meaningful public consultation, including local government and First Nations.

See also resolutions C16, C17 and C18.

Conference decision: _____

A8 OIL TANKER TRAFFIC

WHEREAS a crude oil spill would have devastating and long lasting effects on British Columbia's unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coastal and First Nations communities;

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RESPONSE: Ministry of Environment

British Columbia recognizes increased risk to the environment posed by an increase in tanker traffic linked to approval of pipelines transporting Alberta bitumen to the coast.

British Columbia has publicly released its technical analysis "Requirements for British Columbia to Consider Support for Heavy Oil Pipelines." Within that analysis, BC outlines five conditions for formal support. These include: 1. Joint Review Panel Approval; 2. World Class Coastal Protection Regime; 3. Terrestrial Protection and Spill Prevention; 4. Appropriate Aboriginal Engagement, Participation and Accommodation; and 5. Improved Fiscal Benefits to British Columbia.

A key condition requires world leading marine spill preparedness and response systems for British Columbia. Within that requirement, there are 11 recommendations the Province sees as necessary to bring British Columbia to that standard.

In order for there to be any possibility of heavy oil projects receiving the support of the Province, each of the five principles must be satisfactorily addressed in advance of formal support being considered by British Columbia.



District of Sooke
 FEB 29 2012
 Received

FEB 21 2012

His Worship Wendal Milne
 Mayor
 District of Sooke
 2205 Otter Point Road
 Sooke BC V9Z 1J2

Original Document to File No. 0400-20			
For Action by:	CC	Agenda	Other
Mayor/Council	<input checked="" type="checkbox"/>		
Council Reader File	<input type="checkbox"/>		
CAO	<input type="checkbox"/>		
Corp Services	<input type="checkbox"/>		
Engineering	<input type="checkbox"/>		
Finance	<input checked="" type="checkbox"/>		
Planning	<input type="checkbox"/>		
Fire	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

Dear Mr. Mayor:

Thank you for your letter of January 9, 2012, regarding your concerns and those of your constituents with respect to Kinder Morgan's export of crude oil from Vancouver and the possibility of increased tanker traffic in the coastal waters near your area.

Please be assured that I recognize the need to conserve the unique and diverse marine ecosystem of the Juan de Fuca Strait and the west coast of Vancouver Island. I also am aware of the need to preserve the marine resources that sustain the communities and First Nations in this area.

There are numerous federal laws and regulations that promote the safe and secure use of Canada's waters and govern the safe transport of petroleum products to protect the marine and coastal environment. Transport Canada is the lead federal department with regard to tanker traffic, and Environment Canada works closely with that department and other agencies to ensure the protection of our marine environment.

Environment Canada also has a key role in Canada's marine pollution preparedness and response system. In the event of an environmental emergency, we provide scientific support and consolidated expert environmental advice to the lead response agency. In partnership with Transport Canada's National Aerial Surveillance Program, we are engaged in compliance monitoring and enforcement with respect to chronic small-scale oiling events associated with marine vessels. In addition, Environment Canada co-operates with American federal and state partners through the Canada-United States Joint Marine Pollution Contingency Plan, which allows us to integrate our response in the event of a transboundary incident. The Plan includes a requirement for the Parties to conduct joint exercises at least every two years.

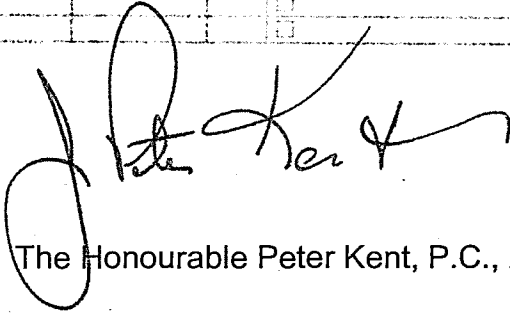
.../2



The Minister of Transport, Infrastructure and Communities, the Honourable Denis Lebel, and the Minister of Natural Resources, the Honourable Joe Oliver, also have responsibilities for the issues you raise. Therefore, I am forwarding your email message to them, for consideration.

I appreciate your interest in environmental protection, and trust that the information provided is of assistance.

Sincerely,



The Honourable Peter Kent, P.C., M.P.

c.c.: The Honourable Denis Lebel, P.C., M.P.
The Honourable Joe Oliver, P.C., M.P.

TO: CITY MANAGER **DATE:** 2014 August 20

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 2125 20
DIRECTOR ENGINEERING *Reference:* UBCM Resolutions
CITY SOLICITOR

SUBJECT: 2014 UBCM RESOLUTION –
THE NATIONAL ENERGY BOARD PUBLIC HEARING PROCESS

PURPOSE: To present an ‘Emergency Resolution’ for submission to the 2014 Union of BC Municipalities (UBCM) Convention.

RECOMMENDATIONS:

1. **THAT** Council endorse the resolution titled: “The National Energy Board Public Hearing Process” outlined in Section 2.0 of this report for submission to the 2014 UBCM Convention.
2. **THAT** staff be authorized to forward a copy of this report to the UBCM, located at Suite 60, 10551 Shellbridge Way, Richmond, BC, V6X 2W9.
3. **THAT** copies of this report be forwarded for information to: Burnaby MLAs, MPs, and the Federation of Canadian Municipalities.

REPORT**1.0 INTRODUCTION**

Each year, Burnaby Council considers new resolutions for submission to the Lower Mainland Local Government Association (LMLGA) Annual General Meeting for adoption and advancement to the Union of BC Municipalities (UBCM) Convention. These resolutions are a means to request amendments to the *Community Charter*, *Local Government Act* and other Provincial or Federal legislation and policies to address issues of significance to local governments.

In 2013, Kinder Morgan filed an application with the National Energy Board to expand the Trans Mountain Pipeline (TMEP), including substantial expansion of its terminals located within the City of Burnaby. The TMEP poses significant concerns for the City, given the impacts and risks the project would have on Burnaby and its residents, including human health and safety risks, oil spill/accidents risks and emergency response issues, seismic risk impacts, land-use impacts, environmental impacts, and socio-economic impacts.

To: City Manager
From: Director Planning and Building
Re: 2014 UBCM Emergency Resolution-
The NEB Public Hearing Process
2014 August 20..... Page 2

Given the scope and extent of potential public safety and environmental impacts, the City filed and obtained Intervenor status, opposing the proposed TMEP. In addition, at its meeting of 2014 March 10, Burnaby Council adopted a report outlining the City’s annual resolutions submission to the UBCM. The report included a resolution related to ‘Comprehensive Pipeline and Energy Transport Plan’ (see *Attachment #1*) which opposes Kinder Morgan’s Trans Mountain Pipeline system expansion application, and calls for the development of a comprehensive pipeline and energy transportation plan through community and stakeholder consultation. This resolution has already been reviewed and accepted through the standard UBCM resolution process for consideration at the 2014 UBCM Convention.

The following report presents a further resolution for submission to the 2014 Union of BC Municipalities (UBCM) Convention relating to the National Energy Board’s Public Hearing Process. According to the Procedures for Submitting Resolutions to UBCM, this resolution is to be filed as an “Emergency Resolution”, as the deadline for submitting resolutions (2014 June 30) has passed and the issue, related to the Public Hearing process, has arisen following this date.

**2.0 PROPOSED 2014 ‘EMERGENCY RESOLUTION’ –
THE NATIONAL ENERGY BOARD PUBLIC HEARING PROCESS**

Unlike previous major energy projects which have been reviewed by the National Energy Board through Public Hearing processes, that allow for oral testimony and cross examination of evidence submitted by the Applicant and Intervenors, the process established by the National Energy Board for the TMEP was varied from this standard procedure as provided by legislation, is not a true ‘Public Hearing’ process. As a result, the ‘Public Hearing’ process being pursued is unbalanced, unfair, and biased in favor of the applicant’s corporate interests over the protection of the public from significant environmental, social and economic impacts. The process approved thus far by the NEB has not provided for a true Public Hearing that would allow for both oral hearings and cross-examination of evidence for the TMEP despite widespread interest from Local Governments, First Nations and citizens.

It is further noted that, in 2012, Kinder Morgan filed an application with the National Energy Board for tolls that would be implemented as part of the TMEP. This Application, formally titled “The Trans Mountain Application for Approval of the Transportation Service and Toll Methodology for the Expanded Trans Mountain Pipeline System” (RH-001-2012) falls under Part IV of the NEB Act, and therefore did not automatically trigger a Public Hearing. Notwithstanding the above, the Board held a full Public Hearing, and provided all parties, including NEB counsel, with the opportunity to cross-examine witnesses on their evidence as part of the Panel’s review. This forum provided the applicant and industry opportunity to fully participate in an open Public Hearing process with oral hearings and cross examination. In May 2013, the Board approved the contract terms and structure that arose from this more complete Public Hearing process.

In December 2013, Kinder Morgan filed an Application with the National Energy Board for a Certificate of Public Convenience and Necessity (CPCN), as required under Section 52 of the National Energy Board Act to permit construction and operation of the TMEP. For this application, the National Energy Board made a decision to exclude from the approved “Public

To: City Manager
From: Director Planning and Building
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The NEB Public Hearing Process
2014 August 20 Page 3

Hearing” process, the formal oral hearing and cross examination of evidence components that are standard in a comprehensive review process. In response, several intervenors, including the City of Burnaby, objected to this decision and requested restoration of the full Public Hearing process. On July 15, 2014 the NEB issued Hearing Order OH-001-2014 which provided a revised hearing events and steps table which confirmed their decision not to implement a Public Hearing which includes an oral hearing and cross-examination of evidence.

Additionally, this Hearing Order established a new deadline (09 January 2015) for a second round of intervenor information requests to specifically address issues including ‘Route 1 HDD’ and Route 2 (tunnel) through Burnaby Mountain. This seven month postponement demonstrates that the review timeline can be extended and the Public Hearing delayed for issues the NEB considers relevant, and that time constraints should not impact the ability for the NEB to allow for a true Public Hearing process that includes oral hearings and cross-examination of evidence.

The decision to deviate from the standard Public Hearing process has impacted the opportunity for all intervenors, including the Provincial Government, Local Governments, First Nations and citizens to challenge the applicant’s evidence. The proposal for construction and operation of new facilities, that have much higher human and health risk profiles, speaks to the imperative for a full Public Hearing.

The loss of both oral hearings and cross-examination of evidence in the Public Hearing component of the NEB review of the TMEP significantly erodes the opportunity to test the evidence and question the applicant and its support regarding human health and safety risks, oil spill/accidents risks and emergency response issues, seismic risk impacts, land use impacts, environmental impacts, and socio-economic impacts.

As this decision by the NEB forms a significant departure from its normal procedure and an infringement on the rights of Canadian municipalities and all citizens to have a fair and full public process, and further that it raises an important constitutional issue related to the democratic rights of all Canadians, it is considered that an ‘Emergency Resolution’ to the UBCM is warranted.

The following emergency resolution has been prepared for the consideration of Council:

RESOLUTION: The National Energy Board Public Hearing Process

WHEREAS on 2013 December 16, Kinder Morgan submitted an application to the National Energy Board (NEB) for the Trans Mountain Expansion Project;

AND WHEREAS the NEB has made an arbitrary decision to remove from the standard Public Hearing for a major pipeline project long-standing protocols which provided opportunities for public review through open meetings, oral hearings and cross-examination;

AND WHEREAS the loss of the standard Public Hearing from the application review process constitutes a significant erosion of the democratic rights of Provinces, Territories, Local Governments, First Nations and citizens to cross-examine evidence presented, articulate concerns and voice opposition to applications;

To: City Manager
From: Director Planning and Building
Re: 2014 UBCM Emergency Resolution-
The NEB Public Hearing Process
2014 August 20..... Page 4

AND WHEREAS the loss of all opportunities for intervenors to participate in oral hearing and to cross-examine evidence within the NEB regulatory review process, has broad social, environmental and economic implications that would impact all local governments and their citizens;

THEREFORE BE IT RESOLVED that the Union of BC Municipalities (UBCM) call on the Federal Government and National Energy Board, through the Federation of Canadian Municipalities and other avenues as appropriate, to oppose the loss of the standard Public Hearing process from the National Energy Board's application review and tribunal process.

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities call on the Provincial and Federal Governments, through their appropriate and respective roles, to develop, in consultation with local governments, first nations, and citizens, the restoration of a full Public Hearing process to the National Energy Board's consideration of all applications.

3.0 UBCM 'EMERGENCY RESOLUTION' PROCESS

UBCM guidelines for submission of an Emergency Resolution submission to the 2014 UBCM Convention provide the opportunity for Council to advance a resolution concerning the NEB Process for consideration. The resolution, if accepted by the UBCM resolutions committee, will be considered at the annual convention scheduled for 2014 September 22 – 26, in Whistler, BC. It is noted that resolutions received after the submission deadline of June 30, 2014 will not be printed in the Resolutions Book and may only be admitted for debate by special motion during the Convention.

The process and guidelines for handling "Emergency Resolutions received after the June 30th deadline include:

- One copy of the resolution and background documentation, in electronic or print form, must be received at the UBCM Richmond office before 12:00 p.m. on Friday, September 19, 2014.
- Resolutions received after the deadline will be examined by the Resolutions Committee and separated into the following categories:
 1. Emergency resolutions recommended to be admitted for debate.
 2. Late resolutions not recommended to be admitted for debate.
- A resolution may be deemed emergency in nature only if the topic has arisen since the June 30th deadline.
- Emergency resolutions may be discussed only after all Section A resolutions have been debated, but not before the time printed in the Convention Program.

To: City Manager
From: Director Planning and Building
Re: 2014 UBCM Emergency Resolution-
The NEB Public Hearing Process
2014 August 20..... Page 5


- No other late resolutions will be admitted for debate—they will instead be entered automatically into the resolutions cycle for the following year, starting with consideration by the appropriate Area Association. Referral to the following year ensures that these issues are not lost.

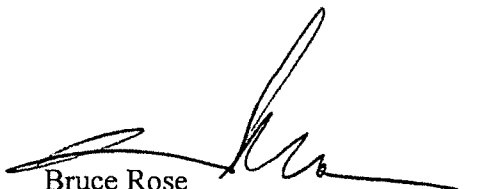
4.0 SUMMARY AND CONCLUSION

This report proposes an Emergency Resolution for submission to the 2014 UBCM Convention on the important issue of the arbitrary cancellation of oral hearing and cross examination of evidence for the Public Hearing process relating to Kinder Morgan's Application to the National Energy Board for Certificate of Public Convenience and Necessity (CPCN) to permit construction and operation of the Project.

It is recommended that Council endorse the Emergency Resolution, as outlined in Section 2.0 for submission to the 2014 UBCM Convention. It is also recommended that staff be authorized to forward a copy of this report, accompanied by supporting background reports and information, to the UBCM and the Federation of Canadian Municipalities. Finally, it is recommended that a copy of this report be circulated to all Burnaby MLAs and MPs for information.


Lou Pelletier, Director
PLANNING AND BUILDING


Leon Gous, P.Eng., MBA
DIRECTOR ENGINEERING


Bruce Rose
CITY SOLICITOR

JW/DD:tn
Attachment

cc: Deputy City Managers
Chief Building Inspector
Chief Librarian
OIC – RCMP
Fire Chief
Director Finance
Director Parks, Recreation and Cultural Services
City Clerk

UBCM RESOLUTION – Adopted by Council March 10, 2014

Comprehensive Pipeline and Energy Transport Plan

WHEREAS on 2013 December 16, Kinder Morgan submitted an application to the National Energy Board (NEB) for the Trans Mountain Expansion Project (TMEP);

AND WHEREAS the proposed expansion project in the existing dense urban context represents an intensification of related risks and impacts for Burnaby and the broader Metro Vancouver area, with the benefits distributed elsewhere on a regional, provincial and national basis:

THEREFORE BE IT RESOLVED that the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM) call on the Federal Government and National Energy Board, through the Federation of Canadian Municipalities and other avenues as appropriate, to oppose Kinder Morgan's Trans Mountain pipeline system expansion application.

AND BE IT FURTHER RESOLVED that the Lower Mainland Local Government Association (LMLGA) and Union of BC Municipalities call on the Provincial and Federal Governments, through their appropriate and respective roles, to develop, in consultation with local governments, First Nations, and members of the public, a comprehensive pipeline and energy transport plan, including adequately funded provisions for emergency response, for the movement of related goods.



Council Member Motion

For the Governance and Priorities Committee Meeting of August 28

Date: August 21, 2014 **From:** Mayor Fortin
Subject: UBCM emergency resolution regarding environmental assessment of the Trans Mountain Expansion Project

Summary

The TMX Project

Trans Mountain Pipeline ULC, as General Partner of Trans Mountain Pipeline LP (collectively "Trans Mountain"), has applied to the NEB for a Certificate of Public Convenience and Necessity in respect of the TMX Project. The TMX Project will increase the capacity of the existing Trans Mountain pipeline system from 300,000 bbl/d to 890,000 bbl/d. The TMX Project consists of three components: 1) twinning (or looping) of existing pipeline segments in Alberta and British Columbia; 2) new and modified facilities (including pump stations and tanks); and 3) three new berths at the Westridge Marine Terminal in Burnaby, BC. Within British Columbia, Trans Mountain proposes to construct approximately 647 km of new buried pipeline from Hargreaves to Darfield (279 km), and from Black Pines to Burnaby (368 km). The Terminal expansion will allow for an increase in handling capacity from the current five vessels per month to 34 Aframax class vessels (80,000-120,000 DWT) per month. The tanker route from the Terminal commences in Burrard Inlet, and then traverses Boundary Pass, Haro Strait, and the Juan de Fuca Strait before reaching the Pacific Ocean.

Many British Columbians are concerned about the impact and safety of the Project, particularly the economic and environmental impact of a pipeline or marine spill.

Environmental Assessment Equivalency Agreement

On June 21, 2010, the EAO and the NEB entered into an agreement respecting the environmental assessment of "Projects" (the definition of which includes "a transmission pipeline") that are reviewable under both the Reviewable Projects Regulation, B.C. Reg. 370/2002, and the National Energy Board Act, R.S.C. 1985, c. N-7 ("NEB Act"). The Agreement provides that an NEB assessment of such Projects constitutes an equivalent assessment under sections 27 and 28 of the BCEAA. The Agreement is premised upon an understanding that an NEB assessment "would take into account any comments submitted during the assessment process by the public and Aboriginal peoples". The EAO has the right, under clause 6 of the Agreement, to terminate the Agreement upon giving 30 days written notice to the NEB. This Agreement was the reason there was no provincial environmental assessment of the Northern Gateway pipeline.

The NEB assessment of the TMX Project fails to provide opportunities for meaningful participation by intervenors that have been granted standing under the hearing rules, including municipal

governments and the Province. Both levels of government share an interest in ensuring that Trans Mountain's application undergoes a rigorous and credible environmental assessment. Flaws and deficiencies with the ongoing NEB process have thwarted this goal and deprived British Columbians of the right to participate meaningfully in the regulatory review of the TMX Project.

Lack of Cross Examination

At the outset of this process, the NEB decided that the public hearings into the TMX Project would proceed without the benefit of oral cross examination. It appears that this decision arose from the NEB's desire to expedite the process to ensure compliance with new statutory time limits imposed as a result of amendments to the NEB Act. The elimination of cross examination from the hearing process has been broadly regarded as an alarming restriction on the rights of intervenors to test the evidence put forward by Trans Mountain. In other NEB hearings, cross examination has played a pivotal role. For example, in the Northern Gateway hearings, cross examination revealed important flaws in the proponent's evidence, including serious errors in how Northern Gateway calculated the impact of its pipeline on caribou habitat. Moreover, the Province was one of the intervenors that led the way in demonstrating the scientific uncertainty regarding the fate of diluted bitumen in the marine environment through cross examination of Northern Gateway's experts. Cross examination also cast serious doubt over Northern Gateway's assumptions concerning the buoyancy of diluted bitumen in the event of a marine oil spill.

Lack of Adequate Responses to Information Requests

Instead of being able to cross examine Trans Mountain's experts, intervenors are restricted to posing written questions in the two rounds of Information Request ("IR") phases of the hearing. In turn, Trans Mountain is required by regulation to provide "full and adequate" written responses to these IRs. However, according to many intervenors (including the Province and various municipalities along the pipeline and tanker routes), Trans Mountain has completely failed to comply with this obligation.

As a result, the Province has filed a motion with the NEB regarding the inadequacies in Trans Mountain's responses to the Province's first round of IRs. According to the Province, Trans Mountain's failure to provide adequate responses to IRs "denies the parties a meaningful opportunity to test and clarify the evidence filed by Trans Mountain". Many municipal governments have filed similar motions. These include the Cities of Abbotsford, Burnaby, Port Moody, Surrey, and Vancouver, the District of West Vancouver, the Fraser Valley Regional District, and the Regional District of Fraser-Fort George. The NEB has yet to rule on these motions.

The NEB's Review is Not an Equivalent Assessment

The Agreement entered into by the EAO and the NEB was premised upon the understanding that reviewable projects will be subjected to legitimate, thorough, and rigorous environmental assessments that adequately take into account the concerns of British Columbians—the type of environmental assessments that British Columbians are entitled to under the BCEAA. However, the NEB's assessment of the TMX Project fails to provide a review process that British Columbians expect and deserve.

The NEB's process is unfair, the answers that Trans Mountain provide are not thorough, and there is no cross examination to provide rigorous testing of the evidence. It bears repeating that it was through cross examination by intervenors like the Province that the Northern Gateway Joint Review Panel heard important evidence regarding the buoyancy of diluted bitumen in the marine

environment after a spill. British Columbians would expect nothing less for the TMX Project review process in terms of having a fair and meaningful opportunity to voice their concerns and test the evidence. Unfortunately, the NEB's review does not provide an environmental assessment process that would be expected under the BCEAA. In short, the NEB's review process is not an equivalent assessment. The Province should direct the EAO to withdraw from the Agreement and conduct a provincial environmental assessment of the TMX Project.

Recognizing the Need for Action

The deadline for submitting resolutions for consideration at the 2014 Convention was June 30, 2014. However, UBCM procedures allow for emergency resolutions to be admitted for debate at the Convention after the deadline has passed, and "a resolution may be deemed emergency in nature only if the topic has arisen since the June 30 deadline".

Concerns about deficiencies with the NEB process, particularly due process concerns, have grown over time, coming to a head in late June. It was at this juncture that Trans Mountain was required to respond to the first round of IRs. The answers it provided were so non-responsive and unhelpful that many intervenors filed motions asking the NEB to rule that Trans Mountain had broken hearing rules. Most of these motions, which had to be filed only by early July, noted that this failure was especially troubling in light of the NEB's earlier decision to eliminate cross examination from the hearing. Even if the NEB rules that Trans Mountain has breached the rules of the hearing, however, this will not remedy the fundamental unfairness of the process.

The NEB assessment of the TMX Project denies British Columbians the opportunity to participate meaningfully in the review process. Without the right of oral cross examination of Trans Mountain's witnesses, intervenors must rely on a highly deficient written questioning process. In turn, Trans Mountain has taken advantage of this process, leading to a situation that the Province has itself described as one in which the parties have been denied "a meaningful opportunity to test and clarify the evidence filed by Trans Mountain". As long as these due process issues remain unresolved, intervenors are deprived of the opportunity to test the evidence in this review process. British Columbians cannot be confident in the evidence provided by Trans Mountain without the ability to meaningfully test that evidence.

British Columbians deserve a made-in-BC solution that takes into account their voices and concerns with regards to the TMX Project in a manner that respects and values due process.

Recommendations

That the City of Victoria submit the attached emergency motion to the Union of British Columbia Municipalities, recommending that the Province direct the EAO to withdraw from the Environmental Assessment Equivalency Agreement and conduct its own environmental assessment of the TMX Project under the BCEAA that would ensure meaningful participation from all British Columbians.

Respectfully submitted



Mayor Dean Fortin

Attachment: Emergency UBCM resolution

ENVIRONMENTAL ASSESSMENT OF TRANS MOUNTAIN EXPANSION PROJECT
City of Victoria

WHEREAS the Environmental Assessment Office of the Province of British Columbia ("the EAO") entered into an Agreement in 2010 with the National Energy Board ("NEB") under which the EAO accepts that the NEB assessment of a pipeline constitutes the equivalent of an assessment under the British Columbia *Environmental Assessment Act*;

AND WHEREAS Trans Mountain's responses to motions filed in early July 2014 by intervenors in the NEB hearing process for the Trans Mountain Expansion Project demonstrate that Trans Mountain is failing to adequately respond to written information requests, which are the only opportunity for intervenors to test and clarify Trans Mountain's evidence;

AND WHEREAS this failure to respond to written information requests means that intervenors are not able to properly prepare their own evidence and participate meaningfully in the assessment process for the Trans Mountain Expansion Project, in contravention of the preamble to the Agreement, which states that any assessment of a project pursuant to the *National Energy Board Act* would take into account any comments submitted during the assessment process by the public and Aboriginal peoples;

THEREFORE BE IT RESOLVED that the UBCM request that the Province direct the EAO to withdraw formally from the Agreement pursuant to Clause 6 thereof and undertake its own Environmental Assessment process for the Trans Mountain Expansion Project, which should include sufficient opportunity for meaningful participation by all interested British Columbians.



File No. PLN00199

REQUEST FOR DECISION
Regular Council Meeting
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Planning
Re: **1923 Maple Avenue S, 1919 Maple Avenue S and 6881 Galaxie Drive--
Removal and Replacement of Covenants**

RECOMMENDATION:

THAT COUNCIL schedule a Public Hearing in accordance with the *Local Government Act* and *Community Charter* notice requirements to consider approval of:

- A. The removal of covenants CA726539 and CA995163 to be replaced with Attachment D of this report (new Covenant) for 1923 Maple Avenue South, legally described as Lot 1, Section 3, Sooke District, Plan 25023; AND
- B. The removal of covenants CA726539 and CA995163 to be replaced with Attachment C of this report (new Covenant) for 6881 Galaxie Drive, legally described as Lot 2, Section 3, Sooke District, Plan 25023, Except Parcel A (DD G40444); AND
- C. The removal of covenants CA726539 and CA995163 from all strata lots and common property at 1919 Maple Avenue South, legally described as Strata Lots 1,2,3,4,5,6,7,8,9,10,11,12, Section 3, Sooke District, Strata Plan EPS271 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.

1. Background

In 2007/2008 the original owners of 1919 Maple Avenue S, 1923 Maple Avenue S and 6881 Galaxie Drive rezoned their properties with the intention of developing a multi-family project together. As part of the rezoning process, Restrictive Covenants CA726539 (original covenant) and CA995163 (amendment to original covenant) were registered on the three properties. Both the District of Sooke and Ministry of Transportation and Infrastructure (MoTI) are signatories on these covenants.

Following completion of the rezoning, the property owners decided to initiate separate development proposals. The owners of 1919 Maple Avenue developed their property with twelve (12) townhouse units, 6881 Galaxie Drive has an active Development Permit, and now 1923 Maple Avenue wishes to proceed with a development proposal for townhouses.

A report outlining the history of the site, and procedure for the owners of 1923 Maple Avenue S to make changes to the existing covenants was brought to the Land Use and Environment Committee on October 21, 2013.

Following recommendations of that report, the applicant has provided application fees to proceed with removal of the two existing covenants, provided that a new covenant is registered for the District of Sooke. The owner is requesting these amendments because the covenant language can be confusing, and at times conflicting, since the three properties were not developed together as first intended.

2. Analysis

Each property's individual needs have been addressed to clarify the language and the intent of the covenants registered to each property at the time of rezoning.

1923 Maple Avenue South

In order to clarify the development requirements for 1923 Maple Ave S, Staff recommends:

- a. Removal of both covenants CA726539 and CA995163, and
- b. Replacement of those covenants with a new covenant that addresses the need for frontage improvements along the frontage of 1923 Maple Avenue South with a 3m wide asphalt multi-use trail, consistent with the Parks and Trails master plan.

It is recommended that the following covenant language be removed:

- a. References to other properties;
- b. Requirement for a 20m wide road frontage, because it has already been achieved in this location along Maple Ave;
- c. Reference to storm water management, as it will be addressed as per bylaw requirements;
- d. Requirements for a traffic impact assessment (TIA), as the individual site will not generate enough traffic to warrant a TIA. This is based on a daily average trip rate for a small residential dwelling; and
- e. Reference to MoTI, as they have requested not to be a signatory of the new covenant based on the low volume of traffic anticipated.

6881 Galaxie Drive

In order to clarify the development requirements for 6881 Galaxie Drive, Staff recommends:

- a. Release of covenants CA726539 and CA995163, and
- b. Replacement of those covenants with a new covenant that addresses the need for an 8m wide road dedication of Galaxie Dr. along the lands' northwestern property line, and that a traffic impact assessment, and any upgrades recommended in the TIA, is still required prior to building permit.
- c. A TIA must be submitted to the satisfaction of the Municipal Engineer, and the developer must complete or provide cash in lieu of any upgrades recommended in the TIA.

It is recommended that the following covenant language be removed:

- a. References to other properties;
- b. frontage improvements will not be required along the dedicated portion of Galaxie Dr since the road will not extend all the way to Maple Ave S at this time,
- c. reference to storm water management , as it will be addressed as per bylaw requirements; and
- d. Reference to MoTI, as they have requested not to be a signatory of the new covenant.

1919 Maple Avenue South

Since 1919 Maple Avenue S has been fully developed, staff recommend removal of the covenants registered on the titles of all properties at 1919 Maple Ave S at the same public hearing as the above proposal. If approved by Council, the covenants can be released administratively.

3. Legal Impacts

Any changes to these covenants will require a public hearing, a resolution of District of Sooke Council, and approval of MoTI to proceed. Because the properties were rezoned together, it is appropriate to address the covenants together at the same public hearing.

A formal response from MoTI was received on August 7, 2014 that confirms that MoTI would like to be removed as a signatory to the new covenants, provided that no more than 100 average vehicle trips be generated from 1923 Maple Avenue once redeveloped. Based on Institution of Transportation Engineers Trip Generation Manuals for small residential dwellings, much fewer than 100 average vehicle movements could be generated from the site if built to maximum density, therefore no concerns have been noted.

Notices of the public hearing to consider removal and replacement of covenants CA726539 and CA995163 will be mailed to neighbours within a 100 meter radius of the subject properties and will be advertised in the Sooke News Mirror for 2 consecutive weeks.

Council will need to authorize the Mayor and the CAO to execute the removal of CA726539 and CA995163 from each of the properties, and authorize registration of the new covenants on 1923 Maple Ave S and 6881 Galaxie Dr.


4. Financial Impacts

The owner/applicant from 1923 Maple Ave S will be responsible for all costs to release covenants on all the properties, and the owners of 6881 Galaxie Drive and 1923 Maple Ave S will be responsible for the costs of registering the proposed new covenants. The new covenants must be registered, and the existing covenants must be removed simultaneously.






Attachments:

- A. Subject Property Map
- B. Original Covenants - CA726539 and CA995163
- C. Proposed new covenant - 6881 Galaxie Dr
- D. Proposed new covenant – 1923 Maple Ave S

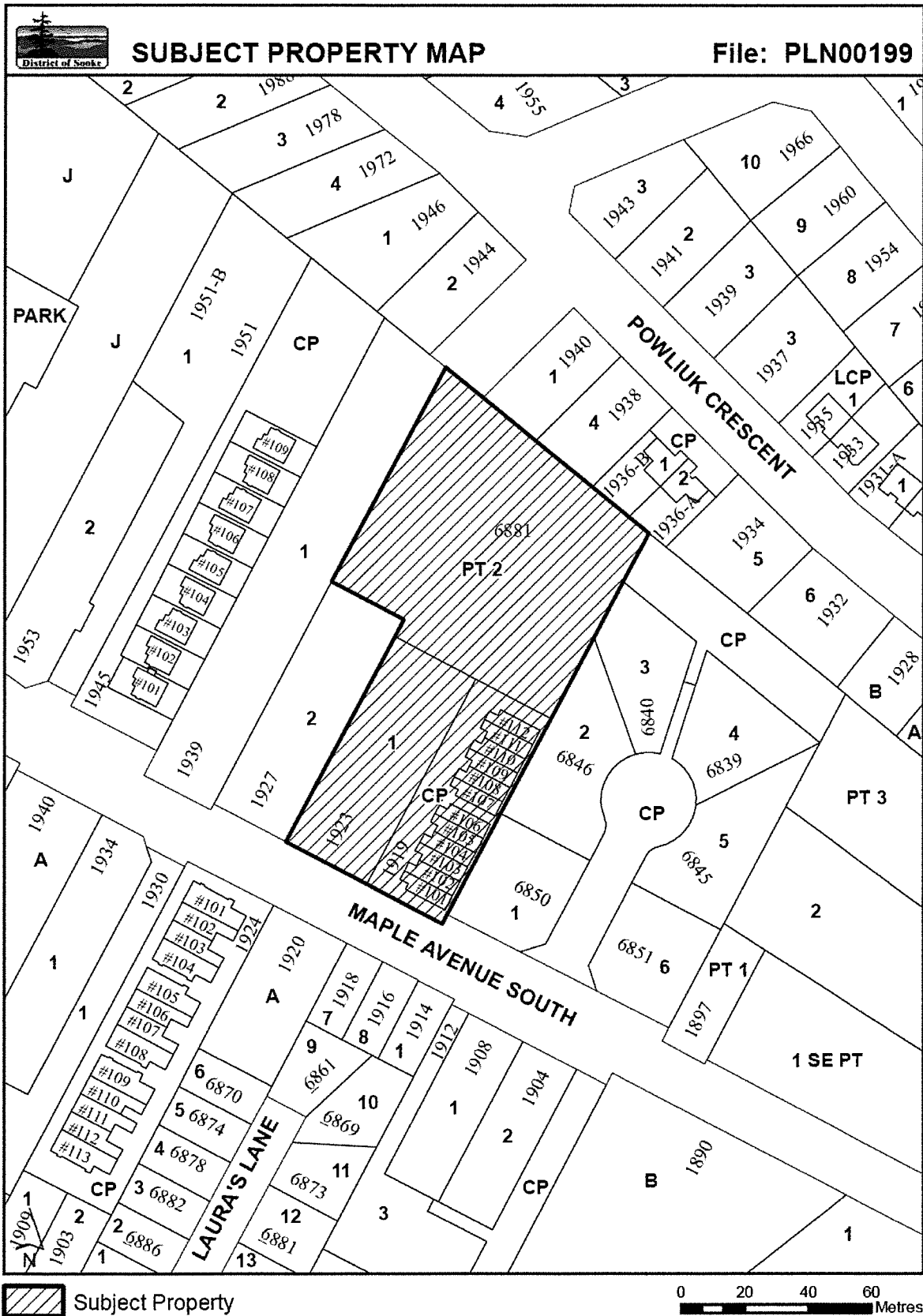
Respectfully Submitted,



 Katherine Lesyshen, Planner II

Approved for Council Agenda	
 _____	 _____
Engineering	Planning
 _____	 _____
Corp. Services	Finance
 _____	
CAO	

Subject Property Map



**TERMS OF INSTRUMENT - PART 2
SECTION 219 COVENANT**

BETWEEN:

GARRY JOHN BETTRIDGE and NANCY MAE BETTRIDGE

[REDACTED]

PANAGIOTIS GHINIS and ERICA JORDAN ARMSTRONG

[REDACTED]

0793199 B.C. LTD.

[REDACTED]

(hereinafter called the "Owners")

OF THE FIRST PART

AND:

DISTRICT OF SOOKE

a municipality incorporated under the Local Government Act, R.S. B.C. 1996, c.323

and having it's Office at

2205 Otter Point Road, Sooke, BC V0S 1N0

(hereinafter called the "Municipality")

OF THE SECOND PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
AS REPRESENTED BY THE MINISTER OF TRANSPORTATION, represented by the
Minister of Transportation, having a local area office at, #240-4460 Chatterton Way, Victoria, BC
V8X 5J2**

(hereinafter called the "Ministry")

OF THE THIRD PART

GIVEN THAT:

A. The Owners are the registered owners in fee simple of the land in Sooke, British Columbia, known as 1919 Maple Avenue South, 1923 Maple Avenue South and 6881 Galaxie Drive, legally described as:

P.I.D. 005-221-897

Lot 1, Section 3, Sooke District, Plan 3596, Except Parcel A (DD 382676I)

P.I.D. 002-860-872

Lot 1, Section 3, Sooke District, Plan 25023

P.I.D. 000-290-149

Lot 2, Section 3, Sooke District, Plan 25023, Except Parcel A (DD G40444)

- B. The Owners propose to develop the Land for the multi family residential use.
- C. The Owners have requested the Municipality to adopt Bylaw No. 313 (270-16) (the "Re-zoning Bylaw") re-zoning the Land to permit the development proposed by the Owners, and
- D. The Council of the Municipality has determined that the adoption of the Re-zoning Bylaw would, but for the covenants contained in this Agreement, not be in the public interest; and the Owners therefore wish to grant, pursuant to Section 219 of the *Land Title Act*, and the Municipality wishes to accept, the covenants over the Land that are set out in this Agreement.
- E. The Ministry has determined that the adoption of the Re-zoning Bylaw would, but for the covenant contained under Section (9) of Schedule A, not be in the public interest; and the Owners therefore wish to grant pursuant to Section 219 of the *Land Title Act*, and the Ministry wishes to accept, the covenant over the Land contained in that section.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the Municipality and the Ministry to the Owners (the receipt of which is acknowledged by the Owners) the Owners grant to the Municipality and the Ministry in accordance with Section 219 of the *Land Title Act* the following covenants.

1. The Owners covenant and agree with the Municipality and the Ministry that:
 - (a) the Land must not be redeveloped beyond its current use;
 - (b) the Land must not be subdivided;
 - (c) development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
 - (d) no building permit may be applied for, and the Municipality is not obligate to issue any building permit, in respect of the Land; and
 - (e) no occupancy permit may be applied for, and the Municipality is not obligated to issue any occupancy permit, in respect of the Land,

unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.

2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Director of Engineering or his or her delegate authorized as such in writing, in each case act in reasonably.
3. The Municipality and the Ministry shall execute and deliver to the Owners a registerable discharge of the covenants granted in the Agreement in the event that the Re-zoning Bylaw is not adopted by March 30, 2008. The Owners may, after the Re-zoning Bylaw is adopted, request a discharge of any particular covenant granted in this Agreement in respect of any parcel into which the Land may be subdivided, and the Municipality and the Ministry shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality's and the Ministry's opinions, fully satisfied by the Owners.

4. The Owners release, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands, or losses suffered or incurred by the Owners, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owners of this Agreement, or any default of the Owners under or in respect of this Agreement.
5. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that not tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
6. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obligates the Municipality to enforce this Agreement, to perform any act or to incur any expenses in respect of this Agreement.
7. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owners agree that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
8. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,
 - (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owners from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owners in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the Land Title Act, in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owners are only liable for breaches of this Agreement that occur while the Owners are the registered owners of the Land.

10. The Owners agree to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A Waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by the holding or by the severance of that part.
13. This Agreement is the entire agreement between the parties regarding its subject.
14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
15. The Owners must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

CONSENT AND PRIORITY AGREEMENT

THE TORONTO-DOMINION BANK having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number FB27184, (against Lot 1, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, THE TORONTO-DOMINION BANK, has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms part of this agreement.

CIBC MORTGAGES INC. having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number CA572942, (against Lot 1, Plan 3596), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, CIBC MORTGAGES INC., has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms part of this agreement.

ACCREDIT MORTGAGE LTD. having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number FB74780, (against Lot 2, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, ACCREDIT MORTGAGE LTD., has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms part of this agreement.

GP MIC FUND LTD. having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number FB74781, (against Lot 2, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, GP MIC FUND LTD., has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms part of this agreement.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C, that is attached thereto and forms part of this Agreement.

SCHEDULE "A"**SCHEDULE OF RESTRICTIONS****LAND USES**

1. The Land shall be developed for multi family residential use.

ROADS AND IMPROVEMENTS

2. The Owners shall, in advance of the issuance of any building permit, on the Land, complete a traffic study, acceptable to the Ministry of Transportation and the District of Sooke and design and construct all roadway improvements identified in the traffic study, to the standards acceptable to the Ministry of Transportation and the Municipality.
3. The Owners must provide a storm water management plan, to the Municipality, in advance of the issuance of any building permit, on the Land, that considers that for all events up to a predicted 1 in 100 year rainfall event there is no increase in water levels or rates of erosion at any point in the watershed as a result of the development compared to pre-existing conditions prior to the removal of any natural vegetation from the Site.
4. The Owners shall, in advance of the issuance of any building permit on the Land, shall dedicate the necessary right of way to extend Galaxie Drive and design and construct an extension of Galaxie Drive along the frontage of the Land, west to the intersection of Maple Avenue South, to the standards acceptable to the Municipality.
5. The Owners shall, in advance of the issuance of any building permit on the Land, design and construct, where the Land fronts along Maple Avenue South, a sidewalk, to the standards acceptable to the Municipality.
6. The Owners shall, in advance of the issuance of any building permit on the Land, dedicate the necessary land to obtain a 20-m right of way on Maple Avenue South.
7. In all obligations and covenants where the Owners are required to construct certain works and improvements, the Owners may post sufficient security with the Municipality, in a form and amount acceptable to the Municipality in exchange for completing the works and/or improvements within a specified time period.
8. The Owners may, therefore, request a discharge of any particular covenant granted in this Agreement, for which, either sufficient security was posted by the Owners and accepted by the Municipality, or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect of any such covenant.

CONNECTION TO COMMUNITY SEWER

9. No occupancy permit for any building within the development shall be issued until the building has connected to the Community Sewer system.

END OF DOCUMENT

CA995163

**TERMS OF INSTRUMENT - PART 2
SECTION 219 COVENANT**

BETWEEN:

GARRY JOHN BETTRIDGE and NANCY MAE BETTRIDGE

1922 Maple Avenue South, Sooke, BC V0S 1N0

PANAGIOTIS GHINIS and ERICA JORDAN ARMSTRONG

4030 Dufferin Road, Victoria, BC V8S 1K1

0793199 B.C. LTD.

[Redacted address line]

(hereinafter called the "Owners")

OF THE FIRST PART

AND:

DISTRICT OF SOOKE

a municipality incorporated under the Local Government Act, R.S. B.C. 1996, c.323

and having it's Office at

2205 Otter Point Road, Sooke, BC V0S 1N0

(hereinafter called the "Municipality")

OF THE SECOND PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
AS REPRESENTED BY THE MINISTER OF TRANSPORTATION, represented by the
Minister of Transportation, having a local area office at, #240-4460 Chatterton Way, Victoria, BC
V8X 5J2**

(hereinafter called the "Ministry")

OF THE THIRD PART

GIVEN THAT:

A. The Owners are the registered owners in fee simple of the land in Sooke, British Columbia, known as 1919 Maple Avenue South, 1923 Maple Avenue South and 6881 Galaxie Drive, legally described as:

P.I.D. 005-221-897

Lot 1, Section 3, Sooke District, Plan 3596, Except Parcel A (DD 382676I)

P.I.D. 002-860-872

Lot 1, Section 3, Sooke District, Plan 25023

P.I.D. 000-290-149

Lot 2, Section 3, Sooke District, Plan 25023, Except Parcel A (DD G40444)

- B. The Owners propose to develop the Land for the multi family residential use.
- C. The Owners have requested the Municipality to adopt Bylaw No. 313 (270-16) (the “Re-zoning Bylaw”) re-zoning the Land to permit the development proposed by the Owners, and
- D. The Council of the Municipality has determined that the adoption of the Re-zoning Bylaw would, but for the covenants contained in this Agreement , not be in the public interest; and the Owners therefore wish to grant, pursuant to Section 219 of the *Land Title Act*, and the Municipality wishes to accept, the covenants over the Land that are set out in this Agreement.
- E. The Ministry has determined that the adoption of the Re-zoning Bylaw would, but for the covenant contained under Section (9) of Schedule A, not be in the public interest; and the Owners therefore wish to grant pursuant to Section 219 of the *Land Title Act*, and the Ministry wishes to accept, the covenant over the Land contained in that section.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the Municipality and the Ministry to the Owners (the receipt of which is acknowledged by the Owners) the Owners grant to the Municipality and the Ministry in accordance with Section 219 of the *Land Title Act* the following covenants.

- 1. The Owners covenant and agree with the Municipality and the Ministry that:
 - (a) the Land must not be redeveloped beyond its current use;
 - (b) the Land must not be subdivided;
 - (c) development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
 - (d) no building permit may be applied for, and the Municipality is not obligate to issue any building permit, in respect of the Land; and
 - (e) no occupancy permit may be applied for , and the Municipality is not obligated to issue any occupancy permit, in respect of the Land,

unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.

- 2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or make by the Municipality’s Director of Engineering or his or her delegate authorized as such in writing, in each case act in reasonably.
- 3. The Municipality and the Ministry shall execute and deliver to the Owners a registerable discharge of the covenants granted in the Agreement in the event that the Re-zoning Bylaw is not adopted by March 30, 2008. The Owners may, after the Re-zoning Bylaw is adopted, request a discharge of any particular covenant granted in this Agreement in respect of any parcel into which the Land may be subdivided, and the Municipality and the Ministry shall execute and deliver a discharge in respect of any such covenant that has been, in the Municipality’s and the Ministry’s opinions, fully satisfied by the Owners.

4. The Owners release, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands, or losses suffered or incurred by the Owners, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owners of this Agreement, or any default of the Owners under or in respect of this Agreement.
5. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that not tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
6. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obligates the Municipality to enforce this Agreement, to perform any act or to incur any expenses in respect of this Agreement.
7. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owners agree that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
8. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,
 - (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owners from complying with any enactment, including in relation to the use of the Land.
9. Every obligation and covenant of the Owners in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the Land Title Act, in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owners are only liable for breaches of this Agreement that occur while the Owners are the registered owners of the Land.

10. The Owners agree to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A Waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by the holding or by the severance of that part.
13. This Agreement is the entire agreement between the parties regarding its subject.
14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
15. The Owners must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

CONSENT AND PRIORITY AGREEMENT

THE TORONTO-DOMINION BANK having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number FB27184, (against Lot 1, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, THE TORONTO-DOMINION BANK, has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms part of this agreement.

CIBC MORTGAGES INC. having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number CA572942, (against Lot 1, Plan 3596), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, CIBC MORTGAGES INC., has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms port of this agreement.

NORTHERN SAVINGS CREDIT UNION having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number CA842648, (against Lot 2, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, NORTHERN SAVINGS CREDIT UNION, has executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms port of this agreement.

DAVID AUSTIN PATERSON and MARILYN JANET PATERSON having a Mortgage registered in the Land Title Office at Victoria, Province of British Columbia, under charge number CA905362, (against Lot 2, Plan 25023), hereby approves of and consents to the foregoing grant of Covenant and to its registration in the Land Title Office aforesaid with priority over the registration of the said Mortgage.

AS EVIDENCE of its agreement with the Transferee to be bound by this Covenant and Priority Agreement, as a contract and as a deed executed and delivered under seal, DAVID AUSTIN PATERSON and MARILYN JANET PATERSON have executed and delivered this agreement by executing Part 1 of the Land Title Act, Form C to which this agreement is attached and which forms port of this agreement.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C, that is attached thereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

LAND USES

1. The Land shall be developed for multi family residential use.

ROADS AND IMPROVEMENTS

2. The Owners shall, in advance of the issuance of any building permit, on the Land, complete a traffic study, acceptable to the Ministry of Transportation and the District of Sooke and design and construct all roadway improvements identified in the traffic study, to the standards acceptable to the Ministry of Transportation and the Municipality.
3. The Owners must provide a storm water management plan, to the Municipality, in advance of the issuance of any building permit, on the Land, that considers that for all events up to a predicted 1 in 100 year rainfall event there is no increase in water levels or rates of erosion at any point in the watershed as a result of the development compared to pre-existing conditions prior to the removal of any natural vegetation from the Site, and upgrade the off-site storm water management infrastructure as required by the said storm water management plan, and required right of ways and/or easements be established to accommodate the storm water infrastructure.
4. The Owners shall, in advance of the issuance of any building permit on 6881 Galaxie Drive (Lot 2, Section 3, Sooke District, Plan 25023, except Parcel A (DD G40444) dedicate an 8-meter road right of way to extend Galaxie Drive through 6881 Galaxie Drive along the western boundary of the lot.
5. The Owners shall, in advance of the issuance of any building permit on 6881 Galaxie Drive (Lot 2, Section 3, Sooke District, Plan 25023, except Parcel A (DDG40444)) design and construct Galaxie Drive as a half road to SDD R04 Standards including concrete sidewalks, or subject to approval by District Engineer, provide cash in lieu of construction requirements on Galaxie Drive.
6. The Owners shall, in advance of the issuance of any building permit on the Land, design and construct, where the Land fronts along Maple Avenue South, 3.4m wide driving lane, a 1.5m wide bicycle land and a 2.0m wide concrete sidewalk, to the standards acceptable to the Municipality.
7. The Owners shall, in advance of the issuance of any building permit on the Land, dedicate the necessary land to obtain a 20m right of way on Maple Avenue South.

8. The Owners shall, in advance of the issuance of any building permit on the Land, obtain a reciprocal access agreement that ensures vehicle access and services can be achieved from Maple Avenue South for all three lots, and that the said access be constructed to the standards acceptable to the Municipality.
9. In all obligations and covenants where the Owners are required to construct certain works and improvements, the Owners may post sufficient security with the Municipality, in a form and amount acceptable to the Municipality in exchange for completing the works and/or improvements within a specified time period.
10. The Owners may, therefore, request a discharge of any particular covenant granted in this Agreement, for which, either sufficient security was posted by the Owners and accepted by the Municipality, or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect of any such covenant.

CONNECTION TO COMMUNITY SEWER

11. No occupancy permit for any building within the development shall be issued until the building has connected to the Community Sewer system.

END OF DOCUMENT

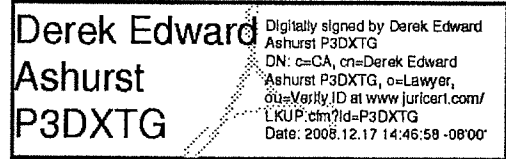
**LAND TITLE ACT
FORM DECLARATION**

Related Document Number: CA995163

PAGE 1 OF 1 PAGES

Your digital signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.



I, Robert J. Salmond, declare that:

1. Form E, Schedule should read "#5 Transferor(s)" above Garry John Bettridge, Nancy Mae Bettridge, Panagiotis Ghinis, Erica Jordan Armstrong and 0793199 B.C. Ltd.

2. A new Form E, Schedule should be attached and read:

"#6 Transferee(s): The District of Sooke, 2205 Otter Point Road, Sooke, BC V0S 1N0 and Her Majesty the Queen in Right of the Province of British Columbia, as respresented by the Minister of Transportation, #240 - 4460 Chatterton Way,m Victoria, BC V8X 5J2"

I make this declaration and know it to be true based on personal information/reasonable belief.

Robert J. Salmond

NOTE:

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

Fee Collected for Document: \$30.00

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT, dated for reference _____, 201__ is made

BETWEEN:

Steven Francis Wunderlich
6881 Galaxie Drive
Sooke, BC V9Z 0P6

(the "Owner")

AND:

DISTRICT OF SOOKE, a municipality incorporated under the Local Government Act, R.S.B.C. 1996, c.323 and having its office at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

GIVEN THAT:

A. The Owner is the registered Owner in fee simple of the land in Sooke, British Columbia, legally described as:

Lot 2, Section 3, Spoke District, Plan 25023, Except Parcel A (DD G40444)
(PID 000-290-149)

(the "Land");

B. The Owner proposes to develop the Land for a residential development;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the Municipality to the Owner (the receipt of which is acknowledged by the Owner), the Owner grants to the Municipality in accordance with s.219 of the Land Title Act the following covenants:

1. The Owner covenants and agrees with the Municipality that:
 - (a) The Land must not be redeveloped beyond its current use;
 - (b) The Land must not be subdivided;
 - (c) Development of the Land, including by construction or placement of any building or structure on the Land is prohibited;
 - (d) No building permit may be applied for, and the Municipality is not obliged to issue any building permit, in respect of the Land; and

- (e) No occupancy permit may be applied for, and the Municipality is not obliged to issue any occupancy permit, in respect of the Land,

unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.

2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Municipal Engineer or his or her delegate authorized as such in writing, in each case acting reasonably.
3. The Owner releases, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.
4. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
5. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
6. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
7. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,
 - (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use of the Land.
8. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the

Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered Owner of the Land.

9. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
10. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
11. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
12. This Agreement is the entire agreement between the parties regarding its subject.
13. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
14. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
15. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

1. The land shall be developed for multiple family residential use.
2. The Owner shall, in advance of the issuance of any building permit on the Land, complete a traffic study acceptable to the Municipality and design and construct all roadway improvements identified in the traffic study, to the standards acceptable to the Municipality.
3. The Owner shall, in advance of the issuance of any building permit on the Land, dedicate to the municipality an eight (8) metres wide road right-of-way from Galaxie Drive along the entire western boundary of the property 6881 Galaxie Drive.
4. In all obligations and covenants where the Owners are required to construct certain works and improvements, the Owners may post sufficient security with the Municipality, in a form and amount acceptable to the Municipality in exchange for completing the works and/or improvements within a specified time period.
5. The Owners may, therefore, request a discharge of any particular covenant granted in this Agreement, for which, either sufficient security was posted by the Owners and accepted by the Municipality, or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect of any such covenant.

END OF DOCUMENT

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT, dated for reference _____, 201__ is made

BETWEEN:

Garry John Betteridge and Nancy Mae Betteridge
1923 Maple Avenue South ✱
Sooke, BC V9Z 0N9

(the "Owner")

AND:

DISTRICT OF SOOKE, a municipality incorporated under the
Local Government Act, R.S.B.C. 1996, c.323 and having its office
at 2205 Otter Point Road, Sooke, BC V9Z 1J2

(the "Municipality")

GIVEN THAT:

A. The Owner is the registered Owner in fee simple of the land in Sooke, British Columbia,
legally described as:

Lot 1, Section 3, Spoke District, Plan 25023 (PID 002-860-872)

(the "Land");

B. The Owner proposes to develop the Land for a residential development;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by each of the
Municipality to the Owner (the receipt of which is acknowledged by the Owner), the Owner
grants to the Municipality in accordance with s.219 of the Land Title Act the following
covenants:

1. The Owner covenants and agrees with the Municipality that:

- (a) The Land must not be redeveloped beyond its current use;
- (b) The Land must not be subdivided;
- (c) Development of the Land, including by construction or placement of any building
or structure on the Land is prohibited;
- (d) No building permit may be applied for, and the Municipality is not obliged to issue
any building permit, in respect of the Land; and

- (e) No occupancy permit may be applied for, and the Municipality is not obliged to issue any occupancy permit, in respect of the Land,

unless the use, subdivision, development, building or occupancy is in accordance with the Schedule of Restrictions attached as Schedule A.

2. Any opinion, decision, act or expression of satisfaction of the Municipality provided for in this Agreement is to be taken or made by the Municipality's Municipal Engineer or his or her delegate authorized as such in writing, in each case acting reasonably.
3. The Owner releases, and must indemnify and save harmless, the Municipality, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.
4. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
5. The rights given to the Municipality by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality to anyone, or obliges the Municipality to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
6. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
7. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use of the Land,
 - (b) affect or limit any enactment related to the use of the Land, or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use of the Land.
8. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the

Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered Owner of the Land.

9. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
10. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
11. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
12. This Agreement is the entire agreement between the parties regarding its subject.
13. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
14. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instrument.
15. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached hereto and forms part of this Agreement.

SCHEDULE "A"

SCHEDULE OF RESTRICTIONS

1. The land shall be developed for multiple family residential use.
2. The Owner shall, in advance of issuance of any building permit on the land, design and construct, where the land fronts Maple Avenue S, a separated, three (3) metre wide asphalt multi-use trail in accordance with the Parks and Trails Master Plan and constructed to the standards acceptable to the Municipal Engineer.
3. In all obligations and covenants where the Owners are required to construct certain works and improvements, the Owners may post sufficient security with the Municipality, in a form and amount acceptable to the Municipality in exchange for completing the works and/or improvements within a specified time period.
4. The Owners may, therefore, request a discharge of any particular covenant granted in this Agreement, for which, either sufficient security was posted by the Owners and accepted by the Municipality, or the work has been completed and accepted by the Municipality, therefore deemed to be fully satisfied by the Owners, and the Municipality shall execute and deliver a discharge in respect of any such covenant.

END OF DOCUMENT



File No. 6130-07

REQUEST FOR DECISION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Engineering Department
Re: **Community Public Places Donation Program -
Memorial Dedication Policy, 2014**

RECOMMENDATION:

THAT COUNCIL adopt Policy No. 12.1 *Memorial Dedication Policy, 2014* for municipal parks, trails and public open spaces.

AND THAT COUNCIL direct staff to proceed with the dedication of the street trees on Wadams Way to pioneer families of Sooke.

1. Background:

Currently no policy or procedure exists to administer the donation of memorial items in District of Sooke parks, trails and public open spaces. A draft Tribute Bench Policy was presented to Council on June 23, 2014 and Council adopted the following resolution:

MOVED and seconded to receive the Community Parks and Public Places Donation Program – Tribute Bench Policy, 2014 report for information.

CARRIED UNANIMOUSLY

ACTION ITEM: Council requested that staff look into the following:

- The inclusion of dedicated Pioneer Family benches to be maintained by the District of Sooke
- The inclusion of memorial trees
- The costs associated with the memorial/tribute area on Whiffin Spit
- Renaming the Tribute Bench Policy

2. Analysis:

A draft Memorial Dedication Policy to include benches, picnic tables, trees and the proposed memorial area at Whiffin Spit Park is attached.

The action items requesting costs associated with the Memorial Area at Whiffin Spit Park will be addressed in a separate report once staff has received a conceptual design of the area from the Mayor's Advisor Panel on Beautification.

The action item requesting the inclusion of Memorial Dedication items in honour of Sooke's pioneer families can be addressed via:

1. Installation of ten benches, at a cost of \$2,000 per bench, in John Phillips Memorial Park each with a dedication plaque honouring individual pioneer families. However, this will eliminate the number of benches available to members of the public for memorial dedications.
2. Dedication of 16 street trees on Wadams Way to pioneer families. Individual plaques could be installed on each tree or a larger plaque affixed to the rock wall at the Otter Point and Wadams Way intersection. This would cost approximately \$300 per small plaque or \$2,000 for one large plaque.
3. Development and implement of a street tree planting plan on another street currently without street trees (for example Amethyst Way). This would cost approximately \$800 per tree, complete with plaques.

Staff recommends that option #2 be implemented using one large plaque acknowledging each pioneer family. This option retains open spaces for Memorial Dedication items in John Phillips Memorial Park and is the most cost effective option.

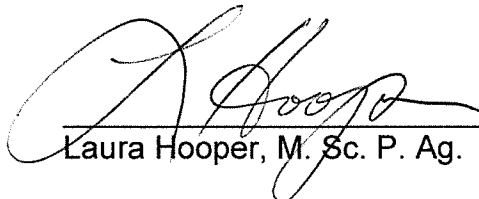
3. Financial Implications

Currently no capital funds have been allocated. It is recommended that the Council Contingency Fund be used for this project.





Attached Documents:

1. Memorial Dedication Policy, 2014

Respectfully,



Laura Hooper, M. Sc. P. Ag.

Approved for Council Agenda	
	
Engineering	Planning
	
Corp. Services	Finance
	
CAO	



Policy No. 12.1

Adopted: _____

Memorial Dedication Policy, 2014

1. Policy Statement:

The purpose of this policy is to provide guidelines and direction for receiving, maintaining and replacing Memorial Dedications in District of Sooke parks, trails and public open spaces.

2. Policy:

2.1 The Municipality accepts donations for Memorial Dedications subject to this policy and the procedures contained in this policy.

2.2 Donations for Memorial Dedications of benches, picnic tables, memorial plaques and trees ("items") to enhance District of Sooke parks, trails and public open spaces are accepted provided that:

2.2.1 the park, trail or open space in question has space for a Memorial Dedication item;

2.2.2 payment in full of the current minimum donation for the style of a Memorial Dedication is received prior to ordering of the item; and

2.2.3 the wording on the Memorial Dedication plaque conforms to current inscription guidelines for plaques on Memorial Dedications in Section 2.3.

2.3 Memorial Dedications are not intended as memorials. Donations do not give the right for the scattering or interment of cremated remains nor the placement or attachment of objects on or adjacent to the items. The wording on plaques must not constitute a memorial message. The District of Sooke will work with donors to establish wording appropriate to a recreational setting.

3. Procedures

3.1 The donor will work with the District of Sooke to select a location and type of Memorial Dedication.

3.2 Benches and Picnic Tables

- 3.2.1 The style of bench or picnic table will be determined by the District of Sooke and the availability of product. The District of Sooke will be flexible with the design of the bench and work with the donor to take into consideration maintenance requirements and design of the area.
- 3.2.2 A Memorial Dedication donation for benches and picnic tables is accepted on the basis that the item will be maintained by the District of Sooke for a minimum 10-year "term" in its original location, or in an area near its original location. After 10 years, the item will be assessed against criteria such as maintenance requirements and design of the area.
 - 3.2.2.1 Should the item be deemed satisfactory, a renewal of the Memorial Dedication term will be offered, in writing, to the original donor for an extension of a 10-year term. Alternately, the original donor will be contacted in writing and offered the opportunity to donate another item for a term.
 - 3.2.2.2 Should the original donor decide not to donate to keep the item for another 10 year period, the plaque will be removed and the location will be marked as available for future donation. Where possible, the plaque will be returned to the original donor or offered the opportunity to place a plaque on the memorial area at Whiffin Spit at no cost.
 - 3.2.2.3 Should donors desire, they may donate, and pay for in advance, up to three consecutive "terms", each term being 10 years, for a possible "total term" of 30 years.
 - 3.2.2.4 The District of Sooke may elect not to replace an item that has reached the end of its term for reasons of security, safety, park reconfiguration or maintenance issues.

3.3 Trees

- 3.3.1 The species of tree will be determined by the donor. The District of Sooke will be flexible and work with the donor to take into consideration maintenance requirements and design of the area.
- 3.3.2 A Memorial Dedication donation for trees is accepted on the basis that the item will be maintained by the District of Sooke for 10-years. Should the tree die within this time period the District will replace the tree at, or near, the original location.

3.4 Plaques

3.4.1 A Memorial Donation of a plaque placed at the memorial area at Whiffin Spit will be maintained by the District of Sooke. The District of Sooke will be flexible and work with the donor when placing Memorial Plaques on the memorial area at Whiffin Spit.

3.5 The minimum donation for a Memorial Dedication item will include the acquisition cost of the item, assembly (if applicable), creation and installation of the cast bronze plaque, and installation of the Memorial Dedication item in a location mutually agreed upon by the donor and the District of Sooke.

3.6 Minimum donations will change from time to time based on capital and maintenance cost considerations or on other considerations deemed appropriate by Council.

3.7 The donation of a Memorial Dedication item in no way constitutes ownership of the item by the donor, nor the land upon which it is situated, or the surrounding lands. The District of Sooke retains the right to use the lands adjacent to these donated items as it deems appropriate, up to and including the moving of Memorial Dedication items to another location. Every attempt will be made to ensure the items are re-located as close to the original location as is feasible.

3.8 The addition of Memorial Dedication items may be restricted in some parks as determined by the District of Sooke in order to ensure a reasonable balance of amenities and open space.

3.9 All Memorial Dedication donors sign a Letter of Understanding with the District of Sooke confirming terms and other conditions. Signature will constitute agreement with the procedures and stipulations within this policy.

3.10 A charitable tax receipt will be issued to the donor by the District of Sooke for the Memorial Dedication donation, following the current rules and procedures specified by the Canada Customs and Revenue Agency.

3.11 The District of Sooke will keep a waiting list of individuals who are interested in donating a Memorial Dedication item. This list is organized chronologically and by the site desired for the item. The demand for some sites may imply a long wait for a Memorial Dedication item due to the "donor demand" outpacing the supply of available locations.



File No. 1790-20

REQUEST FOR DECISION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Engineering Department
Re: **Award - Municipal Hall Electronic Messaging Centre
2205 Otter Point Road**

RECOMMENDATION:

THAT COUNCIL approve Alley Cat Signs as the successful proponent under the Request for Quotes for the Municipal Hall Electronic Messaging Centre project;

AND authorize the Mayor and Chief Administrative Officer to sign the contract on behalf of the District of Sooke.

1. Background:

The Municipal Hall entrance sign was destroyed in a windstorm in early 2014 and requires replacement. A new entrance sign was designed with a west-coast theme which includes a cedar housing structure that will be integrated into the existing rock and landscape (see attachment 1). The electronic message centre will be wirelessly programmable and has software capable of syncing with social media accounts, such as Twitter.

A request for quotes was issued to four companies, one of which is a local company, to provide quotes for a new Municipal Hall sign complete with an electronic message centre.

2. Analysis:

Two (2) quotes were received on June 27, 2014. The following is a summary of bids received from each firm:

1. Alley Kat Signs	\$18,416.00
2. Landmark Signs	\$26,671.16

The above prices do not include GST. It is expected that electrical servicing will cost an additional \$1,500. It is expected that the project will be completed within 60 working days once approved.

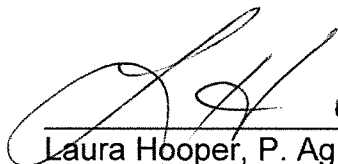
3. Financial Impacts:

Currently no capital funds have been allocated to assist in the construction of this project. It is recommended that the Council Contingency Fund be used for this project.



Attached Documents:

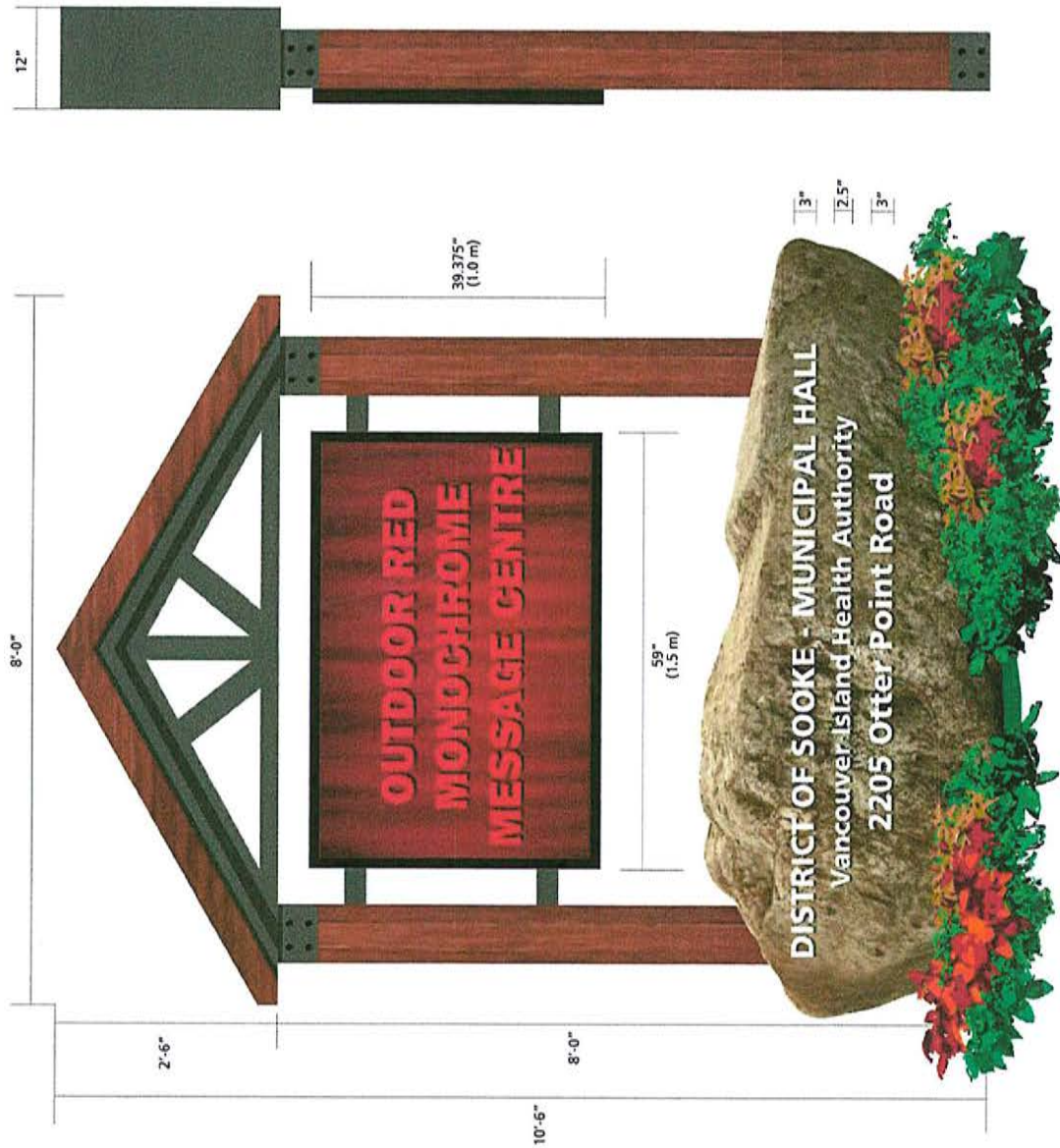
- 1. Schematic of Electronic Messaging Centre

Respectfully,



Laura Hooper, P. Ag.
Parks and Environmental Services Coordinator

Approved for Council Agenda	
 _____ Engineering	 _____ Planning
 _____ Corp. Services	 _____ Finance
 _____ CAO	



Single face pylon
Quantity: One (1)
Size: 10'-6" x 8'-0"
Poles: Two 8" x 8" square posts with cedar panels & decorative aluminum cladding painted Pantone 425 C grey
Extras: Decorative roof with cedar panels & aluminum structure painted Pantone 490 C Grey.

Message Centre
Quantity: One (1)
Size: 2'-9.75" x 7'-10.75"
Type: Electronic message centre
Lighting: Monochrome Red LED lighting
Mounting: With 3" x 3" mounting brackets painted to match Pantone 490 C Grey

Routed Letters
Quantity: One (1) set
Size: 2.5" to 3" high
Type: Routed copy
Lighting: Non-illuminated
Face: Routed aluminum copy painted white
Mounting: Pin mounted 1/2" from stone

Colour Specifications

- Grey Pantone 425 C
- White
- Cedar panels

Full size high resolution digital print image to be provided by client for production



**REQUEST FOR DECISION
REGULAR COUNCIL**
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Corporate Services
Re: **November Regular Council Meetings and Inaugural Meeting**

RECOMMENDATION:

THAT COUNCIL re-schedule the Regular Council meeting of November 10, 2014 to November 3, 2014;
AND cancel the Regular Council meeting scheduled for November 24, 2014 and not schedule meetings until after the Inaugural Council meeting unless Council consents otherwise on a case-by-case basis;
AND schedule the Inaugural Council meeting for December 1, 2014.

Executive Summary:

Due to the upcoming local government election, it is recommended that Council consider changes to the November Council meetings. Further, it is in order for Council to schedule the Inaugural Council meeting at this time.

Analysis:

Public Meetings during 2014 Election Period

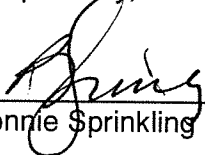
The 2014 Local Government Election will take place on November 15, 2014, with two advance voting opportunities on November 4th and 12th. It is advisable that meetings not take place during the voting opportunity periods from November 5th to November 15th and prior to the Inaugural Council meeting *unless the Council consents otherwise, on a case-by-case basis.*

In accordance with the *Community Charter* and Bylaw No. 422, *Council Procedure Bylaw, 2009*, Council may cancel a regular meeting by resolution.




Inaugural Meeting

The first regular Council meeting following a general local election must be held on the first Monday in December (s.125 CC and s. 4(1) *Bylaw No. 422*). In 2014, the first Monday is December 1, 2014 and therefore the Inaugural Council meeting must take place on December 1st, 2014.

Respectfully,



Bonnie Sprinkling

Approved for Council Agenda	
 Engineering	Planning
✓ Corp. Services	 Finance
 CAO	



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Sooke Detachment
2076 Church Road, Box 40
Sooke, B.C.
V9Z 0E4

District of Sooke
AUG 15 2014
Received

Your File - Votre référence

7580-20

Our File - Notre référence

Mayor Wendal Milne
District of Sooke
2205 Otter Point Road
Sooke, B.C.
V9Z 1J2

Date

COPY

August 7, 2014

Re: Monthly Mayor Report – July 2014

There were four hundred and thirty-nine (439) calls or occurrences (year to date calls – 2519) received during the month of July in the District of Sooke. Below is an overview of various police occurrences for the month and from previous years.

Occurrences	This Month	2014 YTD	2013 YTD	2012 YTD	2011 YTD
Sexual Assaults	0	5	3	3	4
Assaults	7	38	29	28	34
Break & Enter - Business	4	18	7	8	11
Break & Enter - Residence	0	17	11	14	17
Break & Enter - Other	1	7	5	4	6
Theft of Vehicle	4	11	1	11	14
Theft fm Vehicle - Over \$5000	0	0	0	0	0
Theft fm Vehicle - Under \$5000	8	50	54	53	46
Theft Over \$5000	0	3	0	2	2
Theft Under \$5000	23	96	52	60	66
Mental Health Act	10	79	66	72	69
Mischief/Property Damage Over	0	0	0	0	3
Mischief/Property Damage Under	11	94	74	102	67
Total Calls for Service	439	2519	2572	2467	2218

There were five hundred and forty-eight (548) calls or occurrences received by Sooke Detachment for the month of July (year to date - 3236).

Also, please find information as noted below for the month of July.

! Traffic Report
! Guardroom statistics: 17
! Criminal record check statistics: Paid - 22 Volunteer - 11

Sincerely,



Staff Sergeant Jeff McArthur
Non Commissioned Officer in Charge
Sooke Detachment

Monthly Mayor's Report Traffic Statistics July-2014

STATISTICS	This Month	Previous Month	YTD
Total MVI's:	30	13	111
Fatals	0	0	0
Injury MVI's	7	4	28
Non-Injury MVI's	23	9	83

215 /IRP's	6	2	37
Impaired Drivers/Drive Over .08	0	3	10
Liquor Act Charges	6	7	28

Prohibited Drivers	1	1	6
Road Checks	7	1	44
Traffic Warnings (Notice & Orders)	9	9	71
Vehicle Impounds	4	5	39

Total Violation Charges:	31	15	187
Windshield or Window Impair Vision	0	0	1
Cross Double Solid Line	0	3	5
Unnecesary Noise	0	0	1
Drive Contrary to Restrictions	1	1	8
Drive to Fast for Conditions	1	0	3
Drive Without Consideration	1	1	5
Drive Without Due Care & Attention	2	0	6
Drive without Lighted Lamp	1	0	2
Fail to Change Address	0	0	0
Fail to Display "L" Sign	0	0	1
Fail to Display "N"	0	0	2
Fail to Keep Right	0	2	5
Fail to Obey Traffic Control Device	1	1	12
Fail to Pass Safely	0	0	0
Fail to Produce Drivers Licence	1	0	6
Fail to Produce Insurance	0	0	1
Fail to Remain at Accident	0	0	0
Fail to Stop for Police	0	0	1
Fail to Stop for School Bus	0	0	0
Fail to Wear Seatbelt	2	0	18
Fail to Yield to Pedestrian	0	0	0
Follow Too Closely	2	2	6
Illegal Plate	0	0	2
Improper Turn at Intersection	1	0	4
No Drivers Licence	3	2	22
No Helmet	1	0	5
No Insurance	0	1	16
No Vehicle Licence	0	0	1
Operate Contrary to Class	0	0	1
Pass on Right	0	0	2
Speeding	13	1	44
Stop Sign	0	0	2
Use Electronic Device While Driving	241	1	6



REPORT FOR INFORMATION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Michael Dillabaugh, Director of Finance
Re: **2014 Budget vs Actual Report as at July 31, 2014**

SUGGESTED ACTION:

THAT COUNCIL receive this report for information purposes.

1. Executive Summary:

The attached year to date (YTD) revenue and expense reports as at July 31 are reporting year-to-date expenses and revenues that are, with a few exceptions, in line with the proposed 2014 budget.

Expenditures, with the exception of a few areas are on budget as at the end of July. The exceptions are primarily expenditures that are below budget and projected to be below budget.

One expenditure budget that is projected to be over budget for 2014 is Fire Department Salaries as the contingency built into the 2014 budget was less than the actual increases that arose from the Central Saanich contract that the Sooke contract is tied to for wages. This budget will have to be increased for 2015.

Another expenditure that may be over budget by the end of 2014 is the RCMP contract as additional resources have been required due to a significant investigation. Staff will continue to monitor this budget item.

Revenues, with the exception of a few primary areas, are also within budget. Rezoning fees and development permits are projected to be below budget for 2014. There are also a few revenue streams that are either already above budget or projected to be above budget.

Additional comments have been made with reference numbering on the side of each page and the comments are on the last page of the report. These comments are intended to provide further detail specifics as to variances between budget and actual.


Staff have done an analysis of the revenues and expenditures and while some are above and below budget for both categories, the overall budget is well within budget for 2014 as at the end of July and projected to be within budget as at the end of the fiscal year.

Staff will continue to closely monitor revenues and expenses for the remainder of 2014 and exercise necessary measures to ensure that the District is in a healthy financial position at the end of the fiscal year.




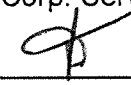
Attachments:

1. Budget vs. Actual Comparison as at July 31, 2014

Respectfully,



Michael Dillabaugh, CA
Director of Finance

Approved for Council Agenda	
	
Engineering	Planning
	
Corp. Services	Finance
	
CAO	



2014 – 2018 Five Year Financial Plan

Budget vs. Actual Comparison as at July 31, 2014

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

	Account	2014 YTD	2014	% Spent	\$ Available
General Government Services					
Council					
Remuneration	10-21100-120-2	43,766	81,280	54%	37,514
Benefits	10-21100-119-2	791	1,499	53%	708
Travel/conferences/education	10-21100-540-2	12,620	27,050	47%	14,431
Volunteer recognition - o/s services	10-21100-690-2		2,500	0%	2,500
Contingency	10-21100-910-2	4,564	55,000	8%	50,436
Total Council		61,741	167,329	37%	105,588
Corporate Services					
Salaries	10-21210-120-2	223,707	356,246	63%	132,539
Benefits	10-21210-129-2	39,968	59,927	67%	19,959
Specialty office supplies	10-21210-230-2		1,500	0%	1,500
Hospitality and meals	10-21210-290-2	763	1,987	38%	1,224
Travel	10-21210-510-2	159	1,040	15%	882
Professional Development	10-21210-540-2	8,496	11,340	75%	2,844
Memberships	10-21210-550-2	3,446	1,430	241% -	2,016
Legislative Dues/Subscriptions	10-21210-560-2	1,273	1,000	127% -	273
Advertising/Communications	10-21210-610-2	12,497	37,000	34%	24,503
Contingency	10-21210-910-2		2,040	0%	2,040
Total Corporate Services		290,309	473,511	61%	183,201
Finance and Information Technology					
Salaries	10-21220-120-2	281,873	473,352	60%	191,478
Benefits	10-21220-129-2	65,619	117,950	56%	52,331
Subscriptions	10-21220-230-2	209	312	67%	103
Travel	10-21220-510-2	38	1,040	4%	1,002
Professional Development	10-21220-540-2	9,991	14,280	70%	4,289
Memberships	10-21220-550-2	2,883	3,389	85%	506
Cash Over/Short	10-21220-610-2	10	26	40%	16
Tax adjustments	10-21220-899-2	125	520	24%	395
Banking	10-21221-240-2	2,410	2,252	107% -	157
Property Tax Interest Expense (prepayment)	10-21230-240-2	2,960	2,650	112% -	310

General Government Services

Account	2014 YTD	2014	% Spent	\$ Available
Tax forms and supplies	8,087	7,283	111% -	804
Property Tax Stabilization contingency	2,631	18,727	14%	16,096
Total Finance and Information Technology	376,837	641,782	59%	264,945

Common Services - Vehicle Fleet

Fuel - Gas/Diesel (Highlander)	1,034	1,665	62%	631
Repairs and Maintenance (Highlander)	21	408	5%	387
Fuel - Gas/Diesel (Nissan)	844	1,224	0%	1,224
Repairs and Maintenance (Nissan)		400	211% -	444
Fuel - Gas/Diesel (GMC)		510	0%	510
Repairs and Maintenance (GMC)	302	208	145% -	94
Vehicle Insurance (Highlander)	753	999	75%	246
Vehicle Insurance (GMC & Chevrolet trucks)	1,619	1,550	104% -	69
Vehicle Maintenance (GMC & Chevrolet trucks)	779	2,550	31%	1,771
Total Common Services - Vehicles	5,353	9,514	56%	4,161

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Common services - Office

Interest on Refundable Deposits	815	500	163% -	315
Telephone	10,953	23,721	46%	12,768
Copy/service charges	6,504	8,078	81%	1,574
Equipment lease/rental	9,430	15,020	63%	5,590
Freight/courier	258	1,656	16%	1,399
Postage	4,291	5,520	78%	1,230
Office supplies	11,589	18,746	62%	7,157
Subscriptions and Memberships	7,955	8,885	90%	930
Records management	706	18,120	4%	17,414
Off site storage	2,004	-	-	2,004
Occupational Health and Safety	263	1,040	25%	778
Software Licensing	47,729	61,250	78%	13,521
Staff IT Software Training		3,750	0%	3,750
IT Consulting/Back-up		15,000	0%	15,000
LAN/PC's/Networking/Internet	7,069	15,525	46%	8,457
Total Common Services - Office	109,563	196,812	56%	87,248

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General Government Services		Account	2014 YTD	2014	% Spent	\$ Available
Common services - Building						
Natural Gas	10-21258-460-2	7,806	14,424		54%	6,618
Water	10-21258-410-2	768	3,091		25%	2,323
Electricity	10-21258-420-2	12,318	35,700		35%	23,382
Waste removal	10-21258-430-2	2,360	6,624		36%	4,264
Hazardous material disposal container	10-21258-470-2		500		0%	500
Common services - Building maintenance						
Operating supplies	10-21259-210-2	2,296	4,426		52%	2,130
Contracted maintenance	10-21259-650-2	33,123	45,900		72%	12,777
Other outside services	10-21259-690-2	6,609	5,202		127% -	1,407
Total Common Services - Building		65,281	113,853		57%	50,586
Total Common Services						
		180,197	320,179		56%	141,996
Special services						
Recruitment costs - travel	10-21261-510-2	150	1,561		10%	1,411
Recruitment costs - advertising	10-21261-610-2		1,873		0%	1,873
Recruitment - contracted service	10-21261-890-2		-			-
Legal	10-21271-810-2	57,819	91,800		63%	33,981
Audit	10-21272-820-2		27,050		0%	27,050
Insurance premium	10-21273-570-2	93,494	89,648		104% -	3,846
Insurance contingency	10-21273-690-2		15,000		0%	15,000
Insurance claims	10-21274-690-2	2,900	15,000		19%	12,100
Labour relations - consulting	10-21275-890-2		10,000		0%	10,000
Communities in Bloom	10-27512-680-2	1,591	3,000		53%	1,409
Elections	10-21930-690-2	142	25,000		1%	24,858
Public and government relations	10-21940-690-2	3,012	6,763		45%	3,750
Contingency (staffing coverage)			3,060		0%	3,060
Canada Day Fireworks	10-21952-690-2	2,876	2,601		111% -	275
Total Special Services		161,984	292,356		55%	130,372

General Government Services		Account	2014 YTD	2014	% Spent	\$ Available
Grants						
Service Agreements						
Sooke Region Community Health Initiative		10-27500-680-2	8,750	17,500	50%	8,750
Sooke Community Association		10-26910-680-2	21,000	28,000	75%	7,000
Chamber of Commerce		10-26910-680-2	21,113	28,150	75%	7,038
Sooke Region Tourism Association		10-27545-680-2	17,250	23,000	75%	5,750
Visitor Information Centre		10-26990-680-2	15,572	20,808	75%	5,236
Annual Grant						
Annual Grants			60,274	60,662	99%	388
Bi-annual Grants						
Community Grants		10-21950-690-2	29,151	65,000	45%	35,849
Total Grants			173,110	243,120	71%	70,011
Economic Development						
Mayor's Advisory Panels - Specialty supplies		10-26510-230-2		500	0%	500
Mayor's Advisory Panels			1,125	-	-	1,125
Memberships (Economic Development)		10-26910-550-2		510	0%	510
Sooke Program of the Arts (SPA)		10-27241-210-2		-	-	-
EDC work plan		10-26910-690-2		-	-	-
Total Economic Development			1,125	1,010	111%	115
Plans						
Strategic Plan		10-21210-870-2		-	-	-
Long-term Plans				50,000	0%	50,000
Total Plans			-	50,000	0%	50,000
Subtotal before amortization			1,245,303	2,189,286	57%	945,997

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

	Account	2014 YTD	2014	% Spent	\$ Available
Protective Services					
Policing					
Contract with RCMP	10-22120-680-2	419,200	1,572,633	27%	1,153,432
Regional Crime Unit	10-22120-690-2	21,504	43,009	50%	21,505
Integrated Mobile Crisis Response Team	10-22121-680-2	3,128	5,679	55%	2,550
RCMP Victim Services	10-22125-690-2	8,323	8,832	94%	509
Integrated Domestic Violence Unit	10-22122-680-2		8,428	0%	8,428
Mobile Youth Services Team	10-22124-680-2		2,368	0%	2,368
Crime Stoppers Funding			3,074	0%	3,074
CR Action Team	10-22123-680-2		1,282	0%	1,282
Source Information	10-22130-240-2		2,081	0%	2,081
Community Liaison Officer	10-22126-680-2		4,245	0%	4,245
Community Policing	10-22130-240-2		-		-
Total Policing		452,156	1,651,630	27%	1,199,474
Emergency Program					
Supplies		2,343	5,100	46%	2,757
Office supplies	10-22510-210-2		1,656	0%	1,656
EOC radio operations	10-22510-420-2	500	1,656	30%	1,156
Emergency Program Vehicle		107	1,500	7%	1,393
Communications	10-22510-450-2	938	1,214	77%	276
Professional Development	10-22510-540-2	1,050	4,000	26%	2,950
ESS - Training	10-22530-540-2	1,352	2,000	68%	648
Emergency planning - outside services (ESS Director)	10-22510-690-2	522	2,208	24%	1,685
Total Emergency Program		6,813	19,335	35%	12,522
Fire Department					
Administration					
Salaries	10-22410-120-2	344,186	496,180	69%	151,994
Benefits	10-22410-129-2	85,021	143,186	59%	58,165
Operating supplies	10-22410-210-2	777	4,416	18%	3,640
Office supplies	10-22410-230-2	433	3,699	12%	3,266
Office equipment leases	10-22410-310-2	197	2,802	7%	2,605
Professional Development	10-22410-540-2	22,089	30,600	72%	8,511
Memberships	10-22410-550-2	274	1,165	24%	891
Subscriptions	10-22410-560-2	2,055	2,081	99%	25

	Account	2014 YTD	2014	% Spent	\$ Available
Protective Services					
Hospitality - operating supplies	10-22415-210-2	1,223	2,760	44%	1,537
Insurance premiums	10-22417-570-2	22,693	22,500	101%	(193)
Annual dinner	10-22419-690-2	372	9,500	4%	9,128
Total Administration		479,319	718,888	67%	239,569
Volunteer Firefighters					
Duty officer remuneration	10-22424-120-2	16,944	25,282	67%	8,338
First response duty remuneration	10-22423-120-2	10,671	25,282	42%	14,611
Relief worker wages/remuneration	10-22420-120-2	11,460	30,000	38%	18,540
Relief Workers Benefits	10-22420-129-2	251	675	37%	424
Honorarium			25,000	0%	25,000
Allowance - contract payment	10-22420-680-2	37,038	37,038	100%	0
WCB Benefits	10-22421-129-2	200	441	45%	242
Medical testing			3,264	0%	3,264
Recruitment		633	1,020	62%	387
Uniforms and operating supplies	10-22422-210-2	313	10,200	3%	9,887
Total Volunteer Firefighters		77,510	158,202	49%	80,692
Telecommunications					
CREST	10-22430-680-2	32,264	45,145	71%	12,880
Telephone and Data services	10-22431-450-2	3,210	10,854	30%	7,645
Repairs/maintenance/replacement	10-22431-660-2	342	2,746	12%	2,404
Total Telecommunications		35,816	58,745	61%	22,929
Community Education					
Operating supplies	10-22441-210-2	4,190	4,658	90%	468
Total Community Education		4,190	4,658	90%	468
Inspections					
Operating supplies	10-22443-210-2	2	2,165	0%	2,163
Total Inspections		2	2,165	0%	2,163
Training					
Operating supplies	10-22460-210-2	1,944	2,815	69%	871
Professional Development	10-22460-540-2	-	-	-	-
Audio visual repair and replacement	10-22460-660-2	859	1,104	0%	1,104
Training materials (other outside services)	10-22460-690-2	-	-	-	(859)
Hazmat equipment and training	10-22461-540-2	-	-	-	-
Total Training		2,804	3,919	72%	1,115

Protective Services

	Account	2014 YTD	2014	% Spent	\$ Available
Vehicle maintenance					
Wages	10-22481-120-2	4,828	4,162	116%	(666)
Benefits	10-22481-129-2	684	552	124%	(131)
Fuel	10-22481-250-2	7,624	18,217	42%	10,594
Repairs and replacement	10-22481-660-2	9,685	12,485	78%	2,799
Other outside services	10-22481-690-2	2,357	8,205	29%	5,847
Total Vehicle Maintenance		25,178	43,621	58%	18,443
Equipment maintenance					
Operation and Maintenance	10-22482-210-2	14,700	29,387	50%	14,687
Other outside services	10-22482-690-2	700	2,815	25%	2,115
Total Equipment Maintenance		15,400	32,202	48%	16,803
Other					
Turnout gear operating supplies	10-22483-210-2	3,778	6,630	57%	2,852
Medical supplies	10-22484-210-2	3,589	6,406	56%	2,817
East Sooke Fire Contract	10-22491-690-2	32,550	32,550	100%	-
Total - Other		39,917	45,586	88%	5,669
Total Fire Department		680,135	1,067,987	64%	387,852
Subtotal before amortization		1,139,104	2,738,951	42%	1,599,847

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

	2014 YTD	2014	% Spent	\$ Available
Engineering Services				
Engineering Operations				
Salaries	240,585	391,854	61%	151,269
Benefits	48,529	85,178	57%	36,649
Specialty office supplies	371	1,040	36%	670
Travel	307	1,040	29%	734
Professional Development	1,858	8,360	22%	6,502
Memberships	1,009	1,375	73%	366
Contractor/Approving Officer	26,396	72,000	37%	45,604
Consulting		10,200	0%	10,200
Total Engineering Operations	319,055	571,048	56%	251,993
Building Inspection				
Salaries	111,716	183,233	61%	71,517
Benefits	25,930	47,885	54%	21,954
Specialty office supplies	550	2,652	21%	2,102
Professional Development	3,685	4,100	90%	415
Travel	6	1,040	1%	1,034
Memberships	952	1,060	90%	108
Vehicle insurance	1,031	800	129%	231
Total Building Inspection	143,872	240,770	60%	96,898
Contract Services				
Road Maintenance Contract	122,872	232,020	53%	109,149
Traffic Control Devices	972	3,600	27%	2,628
Storm water quality control (CRD)	42,147	42,147	100%	-
Drainage and Stormwater	3,003	52,020	6%	49,017
Nott's Brook Hydrometric Maintenance		-		-
Public Works Yard Maintenance		5,202	0%	5,202
Total Contracted Services	168,994	334,989	50%	165,995

Engineering Services	2014 YTD	2014	% Spent	\$ Available
Street lighting and Traffic control				
Street lighting electricity - BC Hydro	30,064	57,222	53%	27,158
Street lighting electricity - District	6,998	15,606	45%	8,609
Street lighting contracted maintenance - District	8,763	6,242	140% -	2,521
Traffic lights electricity	1,609	3,570	45%	1,961
Crossing guards	14,000	15,759	89%	1,759
Total Street lighting and Traffic control	61,433	98,399	62%	36,966
Subtotal before amortization	693,354	1,245,207	56%	551,853

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

	2014 YTD	2014	% Spent	\$ Available
Development Services				
Planning Operations				
Salaries	158,286	265,362	60%	107,076
Benefits	33,984	70,171	48%	36,186
Specialty office supplies	1,149	2,081	55%	932
Travel	479	1,061	45%	582
Professional Development	4,285	6,600	65%	2,315
Memberships	1,506	1,500	100%	6
Special Projects	-	-	-	-
Total Planning Operations	199,689	346,775	58%	147,086
Geographic Services				
Salaries	80,001	144,755	55%	64,754
Benefits	19,945	35,405	56%	15,460
Specialty Office Supplies	205	2,000	10%	1,795
Travel		1,040	0%	1,040
Professional Development	100	3,570	3%	3,470
Consulting		2,040	0%	2,040
Total Geographic Services	100,252	188,811	53%	88,558
Other outside services				
Board of Variance		510	0%	510
Total - Other outside services	-	510	0%	510
Economic Development				
Conference Centre Bookings	237,000	252,750	94%	15,750
Conference Hosting		10,000	0%	10,000
Total Economic Development	237,000	262,750	90%	25,750
Subtotal before amortization	536,941	798,845	67%	261,905

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

Recreation and Cultural Services	2014 YTD	2014	% Spent	\$ Available
Community Spaces				
Public Space maintenance	72,174	184,360	39%	112,186
Hazardous Tree Maintenance	7,960	11,000	72%	3,040
Parks and Trail Maintenance		-		-
Community Clean Up	17,367	35,620	49%	18,253
Seasonal Adornment	137	510	27%	373
Harbourway Walkway License	500	450	111% -	50
Total - Community Spaces	98,138	231,940	42%	133,802
Community Services				
Animal Control	75,271	75,271	100%	-
Total - Community Services	75,271	75,271	100%	-
Sub-total before amortization	173,409	307,211	56%	133,802

**District of Sooke
Financial Plan 2014 - 2018
Sewer Fund - at at July 31, 2014**

Sewer Fund	2014 YTD	2014	% Spent	\$ Available
# Parcel tax Rolls	2,898	2,896		
# Sewer Generation Charges	560	627		
Total		3,523		
Parcel Tax	515	515		
Parcel Tax (Repayment to General Operating)	37	37		
Revenues				
Operating				
Parcel Tax	1,492,470	1,491,440	100%	1,030
Sewer Generation Charge	288,655	322,697	89%	34,042
Revenue from increase in Parcel tax	127,964	130,336	98%	2,372
DCC - Wastewater	4,317	100,000	4%	95,683
AARF Reserve Account Contribution		57,000	0%	57,000
EPCOR Management Fee				-
EPCOR Contribution to Rehabilitation Fund				-
Transfer from AARF				-
Sewer Connection Capital Charge				-
Sewer Permit Fees	100			100
Transfer from DCC Wastewater Reserve		295,519	0%	295,519
Total Operating Revenue	1,913,507	2,396,992	80%	483,485
Amortization offset		457,656	0%	457,656
Total Revenues	1,913,507	2,854,648	67%	941,141

Sewer Fund Expenditures	2014 YTD	2014	% Spent	\$ Available
Operating				
EPCOR, for operations as per agreement	625,670	1,094,280	57%	468,610
Insurance	17,635	25,141	70%	7,506
DCC Bylaw - Sanitary/Storm				-
Plans and non-capital improvements	2,625	62,500	4%	59,875
AARF Reserve Account Contribution		67,000	0%	67,000
AARF Projects	10,948	60,000	18%	49,052
Ministry of Finance - Discharge fee		1,200	0%	1,200
Other Costs				-
Sewer System - Modeling and Study				-
Repayment of prior years deficits	127,964	130,336	98%	2,372
Transfer in to Reserve for Future Expenditures		166,176	0%	166,176
Transfer in to DCC Wastewater Reserve	4,317	100,000	4%	95,683
Sub-total before amortization	789,160	1,706,633	46%	917,473
Amortization		457,656	0%	457,656
Total Operating Expenditures	789,160	2,164,289	36%	1,375,129
Sewer Debt				
MFA Long Term debt - principal repayment		295,519	0%	295,519
MFA Long Term debt - interest repayment	116,952	389,840	30%	272,888
Total Sewer Debt	116,952	685,359	17%	568,407
Capital				
DCC Capital Projects		-		-
Non DCC Capital Projects		5,000	0%	5,000
Total Capital expenditures	-	5,000	0%	5,000
Total expenditures	906,112	2,854,648	32%	1,948,536
Sewer Fund Surplus (deficit)	-	0	0%	0

**District of Sooke
Financial Plan 2014 - 2018
General Fund - as at July 31, 2014**

Revenues	Account	2014 YTD	2014	% Received	\$ Remaining
Net Taxes available for municipal purposes					
Utility tax 1%	10-11120-000-1	160,871	139,318	115%	(21,554)
Grants in lieu of taxes	10-12000-000-1	1,184	40,800	3%	39,616
East Sooke Fire Protection - Local Service Tax	10-11130-000-1	32,301	32,550	99%	249
School tax administration fee	10-15950-000-1		6,834	0%	6,834
School District	10-19810-000-1	4,664,606	5,046,980	92%	382,374
Regional Hospital District	10-19820-000-1	675,086	673,822	100%	(1,264)
Capital Regional District	10-19822-000-1	2,722,561	2,720,484	100%	(2,077)
BC Assessment Authority	10-19831-000-1	139,528	142,820	98%	3,292
Municipal Finance Authority	10-19832-000-1	436	473	92%	37
BC Transit	10-19833-000-1	637,570	613,189	104%	(24,381)
Vancouver Island Regional Library	10-18934-000-1		491,557	0%	491,557
School District	10-28810-000-2	(4,664,606)	(5,046,980)	92%	(382,374)
Regional Hospital District	10-28820-000-2	(673,010)	(673,822)	100%	(812)
Capital Regional District	10-28830-000-2	(2,602,348)	(2,603,066)	100%	(718)
BC Assessment Authority	10-28831-000-2	(139,529)	(142,820)	98%	(3,291)
Municipal Finance Authority	10-28832-000-2	(436)	(473)	92%	(37)
BC Transit	10-28833-000-2	(637,574)	(613,189)	104%	24,385
Vancouver Island Regional Library	10-28834-000-2		(491,557)	0%	(491,557)
Total Net Taxes available for municipal purposes		316,641	336,920	94%	20,279
Sales and user fees					
Zoning and planning books	10-14100-000-1		225	0%	225
Office services fees	10-14210-000-1	19	-		(19)
Financial and tax info services	10-14220-000-1	4,885	13,514	36%	8,629
NSF charges	10-14230-000-1	875	312	280%	(563)
Boat Launch Fees	10-14320-000-1	2,170			
Sewer serviability report processing fee	10-14240-000-1				-
Sale of land - parks	10-14998-000-1	5,299	-		(5,299)

	Account	2014 YTD	2014	% Received	\$ Remaining
Revenues					
Record searches	10-14300-000-1	-	-	-	-
Miscellaneous	10-14999-000-1	611	1,040	59%	430
Cost recovery - Administration	10-15212-000-1	143	2,767	0%	2,767
Cost recovery - Finance	10-15215-000-1	6,120	-	102%	(143)
Cost recovery - Fire	10-15224-000-1	228	6,000	1%	(120)
Cost recovery - RCMP	10-14310-000-1	4,736	27,000	1%	26,772
Cost recovery - Building	10-15229-000-1	-	-	-	-
Cost recovery - Engineering	10-15232-000-1	3,048	3,184	149%	(1,552)
Cost recovery - Planning	10-15262-000-1	-	230	0%	230
Cost recovery - Rec & Culture	10-15640-000-1	-	5,000	61%	1,952
Tax Sale Admin Fee	10-15740-000-1	-	-	-	-
First Nations	10-15760-000-1	-	12,989	0%	12,989
Oil tank inspections	10-15790-000-1	-	1,149	0%	1,149
Hydrant painting	10-15960-000-1	1,401	2,273	62%	872
School Site Acquisition Charge	10-15990-000-1	35,000	35,000	100%	-
Disposal of Assets					
Total Sales and User Fees		64,535	110,683	58%	46,148
Government transfers and grants					
Cost recovery - Emergency	10-15225-000-1	-	-	-	-
Small Community Protection grant	10-16210-000-1	241,538	243,052	99%	1,514
Traffic Fine revenue sharing	10-16211-000-1	60,819	60,869	100%	50
Provincial Climate Action Rebate Incentive	10-16212-000-1	1,967	1,224	161%	(743)
Street lighting cost sharing	10-17560-000-1	451	1,840	25%	1,389
JEPP Grant	10-17610-000-1	-	-	-	-
Gas Tax Community Works grant	10-17615-000-1	-	312,886	0%	312,886
Liquid Waste Management Plan	10-17640-000-1	-	-	-	-
Conditional Grants - Non-capital projects	10-17630-000-1	-	-	-	-
Conditional Grants - Capital projects					
Total Government transfers and grants		304,775	619,871	49%	315,096
Investment income					
Interest	10-15510-000-1	25,670	80,000	32%	54,330
Income in reserve funds	20-11000-000-1	-	-	-	-
Total Investment income		25,670	80,000	32%	54,330

	Account	2014 YTD	2014	% Received	\$ Remaining
Revenues					
Penalties and fines					
Interest	10-15610-000-1	15,218	44,146	34%	28,929
Penalties	10-15620-000-1	164,569	150,000	110%	(14,569)
Total Penalties and fines		179,787	194,146	93%	14,360
Licenses and permits					
Business licenses	10-15110-000-1	57,413	57,018	101%	(395)
Liquor Licence Application fee	10-15111-000-1		312	0%	312
ALR Application fees	10-15120-000-1		510	0%	510
Subdivision fees	10-15130-000-1	20,950	30,000	70%	9,050
Soil Deposition Fee	10-15131-000-1	522	312	167%	(210)
Rezoning fees	10-15140-000-1	2,400	25,500	9%	23,100
Delivery vehicle licenses	10-15159-000-1	317	3,046	10%	2,729
Building Permit Fees	10-15170-000-1	145,459	250,000	58%	104,541
Sign permit fees	10-15171-000-1	945	338	279%	(607)
Woodstove permits	10-15172-000-1		-		-
Demolition permits	10-15173-000-1		450	0%	450
Title charge removal fee	10-15174-000-1		104	0%	104
Title search	10-15175-000-1	1,130	1,408	80%	278
Burning Permits	10-15176-000-1	450	520	87%	70
Plumbing Permit Fees	10-15177-000-1	10,830	25,000	43%	14,170
Road Closure Fees	10-15178-000-1		-		-
Filming permit fee	10-15179-000-1				-
Development permits	10-15180-000-1	8,525	20,400	42%	11,875
Development variance permits	10-15185-000-1	1,400	5,100	27%	3,700
Board of Variance fees	10-15187-000-1	700	1,530	46%	830
other	10-15190-000-1		-		-
Total Licenses and permits		251,041	421,549	60%	170,508
Lease and Rental					
Lease - Kaitasin	10-15310-000-1	19,208	35,000	55%	15,792
Lease - City Hall	10-15320-000-1	13,446	22,166	61%	8,720
Room rentals	10-15330-000-1				-
Total Lease and rental		32,654	57,166	57%	24,512

Revenues	Account	2014 YTD	2014	% Received	\$ Remaining
Donations and Contributions					
Deposit in lieu of Parkland	10-15910-000-1				-
Communities in Bloom - Donations and Contribution	10-15922-000-1	1,536			(1,536)
Community Amenities Contribution	10-15930-000-1				-
Developer Contributions - TCA	10-15910-100-1				-
Total Donations and Contributions		1,536	-		(1,536)
Developer Cost Charges					
DCC - Roads	10-15810-000-1	89,792	210,000	43%	120,208
Total Developer Cost Charges		89,792	210,000	43%	120,208
Casino revenue sharing					
Casino revenue	10-15710-000-1	55,929	270,504	21%	214,575
Total Casino revenue sharing		55,929	270,504	21%	214,575
Total Revenue		1,322,360	2,300,840	57%	978,480

District of Sooke
Financial Plan 2014 - 2018
2014 Capital Plan - as at July 31, 2014

Department Council	Project Name	2014 YTD	2014	Gen Ops Surplus	Taxes	FER	Casino	GST	Road DCC	Funding Sources				Land Sale	Other Grants	
										Gas Tax	Capital Asset Replacement	Capital Improvement Financing	SPA Reserve			
Corporate Services	Atty Advisory Panel	692	10,000	-	-	-	-	-	-	-	-	-	10,000	-	-	
		692	10,000	-	-	-	-	-	-	-	-	-	10,000	-	-	
Finance	Computer Equipment Replacement Plan	9,574	24,600	-	24,600	-	-	-	-	-	-	-	-	-	-	
	Business License Module Upgrade		15,000	-	15,000	-	-	-	-	-	-	-	-	-	-	
	Penny Payroll System		438	-	438	-	-	-	-	-	-	-	-	-	-	
	Electronic Purchase Orders	4,143	6,650	6,650	1,225	-	-	-	-	-	-	-	-	-	-	
	FOE Administration		15,000	-	15,000	-	-	-	-	-	-	-	-	-	-	
Asset Management Software Website	3,387															
		17,193	62,913	6,650	56,263	-	-	-	-	-	-	-	-	-	-	
Buildings	Seniors/Youth Centre		50,000	-	-	-	50,000	-	-	-	-	-	-	-	-	
			50,000	-	-	-	50,000	-	-	-	-	-	-	-	-	
Public Works Yard																
Building and Bylaw																
Fire Department	Protective Clothing Replacement		12,000	-	12,000	-	-	-	-	-	-	-	-	-	-	
	Rope Replacement		2,000	-	2,000	-	-	-	-	-	-	-	-	-	-	
	Water Pump		7,000	-	7,000	-	-	-	-	-	-	-	-	-	-	
	Unit 207 Lease buyout	37,865	48,000	-	48,000	-	-	-	-	-	-	-	-	-	-	
	Industrial Turn-out Gear Washing Machine		8,500	-	8,500	-	-	-	-	-	-	-	-	-	-	
	Thermal Imaging Camera		9,448	-	9,448	-	-	-	-	-	-	-	-	-	-	
	Fire Hose Pressure Testing Machine		3,050	-	3,050	-	-	-	-	-	-	-	-	-	-	
	Fire Hose Coupling Machine		3,475	-	3,475	-	-	-	-	-	-	-	-	-	-	
			93,473			93,473										
	Engineering	Grant Road Connector (complete, Church Rd to Other Point Rd)	724,679	2,481,311	-	-	-	351,570	117,641	1,422,100	440,000	-	-	-	-	250,000
SEAPARC Multi-use trail			48,235	-	48,235	-	-	-	48,235	-	-	-	-	-	-	
Road and Sidewalk Improvement Program		7,402	335,000	30,000	131,073	-	85,750	10,000	-	-	38,177	-	-	-	30,000	
Sooke Road Roundabout		7,896	709,252	40,875	-	-	-	-	-	-	-	-	-	-	-	
Roundabout Land Purchase			150,000	-	-	-	-	-	-	-	-	-	-	-	-	
Town Centre - Land acquisition (annually until 2017)		55,674	108,120	100,000	50,000	-	-	-	106,029	-	-	-	-	-	-	
Stormwater management/Culvert Replacement		170	150,000	11,556	12,000	-	-	-	-	-	-	-	-	-	-	
Street Light Installation Program			10,000	-	10,000	-	-	-	-	-	-	-	-	-	-	
Downtown Art Bench (2)		1,656	18,000	6,000	12,000	-	-	-	-	-	-	-	-	-	-	
Transit Stops enhancements		905,088	4,134,474	248,431	285,073	-	417,350	127,641	1,578,364	1,119,252	38,177	10,000	-	-	110,216	
		6,824	100,000	-	-	-	100,000	-	-	-	-	-	-	-	-	
Parks Enhancement Program			100,000	-	-	-	100,000	-	-	-	-	-	-	-	-	
	6,824	100,000	-	-	-	100,000	-	-	-	-	-	-	-	-		
	929,699	4,450,860	255,081	261,336	93,473	567,320	127,641	1,578,364	1,119,252	38,177	10,000	-	-	110,216		
Total															280,000	

Notes to Budget vs. Actual – July 31, 2014

1. Subscriptions and memberships are paid in the 1st quarter for the year.
2. Budget should be increased for 2015. Land Title and Survey Authority started charging for services that were previously free to municipalities. A large portion of these fees are recovered by the District as revenue.
3. Budget should be increased for 2014. Offset to this interest expense paid for prepayment of property taxes is investment income for the municipality.
4. All expenditures are done in May each year.
5. Account is on budget. Majority of licensing costs are paid for in the 1st quarter for the year.
6. Account will be under budget for 2014. Expenditures will begin in third quarter.
7. Account may be over budget due to unbudgeted repairs required.
8. Budget to be used in 3rd and 4th Qtr.
9. On budget. 3 Quarters Paid for.
10. Only one quarter are accounted for. On budget based on this.
11. Account may be over budget at year end. 2013 Retro payment recorded in 2014 and increase resulting from the tie to the Central Saanich contract was larger than initially budgeted for in 2014. Budget may need to be increased for 2015.
12. Annual insurance paid in the first quarter. No additional costs for 2014.
13. Fees are paid in the first portion of the year for the entire year. On budget.
14. Full amount is paid in April each year. On budget.
15. Additional repairs and maintenance on vehicles has been required.
16. Billing to come in the 4th Qtr.
17. Large job in the 1st Qtr.
18. Annual billings for 2014 were done in May. On budget.
19. Account likely to be under budget for 2014. Staff will continue to monitor and make necessary adjustments to future budgets.
20. Council approved the addition of a public servant for the RCMP detachment. The hiring process has been a slow one so the money received from cost criminal record checks and fingerprinting has been used to pay a staff member to transcribe for the RCMP. This has reduced this revenue account. The offset is the savings in the RCMP Contract account with the additional staff member not being paid by the District until they are hired.
21. Received in the first quarter. On budget.
22. To be received in the 3rd and 4th quarter.
23. Account will be over budget for the year due to repairs due to damage caused by vehicle accidents. The cost of some of these repairs will be recouped from ICBC and will be recorded as revenue to offset the expenditure.
24. Penalty applied in July.
25. Only 1st Qtr recorded. On budget.



REPORT FOR INFORMATION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Finance
Re: **Sewer Fund - Development Cost Charge Use**

RECOMMENDATION:

THAT COUNCIL receive this report for information.

1. Executive Summary:

Bylaw No. 202, *Development Cost Charge Imposition Bylaw, 2004* was developed by the District of Sooke to collect Development Cost Charges (DCC) for wastewater and for roads. The focus of this report will be the wastewater portion of the bylaw.

When developing the amount of the DCC a listing of projects must be developed that are included in the program, in this case the DCC Sanitary Sewer Program. The current list was developed in 2004 and included the wastewater treatment plant and outfall.

A project must be included in the program that was used to develop the DCC in order for the municipality to use DCC reserve funds to pay for the project.

Beginning in 2012, Council made the decision during budget deliberations to begin using DCC funds to pay for the principal payment on the debt that is held within the sewer fund. Since making this decision there has been discussion around the legality of doing this as well as the sustainability of making this transfer.

This report looks at both whether this transfer can be made and the sustainability of the transfer.

2. Background:

The District adopted Bylaw No. 202 in 2004 and included in the calculation of the wastewater DCC charge were a number of projects, see attached schedule. Under a general DCC program the charges are collected prior to the construction of the project

and they are then used to assist with the payment of the project. This does not however have to be the order of events. In the case of the District of Sooke the decision was made to construct the projects before the full DCC funding had been collected. In order to fund the sewer project the decision was made to borrow \$8.8million over a 20 year period.

The two possible options available for the use of DCC's are as follows:

1. Establish a DCC Bylaw and then collect DCC funding. When sufficient DCC funding has been collected, the municipality can make the decision to construct the asset that is listed in the DCC Bylaw and pay for it out of the DCC Funds that have been collected and held in reserve.
2. Establish a DCC Bylaw and begin to collect DCC funds. Before collecting sufficient funding to pay for the project, build the project that is listed in the DCC Bylaw and pay for the project up front by borrowing either internally or externally. Under this situation, when the DCC funds are actually collected they can then be used to pay the principal of the loan.

3. Analysis:

The decision to use DCC funds to pay for the principal payment on debt that the District holds for the installation of the sewer system could have been made immediately after the District incurred the debt, as the project was listed in the DCC Bylaw and funds were being collected for the purpose of paying for those projects.

The accumulation of DCC funds between 2004 and 2012 was made up of funds that were collected for the purpose of paying for the Sanitary Sewer DCC Program, as listed on the schedule attached to this report. The funds collected can only be used for these projects; therefore, using the DCC funds to pay for the principal portion of the loan is a fiscally responsible measure to ensure that these funds are used for the purpose that they were collected. It is in fact not fiscally responsible to use other funds to pay for a project when the DCC funds are available and they are solely for the purpose of paying for the project.

Concern has been brought forward that the use of the DCC funds are depleting the sewer fund ability to cover future expenditures. In fact, the decision by Council in 2012 to begin correctly using the DCC funds to cover the debt principal has allowed the creation of another reserve account within the sewer fund where all surpluses in the sewer fund are deposited at the end of each year beginning in 2013. This reserve account provides the savings account to help cover and fund future sewer expenditures.

As outlined in the 2014 – 2018 Five Year Financial Plan the Reserve for Future Sewer Expenditures is budgeted to grow from \$135,248 to \$1,091,877. During the same 5 year time frame the DCC fund is budgeted to decrease from \$1,132,834 to \$85,643. While it may appear that this decrease in the DCC Fund is not a good thing it must be

noted again that the purpose of those funds is for the payment of the projects within the program and no other expenditures within the sewer system.

Given that the DCC funds can only be used for the projects listed in the DCC program the decision to use the funds for this purpose is a fiscally sound decision. While the DCC funds may not end up funding as much of the project as originally planned this does not mean that the funds that are collected shouldn't be used. As the funds have been collected for the purpose of paying for these projects even the complete use of the Wastewater DCC Reserve is not a sign of weak financial management or financial sustainability.

In a typical situation with a DCC program, a review is undertaken every couple of years. During this review it is assessed whether the funds that are being collected are sufficient to pay for all of the projects that are within the program and adjustments may need to be made to either increase the DCC fee to generate more funding or to reduce the projects that will be built.


In this situation a reduction of projects is not possible as the expenditure has occurred.

Going forward staff will continue to closely monitor the Wastewater DCC Revenue being collected and deposited into the DCC reserve account to ensure that adequate funding is maintained within the sewer fund. Based on current projections, through 2026 when the sewer debt will be paid off, the DCC fund and the newly created reserve for future expenditures will adequately fund the principal on the sewer debt and the sewer fund will not be in a position that it will be borrowing from the general fund.

Attached Documents:

1. District of Sooke DCC Sanitary Sewer Program, 2004
2. 2014 – 2018 Five Year Financial Plan

Respectfully,



Michael Dillabaugh, CA
Director of Finance





Approved for Council Agenda	
	
Engineering	Planning
	
Corp. Services	Finance
	
CAO	

Table 12: Sanitary Sewer DCC Program

**DISTRICT OF SOOKE
DCC SANITARY SEWER PROGRAM
2004**

Project No.	Column Name	Col.(1) Cost Estimate (1)	Col. (2) Benefit Factor % (2)	Col. (3) = Col. (1) x Col. (2)	Col. (4) Municipal Assist Factor 1%	Col. (5) = Col. (3) - Col. (4)	Col. (6) = Col.(1) - Col. (5)
1	Wastewater Treatment Plant (WWTP) & Outfall	\$9,070,378	44.4%	\$4,030,876	\$40,309	\$3,990,567	\$5,079,811
2	Pump Station #1 and forcemain (300mm)	\$615,595	58.7%	\$361,354	\$3,614	\$357,741	\$257,854
3	Pump Station #2 and forcemain (250mm)	\$636,502	68.8%	\$437,913	\$4,379	\$433,534	\$202,968
4	Pump Station #3 and forcemain (250mm)	\$522,675	42.0%	\$219,524	\$2,195	\$217,328	\$305,347
5	Pump Station #4 and forcemain (200mm)	\$254,369	19.6%	\$49,856	\$499	\$49,358	\$205,011
6	Pump Station # 5 and forcemain (200mm)	\$365,873	72.5%	\$265,258	\$2,653	\$262,605	\$103,268
7	Sooke Road/ West Coast Road gravity main (250mm)	\$331,028	56.9%	\$188,355	\$1,884	\$186,471	\$144,556
8	Main connecting Grant Road to Maple Avenue (250mm)	\$232,300	30.6%	\$71,084	\$711	\$70,373	\$161,927
9	Main connecting Maple Avenue to West Coast Road (300mm)	\$198,617	50.4%	\$100,103	\$1,001	\$99,102	\$99,515
10	Main connecting West Coast Road to WWTP (375mm)	\$209,070	44.0%	\$91,991	\$920	\$91,071	\$117,999
11	Additional costs for upsizing PS #1, #2 and #5	\$223,525	100.0%	\$223,525	\$2,235	\$221,290	\$2,235
Totals		\$12,659,930		\$6,039,838	\$60,398	\$5,979,439	\$6,680,490

Notes

- (1) Cost estimates are based on estimates provided by the District with engineering and a 10% contingency.
- (2) The allocation between new and existing populations is based on the single family equivalents used in the EPCOR proposal for the WWTP.

**District of Sooke
Financial Plan 2014 - 2018
Sewer Fund**

Sewer Fund	2014	2015	2016	2017	2018
# Parcel tax Rolls	2,896	2,954	3,013	3,073	3,135
# Sewer Generation Charges	627	639	652	665	678
Total	3,523	3,593	3,665	3,738	3,813
Parcel Tax	515	515	515	515	515
Parcel Tax (Repayment to General Operating)	37	37	37	17	
Revenues					
Operating					
Parcel Tax	1,491,440	1,521,269	1,551,694	1,582,728	1,614,383
Sewer Generation Charge	322,697	329,151	335,734	342,449	349,298
Revenue from increase in Parcel tax	130,336	132,943	135,602	63,409	-
DCC - Wastewater	100,000	102,000	104,040	106,121	108,243
	57,000				
EPCOR Management Fee					
EPCOR Contribution to Rehabilitation Fund					
Transfer from AARF					
Sewer Connection Capital Charge					
Sewer Permit Fees					
Transfer from DCC Wastewater Reserve	295,519	385,519	295,519	295,519	295,519
Total Operating Revenue	2,396,992	2,470,881	2,422,589	2,390,226	2,367,442
Amortization offset	457,656	466,809	476,145	485,668	495,381
Total Revenues	2,854,648	2,937,690	2,898,734	2,875,893	2,862,824

Sewer Fund Expenditures	2014	2015	2016	2017	2018
Operating					
EPCOR, for operations as per agreement	1,094,280	1,116,166	1,138,489	1,161,259	1,184,484
Insurance	25,141	25,644	26,157	26,680	27,214
DCC Bylaw - Sanitary/Storm					
Plans and non-capital improvements	62,500	5,000	38,500	-	42,500
AARF Reserve Account Contribution	67,000	67,000	67,000	67,000	67,000
AARF Projects	60,000	46,000	30,000	46,000	60,000
Ministry of Finance - Discharge fee	1,200	1,200	1,200	1,200	1,200
Other Costs					
Sewer System - Modeling and Study					
Repayment of prior years deficits	130,336	132,943	135,602	63,409	-
Transfer in to Reserve for Future Expenditures	166,176	169,570	196,242	233,198	191,443
Transfer in to DCC Wastewater Reserve	100,000	102,000	104,040	106,121	108,243
Sub-total before amortization	1,706,633	1,665,522	1,737,230	1,704,867	1,682,084
Amortization	457,656	466,809	476,145	485,668	495,381
Total Operating Expenditures	2,164,289	2,132,331	2,213,374	2,190,535	2,177,465
Sewer Debt					
MFA Long Term debt - principal repayment	295,519	295,519	295,519	295,519	295,519
MFA Long Term debt - interest repayment	389,840	389,840	389,840	389,840	389,840
Total Sewer Debt	685,359	685,359	685,359	685,359	685,359
Capital					
DCC Capital Projects	-	90,000	-	-	-
Non DCC Capital Projects	5,000	30,000	-	-	-
Total Capital expenditures	5,000	120,000	-	-	-
Total expenditures	2,854,648	2,937,690	2,898,733	2,875,894	2,862,824
Sewer Fund Surplus (deficit)	0	0	0	0	0

Reserves	2014	2015	2016	2017	2018
Road DCC Reserve					
Opening Balance	2,674,743	1,306,380	823,501	(247,691)	(107,988)
Transfer In	210,000	224,700	235,935	247,732	260,118
Transfer Out	(1,578,364)	(707,578)	(1,307,127)	(108,029)	-
Interest	-	-	-	-	-
Closing Balance	1,306,380	823,501	(247,691)	(107,988)	152,131
Wastewater DCC Reserve					
Opening Balance	1,132,834	937,315	653,796	462,317	272,919
Transfer In	100,000	102,000	104,040	106,121	108,243
Transfer Out	(295,519)	(385,519)	(295,519)	(295,519)	(295,519)
Interest	-	-	-	-	-
Closing Balance	937,315	653,796	462,317	272,919	85,643
Community Works Reserve (Gas Tax)					
Opening Balance	1,407,757	601,391	920,535	719,424	1,051,461
Transfer In	312,886	319,144	325,527	332,037	338,678
Transfer Out	(1,119,252)	-	(526,637)	-	-
Interest	-	-	-	-	-
Closing Balance	601,391	920,535	719,424	1,051,461	1,390,139
Reserve for Future Sewer Expenditures					
Opening Balance	135,248	301,424	470,994	667,236	900,434
Transfer In	166,176	169,570	196,242	233,198	191,443
Transfer Out	-	-	-	-	-
Interest	-	-	-	-	-
Closing Balance	301,424	470,994	667,236	900,434	1,091,877



File No. 7200-01

REPORT FOR INFORMATION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Fire Department
Re: **Sooke Fire Rescue Service – Monthly Staffing Report**

RECOMMENDATION:

THAT COUNCIL receive the Sooke Fire Rescue Service Monthly Staffing Report as of July 31, 2014 for information

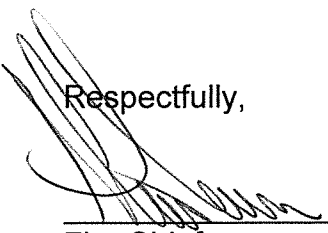
1. Executive Summary:

The following report summarizes the current staffing levels as of July 31, 2014 for the Sooke Fire Rescue Service including:

- Number of Career Firefighters
- Number of Active Volunteer Firefighters
- Number of Volunteer Firefighters on Leave on Absence
- Number of Firefighters on Light Duty Assignment
- Number of new recruit firefighters currently in training
- Number of limited duty volunteer firefighters (Driver only)
- Number of Support Service Volunteers


The numbers of firefighters are divided by the Fire Station they normally attend with those members living in Sunriver included in the totals for Station 2.

Respectfully,




Fire Chief

Approved for Council Agenda



Engineering




Corp. Services



CAO

Planning



Finance

Sooke Fire Rescue Service – Department Staffing Report 2014

MONTH		J	F	M	A	M	J	J	A	S	O	N	D
Career Staff	Chief/Deputy/Training Officer/Firefighters x 2	5	5	5	5	5	5	5					
Station 1	Active Volunteer Firefighters	15	14	16	16	16	16	16					
	Firefighters on LOA	4	4	3	3	2	4	3					
	Recruit Firefighters in Training	2	2	0	0	0	0	0					
	Firefighter on Light Duty Only		1	1	1	1	0	0					
	Apparatus Driver Only	1		1	1	1	0	0					
	Sub Total	22	21	21	21	20	20	19					
Station 2 including members from Sun River Station	Active Volunteer Firefighters	5	6	9	9	9	8	7					
	Firefighters on LOA	2	1	1	1	1	1	2					
	Recruit Firefighters in Training	3	3	0	0	0	0	0					
	Apparatus Driver Only	1	1	1	1	1	1	1					
	Sub Total	11	11	11	11	11	10	10					
Support Services	Safety Educators	6	6	6	6	6	6	6					
	Dispatcher	1	1	1	1	1	1	1					
	Chaplain	1	1	1	1	1	1	1					
	Medical/First Responder Instructor	1	1	1	1	1	1	2					
	Inspector	1	1	1	1	1	1	1					
	Sub Total	10	10	10	10	10	10	11					
Total Career Firefighters		5	5	5	5	5	5	5					
Total Active Volunteer Firefighters		20	20	25	25	25	24	24					
Total Firefighters on LOA		6	5	3	4	3	5	4					
Total FF on Light Duty Only				1	1	1	0	0					
Total Driver Only		2	2	2	2	2	1	1					
Total Recruits in Training		5	5	0	0	0	0	0					
Total Suppression		38	37	37	37	36	35	34					
Total Support Services		10	10	10	10	10	10	11					
Total Membership		48	47	47	47	46	45	45					

Sooke Fire Rescue Department - Monthly Emergency Incident Compilation Report

Incident Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total
Structure Fire	0	4	1	1	0	2	3						11
Chimney Fire	1	2	0	0	0	0	0						3
Appliance Fire	0	0	0	2	0	0	1						3
Vehicle Fire	0	0	0	0	1	1	2						4
Brush Fire	0	2	0	0	1	4	10						17
Dumpster Fire	0	0	0	0	0	0	0						0
Explosion	0	0	0	0	0	1	0						1
Motor Vehicle Incident	2	3	4	6	3	4	14						36
Rescue	1	0	0	1	1	1	2						6
Hazardous Condition	0	4	2	2	2	4	2						16
Public Assist	1	1	2	0	2	1	3						10
Alarm Bells	4	5	1	2	2	3	5						22
First Responder	24	32	31	34	32	25	39						217
Burning Complaint	6	13	2	10	13	7	9						60
TOTAL	39	66	43	58	57	53	90						406

July Incidents - Monthly Highlights:

- Quick action by the duty officer helped to keep a structure fire from spreading until fire crews arrived on scene to complete the job. A carelessly discarded cigarette in an outdoor planter is the suspected cause.
- Sooke firefighters have responded to multiple motor vehicle crashes this month. Most of them seem to be the result of driver inattention and failing to notice vehicles stopping to make left turns.
- With the warmer weather, bark mulch and beach fires are on the rise. A campfire ban is now in place due to the EXTREME fire danger.
- Firefighters assisted the RCMP on several occasions this month as they worked through a major crimes investigation.
- July 31st marks the 1 year anniversary of the costliest fire in Sooke history. With damages exceeding \$5,000,000.00 the suspicious fire destroyed a large section of the Evergreen Mall.
- The Fire Department has launched an aggressive recruiting campaign in the hopes of bringing up the numbers of volunteer firefighters. Training will begin this fall following the 2nd Annual Juan de Fuca Regional Fire Training Weekend.

Stipend Allowance:

Attendance calculations for the first half of 2014 have been completed for all the volunteer firefighters to determine who is eligible for the new volunteer firefighter stipend allowance. A total of 30 members have met the requirements set forth, while only 10 did not have sufficient hours. This equates to a 75% success rate for the first term.

July 31, 2014 Residential Fire – Sooke Road:

A major fire occurring at 16:38 hours on July 31, 2014 proved to be extremely aggressive and taxing to the fire department. The call came in as a reported structure fire and responding crews arrived on scene to discover a fully involved single family home with fire originating on the nearby garage. This quickly caught fire as well and became fully involved. In rapid succession, the radiant heat from the fire then ignited a large fifth wheel RV trailer, a nearby car and the surrounding brush. Another vehicle, boat and trailer and also suffered damages from the fire.

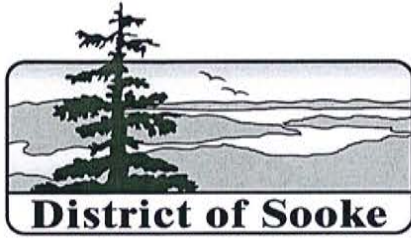
Due to the lack of water supply in the area, an immediate request for mutual aid tankers was made to Otter Point, East Sooke and Metchosin. Arriving on scene, firefighters were faced with a daunting wall of fire and very limited resources. Shortly after arrival, several very large, 100 foot plus tall trees also burst into flame, burning right to the tops of trees. With the fire spreading rapidly through tinder dry brush, a request for an additional tanker from Shirley as well as an engine from Metchosin and Langford was quickly put into place. The fire was moving quickly towards homes along Glinz Lake Road and RCMP were used to evacuate all of those properties in the immediate area as well as putting those houses a little further away on evacuation alert.

As more units arrived on scene, the new Sooke mobile command post/communications unit arrived and was put into action coordinating all of the apparatus and personnel. With the fire still spreading, a helicopter from the BC Forest Service was also needed, arriving shortly after with a three person attack team. This crew observed several spot fires in the trees moving up Glinz Lake Road. Some of the apparatus and personnel were diverted from the main fire and responded to the other fires that were popping up due to flying embers. The largest of these spot fires grew to a size of about 5000 square feet. With Highway 14 - Sooke Road closed in both directions, crews were able to focus all their attention on keeping the fire in check and getting water delivered to the scene. A total of 6 tanker trucks delivered 10s of thousands of gallons of water using four different fill sites in Sooke, East Sooke and Metchosin to four different staging locations. This in itself required considerable coordination in ensuring that apparatus could travel freely back and forth on the closed Sooke Road, all the while ensuring each site was adequately supplied with water.

BC Ambulance Service was a huge help in ensuring that all the responders had hydration and rest breaks as needed. Mainroad Contracting provided great service in supplying traffic control to the scene and several RCMP members also were of great assistance. A true team effort by all responders prevented what could have so easily been a much more significant event. Despite the extensive damage to the originating property, no other homes were lost and no injuries were reported. Some key lessons were reinforced on this incident.

- The need for multiple tanker trucks to be called quickly and put into service immediately was a key success factor.
- Lack of any wind; the day was completely calm. Even a 5km/hr wind would have been devastating.
- That the fire call came in just after 4:30 pm played a huge role in getting firefighters to the scene. Many had just returned or were in the process of coming home from work. If the call had occurred earlier in the afternoon it is unlikely the fire would have been stopped in time to prevent it from spreading.
- The cooperation of all response agencies. The joint training programs between area departments and common training and certification practices meant that personnel were familiar and confident with each others abilities.

As a strange coincidence, the same six fire departments involved in this incident, responded to the Evergreen Mall fire exactly one year ago to the day.



File No. 7200-01

REPORT FOR INFORMATION
Regular Council
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Fire Department
Re: **Sooke Fire Rescue Service – Monthly Staffing Report**

RECOMMENDATION:

THAT COUNCIL receive the Sooke Fire Rescue Service Monthly Staffing Report as of August 31, 2014 for information.

1. Executive Summary:

The following report summarizes the current staffing levels as of August 31, 2014 for the Sooke Fire Rescue Service including:


- Number of Career Firefighters
- Number of Active Volunteer Firefighters
- Number of Volunteer Firefighters on Leave on Absence
- Number of Firefighters on Light Duty Assignment
- Number of new recruit firefighters currently in training
- Number of limited duty volunteer firefighters (Driver only)
- Number of Support Service Volunteers

The numbers of firefighters are divided by the Fire Station they normally attend with those members living in Sunriver included in the totals for Station 2.

Respectfully,

Fire Chief

Approved for Council Agenda


Engineering

Planning

Corp. Services

Finance


CAO

Sooke Fire Rescue Service – Department Staffing Report 2014

MONTH		J	F	M	A	M	J	J	A	S	O	N	D
Career Staff	Chief/Deputy/Training Officer/Firefighters x 2	5	5	5	5	5	5	5	5				
Station 1	Active Volunteer Firefighters	15	14	16	16	16	16	16	16				
	Firefighters on LOA	4	4	3	3	2	4	3	1				
	Recruit Firefighters in Training	2	2	0	0	0	0	0	0				
	Firefighter on Light Duty Only		1	1	1	1	0	0	1				
	Apparatus Driver Only	1		1	1	1	0	0	1				
	Sub Total	22	21	21	21	20	20	19	19				
Station 2 including members from Sun River Station	Active Volunteer Firefighters	5	6	9	9	9	8	7	7				
	Firefighters on LOA	2	1	1	1	1	1	2	1				
	Recruit Firefighters in Training	3	3	0	0	0	0	0	0				
	Apparatus Driver Only	1	1	1	1	1	1	1	1				
	Sub Total	11	11	11	11	11	10	10	9				
Support Services	Safety Educators	6	6	6	6	6	6	6	5				
	Dispatcher	1	1	1	1	1	1	1	1				
	Chaplain	1	1	1	1	1	1	1	1				
	Medical/First Responder Instructor	1	1	1	1	1	1	2	2				
	Inspector	1	1	1	1	1	1	1	1				
	Sub Total	10	10	10	10	10	10	11	10				
Total Career Firefighters		5	5	5	5	5	5	5	5				
Total Active Volunteer Firefighters		20	20	25	25	25	24	23	23				
Total Firefighters on LOA		6	5	3	4	3	5	4	2				
Total FF on Light Duty Only				1	1	1	0	0	1				
Total Driver Only		2	2	2	2	2	1	1	2				
Total Recruits in Training		5	5	0	0	0	0	0	0				
Total Suppression		38	37	37	37	36	35	34	33				
Total Support Services		10	10	10	10	10	10	11	10				
Total Membership		48	47	47	47	46	45	45	43				

Sooke Fire Rescue Department - Monthly Emergency Incident Compilation Report

Incident Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total
Structure Fire	0	4	1	1	0	2	3	0					11
Chimney Fire	1	2	0	0	0	0	0	0					3
Appliance Fire	0	0	0	2	0	0	1	0					3
Vehicle Fire	0	0	0	0	1	1	2	0					4
Brush Fire	0	2	0	0	1	4	10	4					21
Dumpster Fire	0	0	0	0	0	0	0	0					0
Explosion	0	0	0	0	0	1	0	0					1
Motor Vehicle Incident	2	3	4	6	3	4	14	6					42
Rescue	1	0	0	1	1	1	2	0					6
Hazardous Condition	0	4	2	2	2	4	2	1					17
Public Assist	1	1	2	0	2	1	3	0					10
Alarm Bells	4	5	1	2	2	3	5	4					26
First Responder	24	32	31	34	32	25	39	27					244
Burning Complaint	6	13	2	10	13	7	9	11					71
TOTAL	39	66	43	58	57	53	90	53					459

August 2014 was a little quieter than average for the fire department with an 8% reduction in calls based on a five year average. This followed a very busy July which had a 29% increase in responses based on the same five year average. Despite the hot dry weather, firefighters have to date, responded to very few brush fires. This may be in part to the high level of awareness and publicity created by the July 31st fire that demonstrated the potential of how fast a fire can spread through the woods. A ban on campfires in the entire Coastal Fire Region may have also helped in keeping a check on the number of human caused fires.

A very active volunteer firefighter recruiting campaign is well underway. An entirely new program has been launched using the strategies of corporate branding as a means to encourage new members and to keep the awareness front and centre in the community. An open house at the fire hall attracted some interest and possibility of new recruits applying for positions. Local media have been supportive as well, providing coverage of events and free or reduced advertising for the department. A new logo, based on the Alberta volunteer firefighter emblem has been modified for Sooke and incorporated in a wide variety of products to help promote and encourage new membership. New posters, banners and a professional update on the recruiting brochure have also been completed. This year a brand new "Sooke FD" calendar will be released. This calendar will feature many photos taken by local photographers of the Sooke Fire Rescue Department in action. While this is intended as a fund-raising project by the "Panama" firefighter group, it will help keep the Sooke Volunteer name out in the public for all of 2015. Several applications have been received and screening and testing is in progress in preparation for a fall 2014 volunteer recruit firefighter training program.

Tina Hansen

Subject: FW: Please support the expropriation of Grace Islet

From: Penny and Rodney Polden [REDACTED]
Sent: Tuesday, August 12, 2014 2:54 AM
To: Info
Subject: Please support the expropriation of Grace Islet

Dear Councillor Maja Tait

I understand that in the absence of Wendal Milne until September 1st, you will be acting as Mayor and will be attending the CRD meeting on Wednesday.

I'm writing to respectfully request most sincerely that you vote in favour of the motion to expropriate Grace Islet in Ganges Harbour, Salt Spring Island, in order to protect both the islet itself, which has significant ecological value, as well as the First Nations burial site that is located there. It is of great importance to many of us who live here and to all our First Nations neighbours that a solution is achieved to the needless destruction and desecration that is presently being caused. Expropriation will be the most respectful and reasonable way to bring this current unhappy situation to a positive outcome, so my wife and I very much hope you will give a positive vote to the expropriation motion.

Thank you for the opportunity to address you regarding this important local issue.
Yours sincerely,

Rodney and Penny Polden

Tina Hansen

Subject: FW: Kinder Morgan NEB Hearings - local intervenor

From: Kandace Kerr [mailto:kandace@sooke.ca]
Sent: Wednesday, August 13, 2014 2:04 PM
To: Info
Subject: Kinder Morgan NEB Hearings - local intervenor

Mayor Milne and Members of Council,

I stood up at the end of the last Council meeting and introduced myself as a new Sooke resident and as an intervenor in the Kinder Morgan NEB hearings. Both myself and my husband are intervenors, and there is one other private citizen, as well as the T'Sou-ke First Nation, with intervenor status.

At that time I offered to meet with you to discuss any issues or concerns that we could bring forward on your behalf through the NEB review process. The next (and last for us) deadline for information requests is September 18th. The information requests are the only way we can test the application, as there are no oral hearings in this review. So this is our last kick as it were at the Kinder Morgan tires before we head into final argument.

We would be happy to meet with any or all of you to discuss any issues you may wish to see clarified or responded to. My specific interests are in the areas of emergency response, consultation, the quality of the risk assessment process used by Kinder Morgan in assessing the potential health risks associated with a tanker incident, and cumulative impacts of the project on Juan de Fuca Strait.

We were also both intervenors in the Northern Gateway Joint Review process, so we have a fair deal of experience with the process and associated procedures.

If meeting before the 18th deadline is not possible please feel free to send us your issues or questions and we can research those out and include them in our questioning. And there is always time to reconvene prior to final oral and written argument, which will not now be until mid-next year given Kinder Morgan's twist to the whole process – bringing forward tunneling through Burnaby Mountain as opposed to the original route.

Please feel free to contact us individually, we could meet as a group, or send us anything you'd like us to raise with Kinder Morgan. We intervened in the Northern Gateway process out of a duty to our community of Fort St James to bring local concerns and issues to the ears of the NEB and to get the answers the community needed in order to be prepared should the project be approved. Our involvement in the Kinder Morgan hearing is from that same sense of duty for our new community of Sooke.

Thanks very much, and looking forward to meeting with you,

Kandace



File No. 1880 - 20

REPORT FOR INFORMATION
Special Council Meeting
Meeting Date: September 8, 2014

To: Gord Howie, Chief Administrative Officer
From: Finance
Re: **Cycling Grants**

SUGGESTED ACTION:

THAT COUNCIL provide direction to staff on whether an application for funding should be submitted under either the Provincial Cycling Investment Program (PCIP) or the Cycling Infrastructure Partnerships Program (CIPP) program.

1. Executive Summary:

The Ministry of Transportation and Infrastructure currently has two grant funding programs available related to cycling projects. Both programs have application deadlines of September 30, 2014.

The first program is the Provincial Cycling Investment Program (PCIP) with \$1.31 million in funding available for significant new cycling infrastructure. The maximum eligible grant is 50% of the project costs and there is no overall maximum per application. This program has been supportive of significant trail projects in the past. There is no detailed application form to complete.

The second program is the Cycling Infrastructure Partnerships Program (CIPP) with \$1.8 million available for smaller scale projects, such as bike lanes and paths. The maximum grant amount is also 50% of a project's eligible costs however there is a maximum of \$400,000 per project. This program has a detailed application package and is meant for shelf ready projects that have completed design work and public consultation prior to application.

The District could submit an application to either program. The PCIP program would fit an application toward a larger project, such as a cycling/pedestrian bridge crossing over the Sooke River to connect the Galloping Goose to the existing trail network. That section was estimated in 2012 to cost approximately \$1.9 million when design plans were created for the Sooke River Pedestrian Crossing project.

A possible project under the CIPP program could be to complete sections of the 2012 Sooke River Pedestrian Crossing project other than the bridge, adding instead a section that would complete the planned trail along Sooke River Road to end at Highway 14/Sooke Road. This possible project is estimated to cost approximately \$300,000.






2. Financial Implications

The grant programs would provide up to 50% in funding, which would still leave 50% to be funded by the District. Using the CIPP program above as an example, that would leave a cost of approximately \$150,000 to the District. The District's share could be funded through Gas Tax monies as this would be an eligible project under the Gas Tax program. Sufficient funding would be available in the Gas Tax Reserve Account, including existing budget commitments, for a smaller scale project such as the CIPP example above. This would require an amendment to the 2014-2018 Five Year financial Plan.

Sincerely,



Brent Blackhall, CA
Deputy Director of Finance

Approved for Council Agenda	
 _____ Engineering	 _____ Planning
 _____ Corp. Services	 _____ Finance
 _____ CAO	

Tina Hansen

Subject: FW: from Hicks re- grant

From: directorjdf [<mailto:directorjdf@crd.bc.ca>]

Sent: Monday, August 25, 2014 4:23 PM

To: Bonnie Sprinkling

Subject: from Hicks re- grant

Mayor and Council,

My wife Kathy and I own and operate Arbutus Cove Guesthouse in North Sooke. The majority of our guests are cyclists who arrive on the Galloping Goose trail and spend a couple of days enjoying the area. Unfortunately they do not bike into Sooke because of the section between the Galloping Goose Trail and Sooke Road via Sooke River Road.

In addition to the tourism traffic, children of North Sooke wanting to access the new Seaparc bike park or Edward Milne, Poirier or Journey Schools are also endangered by the lack of an adequate shoulder on Sooke River Road.

I would like to alert you to the grant program offered by the B.C. Government for cycling infrastructure and encourage you to explore the possibility of using this grant towards establishing an adequate shoulder for the walking and biking residents and tourists from the Highway to the Galloping Goose Trail.

Although this improvement might seem small, it could create a terrific safe bike path for our children, a small but important economic benefit for our Sooke business community and an enhanced experience for our tourist visitors.

Thank you

Mike Hicks

**CYCLING INFRASTRUCTURE PARTNERSHIPS PROGRAM (CIPP) - 2014/15
Applications Now Available**

The Ministry of Transportation and Infrastructure is pleased to announce the continuation of the Cycling Infrastructure Partnerships Program (CIPP) for 2014-15. The CIPP is a cost-shared program where the Government of British Columbia will partner with local governments in the construction of new transportation cycling infrastructure.

<http://www.th.gov.bc.ca/BikeBC/CIPP.html>

Submission Deadline: September 30, 2014 for projects that can be completed within one year of funding approval.



DISTRICT OF TAYLOR
www.DistrictofTaylor.com

Box 300, Taylor, BC V0C 2K0

DISTRICT OFFICE
10007 - 100A Street

Phone: (250) 789-3392
Fax: (250) 789-3543

September 3, 2014

Reiko Tagami
Information & Resolutions Coordinator
Union of British Columbia Municipalities

Via email: rtagami@ubcm.ca

Re: Emergency Resolution – 2014 UBCM Convention

Please be advised that at the September 2, 2014 meeting of Council, the District of Taylor passed the following emergency resolution for submission and consideration at the 2014 UBCM Convention in September. Council deems this resolution to qualify under "emergency" status since it is a topic which has arisen since the June 30, 2014 deadline and is also one that affects libraries across the Province.

Discontinuation of Community Library Training Program

District of Taylor

WHEREAS the Community Library Training Program (CLTP) was a distance education model, coordinated by the provincial government's Libraries Branch that provided professional training and certification opportunities for public library staff without the burden and expense of having to be away from their community;

AND WHEREAS the provincial government has announced the discontinuation of the CLTP without identifying alternative training and certification opportunities, leaving current CLTP participants uncertain whether they will be able to complete the program or obtain certification, and would leave public library staff across the province, with a lack of options for professional training and certification;

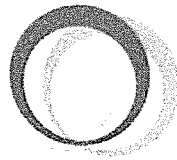
THEREFORE BE IT RESOLVED that the Ministry of Education share with BC public libraries the details from the CLTP program review and communicate as soon as possible its plan for establishing or identifying professional training and certification opportunities for library staff at a level equivalent to the Community Library Training Program.

The District of Taylor Council look forward to advancing discussions towards a favorable resolution in September.

Sincerely,

Charlette McLeod
Administrator

COPY



GREEN COMMUNITIES
COMMITTEE

District of Sooke
AUG 19 2014
Received

Ref: 156222

August 14, 2014

His Worship Mayor Wendal Milne and Members of Council
District of Sooke
2205 Otter Point Road
Sooke, BC V9Z 1J2

Original Document to File No. 5270-01			
For Action by:	CC	Agenda	Other
Mayor/Council	<input checked="" type="checkbox"/>		
Council Reader File	<input type="checkbox"/>		
CAO	<input checked="" type="checkbox"/>		
Corp Services	<input type="checkbox"/>		
Engineering	<input checked="" type="checkbox"/>		
Finance	<input type="checkbox"/>		
Planning	<input type="checkbox"/>		
Fire	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

Dear Mayor Wendal Milne and Councillors:

On behalf of the joint Provincial-Union of BC Municipalities (UBCM) Green Communities Committee (GCC), we would like to extend our congratulations for your successful efforts to measure and reduce your corporate greenhouse gas emissions for the 2013 reporting year.

As a signatory to the Climate Action Charter (Charter), you have demonstrated your commitment to work with the Province and UBCM to take action on climate change and to reduce greenhouse gas emissions in your community and corporate operations.

Climate change is a global challenge. The work that your local government has undertaken to measure and reduce its corporate emissions demonstrates strong climate leadership and sets the stage for broader climate action in your community. This leadership and commitment is essential to ensuring the achievement of our collective climate action goals.

As you are likely aware, the GCC was established under the Charter to support local governments in achieving their climate goals. In acknowledgement of the efforts of local leaders, the GCC is again recognizing the progress and achievements of local governments such as yours through the multi-level Climate Action Recognition Program. A description of this program is attached to this letter for your reference.

As a Charter signatory who has completed a corporate carbon inventory for the 2013 reporting year and has demonstrated familiarity with the Community Energy and Emissions Inventory, you have been awarded Level 2 recognition – ‘Measurement.’

In recognition of your achievements, the GCC is very pleased to provide you with ‘green communities’ branding for use on official websites and letter heads. An electronic file with the 2013 logo will be provided to your Chief Administrative Officer. Also included with this letter is a 2013 Green Communities window decal, for use on public buildings.

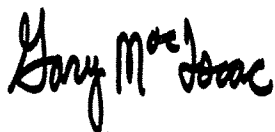
.../2

Congratulations again on establishing your corporate emissions inventory and your overall progress. We wish you continued success in your ongoing commitment to the goal of corporate carbon neutrality and your efforts to reduce emissions in the broader community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay" followed by a long horizontal stroke.

Jay Schlosar
Assistant Deputy Minister
Local Government Division

A handwritten signature in black ink, appearing to read "Gary MacIsaac".

Gary MacIsaac
Executive Director
Union of British Columbia Municipalities

Enclosures



GCC Communiqué on the Climate Action Recognition Program

In acknowledgment of the ongoing efforts of local leaders, the joint Provincial-UBCM Green Communities Committee (GCC) is pleased to be continuing the **Climate Action Recognition Program** for BC local governments for the 2013 reporting year. This is a multi-level program that provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each *Charter* signatory.

Recognition is provided on an annual basis to local governments who demonstrate progress on their *Charter* commitments, according to the following:

Level 1: Progress on Charter Commitments

All local governments who demonstrate progress on fulfilling one or more of their *Charter* commitments will receive a letter from the GCC acknowledging their accomplishments.

Level 2: Measurement

Local governments who have completed a corporate carbon inventory for the reporting year and demonstrate that they are familiar with the Community Energy and Emissions Inventory (CEEI) will receive a 'Climate Action Community 2013' logo, for use on websites, letter head and similar.

Level 3: Achievement of Carbon Neutrality

Local governments who achieve carbon neutrality in the reporting year will receive a 'Climate Action Community – Carbon Neutral 2013' logo, for use on websites, letter head and similar.

To be eligible for this program, local governments will need to complete a Climate Action Revenue Incentive Program (CARIP)/Carbon Neutral Progress Report and submit it to the Province in accordance with the program guidelines. Determination of the level of recognition that each community will receive will be based on the information included in each community's annual CARIP report. Additional information on CARIP reporting is available online at: www.cscd.gov.bc.ca/lgd/greencommunities/carip.htm .



The

Sooke Region Chamber of Commerce

PO Box 18, #201 - 2015 Shields Road, Sooke, British Columbia, V9Z 0E4
www.sookeregionchamber.com 250.642.6112 info@sookeregionchamber.com

Chamber Update to District of Sooke – September 8, 2014

Preamble

The Sooke Region Chamber of Commerce (the “Chamber”) is pleased to provide regular monthly updates to the Mayor and Council of the District of Sooke (the “DoS”). This updating process will act as an instrument to clearly communicate Chamber activities and initiatives, as well as to provide the DoS with recommendations to proactively plan for opportunities and challenges that are identified, as they relate to economic development for the Sooke region.

The Chamber’s activities and initiatives are based on following its core purpose, which is defined as being:

- *a supportive resource for local businesses to achieve greater success*
- *to facilitate new economic development opportunities*
- *to foster positive business relationships with the community*
- *to constructively influence public policy and governments in supporting free enterprise*

July/August 2014 Overview

Administration:

- Chamber has restructured many of its internal processes, accounting protocol and committee structures in anticipation of potentially managing the proposed 2% hotel tax program.
- “Events” section of the Chamber website now has direct links to the Google calendars for the Sooke Philharmonic Orchestra, Transition Town, and Sooke Region Museum. All other organizations are welcome to have their links created as well. Contact Chamber office for more details.
- As part of a 10 year plan for future transportation improvements being developed by the Ministry of Transportation and Infrastructure, Chamber President Michael Nyikes will be meeting with the provincial government’s parliamentary staff to discuss transportation ideas and needs to, from and within the Sooke region. The Chamber would welcome any comments or concerns from both the business and resident community prior to Tuesday September 2nd at info@sookeregionchamber.com
- Chamber President Michael Nyikes was a keynote speaker at the Nanaimo Chamber of Commerce Board of Directors meeting in July discussing effective strategies for Chamber/Municipal Government Communications, as well as not-for-profit business and operational planning protocol.
- Responded to 124 inquiries from residents, visitors and prospective business owners on starting up or relocating their families or businesses to Sooke.
- Current membership status is 145 member companies.

Business Assistance:

- A number of important business communication pieces were sent to members in July and August, particularly in regards to the new anti-spam legislation (which came into effect July 1st), WCB’s workplace anti-bullying law, and natural disaster emergency preparedness information.
- Chamber continues to market its free online directory to all businesses (member and non-members) and is receiving strong uptake. There are currently well over 150 local businesses listed in various categories.

Business Promotions/Marketing/Advertising:

- Chamber President Michael Nyikes' regular monthly column in Business Examiner Victoria on behalf of the Sooke Region promoted a Sooke based incubation strategy to assist local entrepreneurs in the JUNE 2014 edition; promoted the "Better Buy Sooke" program in the JULY 2014 edition; and, promoted the employment in Sooke opportunities via Worklink in the AUGUST 2014 edition. These articles are available on the Chamber website in the Media/News section.
- Chamber's coordination of a 2 page editorial spotlight on Sooke in the annual edition of the 2014 West Coast SunCruiser magazine was widely received and promoted throughout the summer by local businesses and visiting tourists alike. The publication has a distribution of 100K copies throughout BC, Alberta, Washington, Oregon and California and the Chamber believes acted as a strong catalyst for visitors come to Sooke in the summer tourist season via boat, RV, motorcycle, or other means. It is also noteworthy that the front cover of the magazine had the prominent tagline "Wild by Nature - Seductive Sooke" on it.
- Chamber's "Better Buy Sooke" shop local campaign has been well received by Chamber business members as many of them have now displayed their Better Buy Sooke window sticker (see below) in their storefront windows to demonstrate their support for the shop local philosophy.



- Chamber's Business Member Spotlight series with Sooke News Mirror has had good uptake with a number of local businesses being profiled (most recently "Barking Dog Studios", "Trim Your Taxes Business Solutions", "Clearpath Acupuncture Ltd" & "Hub International Barton Insurance Brokers").
- Chamber held very successful Chamber Mixers at Pemberton Holmes Real Estate in July and at TD Canada Trust in August.
- Chamber congratulates seasonal expansion of "The Stick Coffee Shop" to an additional location at the Prestige Oceanfront Resort for the summer months, as well as the opening of new location for "A Sea of Bloom/Inspire Home Décor" on Otter Point Road.

Community Activities:

- Chamber held another successful Newcomer's Club meeting in July, which saw 15 new residents attend. The Newcomer's Club is aimed at bringing relatively new Sooke residents together to bridge the gap between them and local businesses. This is an effort to advocate a stronger "Shop Local" culture.
- Chamber was pleased to support the "Communities in Bloom - Business Beautification Contest" by providing certificates, stickers and administrative assistance.
- Chamber was pleased to support the "28th Annual Sooke Fine Arts Show" with a sponsorship and has promoted the Sooke Fall Fair in outgoing correspondences and social media.
- Chamber has completed the planning of its annual Chamber Golf Tournament, which will be held at the DeMamiel Creek Golf Course on September 18th. This event is open to everyone, with sponsorship opportunities and tickets to play golf still available. Contact Chamber office for details.
- Chamber will be facilitating an All-Candidates Q&A Session in early November for mayoralty and councilor candidates who decide to run for District of Sooke Council in this year's municipal elections.

This session will be open to everyone to attend and the Chamber is currently seeking questions from the general public, Sooke's youth and business owners of Sooke for the Q&A session. More details to come.

Economic Development Initiatives:

- Chamber has restructured many of its internal processes, accounting protocol and committee structures in anticipation of potentially managing the proposed 2% hotel tax program. Meetings have been ongoing with the District of Sooke staff and stakeholders such as the Visitor Information Centre, Sooke Region Tourism Association and the major accommodation providers to develop a business plan in anticipation of submittal to DoS Council for endorsement and BC government for approval. To date there appears to be support for this initiative from stakeholders, however it has not been consensus on what existing organization (ex: the Chamber), or perhaps the creation of a new organization, will be most desirable to correctly manage and administer this program.
- Chamber has now had 3 meetings with a mainland-based composting company that is interested in establishing a new state-of-the-art organic composting facility in the Sooke region, with most recent discussions considering T'Souke First Nation lands for this business opportunity as per zoning issues with DoS properties.
- Chamber has met with a prominent central Vancouver Island based sea salt harvesting company in regards to relocating his globally recognized manufacturing company to the Sooke region.

Chamber recommendations to DoS

- **Chamber encourages the DoS to endorse the upcoming 2% hotel tax and put their support behind having the Chamber manage and administer the program on behalf of the Sooke region.**

Respectfully submitted by the Sooke Region Chamber of Commerce