

Notice of Meeting and Meeting Agenda Capital Regional District Board

Wednesday, May 25, 2016

10:00 AM

6th Floor Boardroom

Special Meeting

1. APPROVAL OF THE AGENDA

2. PRESENTATIONS/DELEGATIONS

2.1. 16-660 Delegation: Tom Benjamin, CUPE Local 1928 re Item 3.1

Attachments: Delegation Registration: Tom Benjamin, CUPE Local 1978

2.2. 16-661 Delegation: David Langley re Item 3.1

Attachments: Delegation Registration: David Langley

2.3. 16-662 Delegation: Robert Drew re Item 3.1

Attachments: Delegation Registration: Robert Drew

3. SPECIAL MEETING MATTERS

3.1. [16-657](#) Core Area Wastewater Treatment Project Board - Terms of Reference and Bylaws

Recommendation:

- 1) That the Core Area Wastewater Treatment Project Board Terms of Reference, as set out in Appendix A, be approved.
(NWA)
- 2) That Bylaw No. 4109, "Core Area Wastewater Treatment Project Board Bylaw No. 1, 2016", be introduced and read a first and second time.
That Bylaw No. 4109 be read a third time.
That Bylaw No. 4109 be adopted.
(WP - Colwood, Esquimalt, Langford, Oak Bay, Saanich, Victoria, View Royal 2/3 maj. on adoption)
- 3) That Bylaw No. 4110, "Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016", be introduced and read a first and second time.
That Bylaw No. 4110 be read a third time.
That Bylaw No. 4110 be adopted.
(NWA 2/3 maj.)

Attachments: Staff Report: Core Area Wastewater Treatment Project Board

[Appendix A: Project Board Terms of Reference](#)

[Appendix B: Bylaws 4109 and 4110](#)

3.2. [16-637](#) Support for Regional Fundraising Initiatives for Wildfire Losses in Northern Alberta

Recommendation: Whereas the devastation and loss of property experienced by those in the Ft. McMurray region has been unprecedented in recent Canadian history,
And, whereas the time and costs for residents and businesses to return to normal will be significant and immense,
And, whereas Canadians from across our nation will want to help those who have experienced significant loss and experienced trauma as a result of the wildfire,
And, whereas the residents of the CRD will want to show their support those affected by the wildfires in the Fort McMurray region,
Be it resolved that the CRD will support regional fundraising initiatives or activities to support those in need as a result of the loss caused by wildfires in Northern Alberta.
(NWA)

Attachments: [Notice of Motion: Fort McMurray Wildfire Support](#)
[Supplementary Staff Report](#)

4. MOTION TO CLOSE THE MEETING

4.1. [16-658](#) Motion to Close the Meeting

Recommendation: That the Board close the meeting in accordance with the Community Charter, Part 4, Division 3, 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 regional district or another position appointed by the regional district.
(NWA)

5. ADJOURNMENT

Voting Key:

NWA - Non-weighted vote of all Directors

NWP - Non-weighted vote of participants (as listed)

WA - Weighted vote of all Directors

WP - Weighted vote of participants (as listed)

From:
Sent: Friday, May 20, 2016 11:11 AM
To: Legserv
Subject: Addressing the Board - Submission

Categories: Board Delegation

The following message was received through the form at '<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your name::
Tom Benjamin

I represent::
CUPE Local 1978

Telephone::

Fax::

Email address::
vice_pres@cupe1978.com

Street address (optional)::
203-2736 Quadra St.

Victoria, BC V8T 4E6

Municipality/Electoral Area in which you reside::
Saanich

I wish to address::
CRD Board

Meeting Date::
May 25, 2016

Agenda Item::
Item 3.1

My reason(s) for appearing (is/are) and the substance of my presentation is as follows::
To comment on the draft terms of reference and bylaws for the new Project Board.

I will have a PowerPoint or video presentation and will submit it at least 24 hours in advance of the meeting.:
No

The meeting and my presentation will be webstreamed live via the CRD website and recorded.:

I understand,

Submitted at:5/20/2016 11:11:05 AM

Submitted via:<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>

User Agent:Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.1; WOW64; Trident/7.0; SLCC2; .NET CLR 2.0.50727; .NET CLR 3.5.30729; .NET CLR 3.0.30729; Media Center PC 6.0; .NET4.0C; .NET4.0E; .NET CLR 1.1.4322)

User t

From:
Sent: Friday, May 20, 2016 3:12 PM
To: Legserv
Subject: Addressing the Board - Submission

Categories: Board Delegation

The following message was received through the form at '<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your name::
David Langley

I represent::

Telephone::

Fax::

Email address::
dnlanglely@shaw.ca

Street address (optional)::
4040 Haro Road

Municipality/Electoral Area in which you reside::
Saanich

I wish to address::
CRD Board

Meeting Date::
May 25th

Agenda Item::
3.1

My reason(s) for appearing (is/are) and the substance of my presentation is as follows::
Comments regarding the Core Area Wastewater Treatment Project Board

I will have a PowerPoint or video presentation and will submit it at least 24 hours in advance of the meeting.:
No

The meeting and my presentation will be webstreamed live via the CRD website and recorded.:
I understand,

From:
Sent: Monday, May 23, 2016 4:27 PM
To: Legserv
Subject: Addressing the Board - Submission

Categories: Board Delegation

The following message was received through the form at '<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your name::
Robert Drew

I represent::
Resident Owner, Victoria

Telephone::

Fax::

Email address::

Street address (optional)::

Municipality/Electoral Area in which you reside::
Victoria

I wish to address::
CRD Board

Meeting Date::
May 25

Agenda Item::
3.1

My reason(s) for appearing (is/are) and the substance of my presentation is as follows::
A. PUBLIC INPUT

The Project Board Terms of Reference (Schedule 'A), includes in its "Vision"

"The Project Board will give consideration to, and reflect, public input received with an objective of being responsive to community values and concerns."

The above important aspect of "public input" regarding "community concerns" has been omitted from the actual proposed project Board Bylaw.

This should be specifically added to list the Project Elements on page 4 of the proposed Bylaw 4109

Proposed By-Law 5.10 provides that the By-Laws take precedence over the Terms of Reference. Since the Bylaws are silent on public input it should be included by an amendment at this meeting.

Other sections of the Bylaw like 3.1(f) regarding Positive measures to integrate the project and doesn't refer to consultation with the public.

-Nor does item 8. In the Project Board's Role and function, : "Oversee Project communications, information, and consultation activities."

-On page 4, the "Project Team" will include expertise including 'communication and consultation' but does not refer to if and when this would involve public input.

B. ANY PUBLIC CONSULTATION LEAD BY THE PROJECT BOARD

B(1) In the terms of reference the Project Board's guiding Principles and Values at #4 refers to this Board "will work cooperatively with host communities on siting the facility or facilities."

Given the unsuccessful recent history at the municipal level with this. Part of this consultation includes the specific direct or implied instructions and directions given by the Directors and municipal officials which may potentially shape the results. Delegating this to the new projects Team would de-politicize the consultation process itself and ensure a more professional information. This new Board would be able to filter out those with a narrow, localized agenda, with the member insulated from the implied political threats and pressures or even bullying.

B(2.) Proper consultation with qualified experts with those owners and residents who could be affected by the siting of a sewage plant for their concerns on technical matters.

For example even though the hundreds of residents in homes or expensive modern strata adjoining or near the Inner Harbours, and are part of the West Victoria Community association would be directly affected by BOTH a site at Rock Bay, and a site at McLaughlin Point, they did not receive proper notice, as claimed.

Particularly from any sewage spill from Rock Bay, or being directly downwind from the strong prevailing winds from a McLaughlin Point site.

Late in the public consultation, the CRD published a notice listing meetings in the Times Colonist including only a brief mention of a meeting at the VWCA bldg. on the very same day as the meeting itself! This was patently unsatisfactory And then the CRD did not send an Engineer, but only a town planner who could not answer technical questions of concern.

With all respect, any claims by CRD or Municipal staff that there was extensive and sufficient notice to the residents of Vic West are not accurate.

C. In the "Goals" the Project Board included as a goal supporting the Vision in #4.

Deliver a solution that adds value to the surrounding community and enhances the livability of neighbourhoods.

This is somewhat idealistic and unrealistic given the subject matter of the project. It may be discriminatory by excluded some communities even before solutions are offered.

E. The Project Charter should be rescinded insofar as participating municipalities are concerned, - particularly with respect to their volunteering the sites. This can prevent some gamesmanship.

It should this should be left to QUALIFIED experienced engineers with experience in the field, identifying the best sites technically and then proceeding from them.

This might include current park lands if it can be shown that the public park can continue in an enhanced way.

(Any comments made by me are as an informed land-owner and not as a retired lawyer are not to be construed as legal advice, for which the reader should seek their own solicitor)

I will have a PowerPoint or video presentation and will submit it at least 24 hours in advance of the meeting.:

No

The meeting and my presentation will be webstreamed live via the CRD website and recorded.:

I understand,

Submitted at:5/23/2016 4:26:38 PM

Submitted via:<https://www.crd.bc.ca/about/how-we-are-governed/addressing-the-board/addressing-the-crd-board-committees>

User Agent:Mozilla/5.0 (Macintosh; Intel Mac OS X 10_7_5) AppleWebKit/537.78.2 (KHTML, like Gecko)

Version/6.1.6 Safari/537.78.2

User Host Add

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, MAY 25, 2016**

SUBJECT **Core Area Wastewater Treatment Project Board – Terms of Reference and Bylaws**

ISSUE

To establish a new Core Area Wastewater Treatment Project Board “Project Board” and approve its Terms of Reference.

BACKGROUND

The Minister of Community, Sport and Cultural Development attended the Capital Regional District (CRD) Board meeting on April 13, 2016 and offered to assist in finding a way forward with addressing the need for a wastewater treatment solution for the Core Area. The Minister asked Partnerships BC and consultant Mr. Peter Milburn to assist in conducting due diligence and making recommendations.

At the Board meeting on May 11, 2016, the Province’s assessment and recommendations were presented and approved in principle by the Board. Staff were directed to work with provincial representatives to prepare draft Terms of Reference and a new Core Area Wastewater Treatment Project Board bylaw (see appendices A & B). The Terms of Reference reflect the provincial recommendations, in consideration of the work carried out to date by the Core Area Liquid Waste Management Committee, Eastside and Westside Select Committees and Board objectives and priorities. The Terms of Reference also respond to the offer of assistance and facilitation from the Minister to enable a Treasury Board submission to secure funding.

The Project Board will take on the Project immediately with delegated authority to undertake all aspects of planning, site acquisition project management and expenditures.

The review and appointment of Project Board members is the subject of a closed report on this agenda.

The Project Board will be charged with preparing and submitting a project proposal and business case to the Board for submission to the Provincial Treasury Board by September 30, 2016. This timeline also coincides with the funding extension granted by 3P Canada and the expectations of the provincial and federal governments in relation to securing funding. Once a business case is approved, the Project Board would complete the procurement process and implementation of the Project.

IMPLICATIONS

The Project Board will be delegated broad authority from the CRD Board to carry out the Project, including the ability to enter into agreements and contracts and to acquire land. Upon approval of a comprehensive business case by the CRD Board and the provincial government with concurrence from the federal government, the necessary amendments to the CRD financial plan and budget will be required in accordance with new funding agreements.

The business case will consider options to include enhanced secondary or tertiary treatment and Integrated Resource Management (IRM) elements (or IRM compatible). The business case may recommend the inclusion of these elements as a base scope or as separately-priced optional items. This will enable consideration of additional funding from the senior government partners in support of the accepted project and preserve the opportunity for the CRD to incorporate additional scope.

The Project may now incorporate a range of contract delivery models, including performance-based models such as Design-Build-Finance-Operate-Maintain, that would support innovation and the use of leading technologies. The Project will be approached from the perspective that waste materials should be treated as resources to create a system that supports the principles of IRM. There will also be positive measures to integrate infrastructure within the host municipality(ies) and deliver a solution that adds value to surrounding communities.

Under the Terms of Reference and delegated authority, the Project Board will prepare and submit amendments to the Core Area Liquid Waste Management Plan for the purposes of the Project.

The Project Board will report to the CRD Board on a quarterly basis. The Project Board will also give consideration to, and reflect, public input received with an objective of being responsive to community values and concerns.

The Project Board will meet *in camera* as required to ensure that thorough and robust discussion can occur regarding items that may involve commercial confidentiality and project risk. The *Community Charter* provides for these issues to be dealt with in closed session; the Project Board will need to convene its meetings in accordance with the CRD Procedures Bylaw and the legislation.

CONCLUSION

Staff have worked with provincial representatives, and legal counsel, as well as a project management advisor, to prepare Terms of Reference for the Project Board. Staff have also worked with the CRD municipal solicitor to prepare the Project Board and delegation bylaws. The Terms of Reference and the bylaws provide broad authority to the Project Board to carry out all aspects of the Project. The Project Board will develop a project proposal and business case for approval by the CRD Board and provincial and federal funding partners and subsequent to approval, proceed with project implementation.

RECOMMENDATION

1. That the Terms of Reference for the Core Area Wastewater Treatment Project Board, as set out in Appendix A, be approved;
2. That Bylaw No. 4109, “Core Area Wastewater Treatment Project Board Bylaw No. 1, 2016”, be introduced and read a first and second time, read a third time, and adopted; and
3. That Bylaw No. 4110, “Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016”, be introduced and read a first and second time, read a third time, and adopted.

Submitted by:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

LH:cl

Attachments: Appendix A – Draft Terms of Reference
Appendix B – Bylaw No. 4109 and Bylaw No. 4110

RESOLUTION OF THE CAPITAL REGIONAL DISTRICT BOARD

The Core Area Wastewater Treatment Project (the “Project”)

Project Board Terms of Reference

Purpose

The purpose of these Terms of Reference is to set out the role, responsibilities and function of the Project Board. The Terms of Reference provide a framework that includes the Project vision and goals, guiding principles and values, meeting protocols, confidentiality considerations and identifies those matters that must be referred to the CRD Board for approval.

Background

In 2006, an environmental report commissioned by the Ministry of Environment noted the contamination of seabed sites close to Capital Regional District (CRD) outfalls where the region’s wastewater is discharged. As a result, the Province mandated that the CRD plan for and initiate secondary sewage treatment for the region.

The CRD has made considerable efforts to meet its commitment, and many options to deliver wastewater treatment have been explored. These efforts include technology and siting options, extensive public consultation, and input from the various committees of the CRD (including the Eastside Select Committee and the Westside Select Committee). This work provides the Project with a wealth of technical information to inform the next steps in moving the Project forward. On May 11, 2016, the CRD Board adopted a series of recommendations on next steps for the Project. These included establishing a Project Board with delegated authority to undertake all aspects of business case planning, site acquisition, project management and expenditures.

Vision

The Project Board will deliver a sewage treatment and resource recovery system that is innovative, achievable and optimizes benefits - economic, social and environmental (including climate change mitigation) - for the long term.

The Project Board will approach the project from the perspective that waste materials should be treated as resources and managed as such, with a long term objective to create a system that supports the principles of Integrated Resource Management (IRM).

The Project Board will give consideration to, and reflect, public input received with an objective of being responsive to community values and concerns.

Goals

The Project Board has the following goals to support achieving this vision:

1. Meet or exceed federal regulations for secondary treatment by December 31, 2020.
2. Minimize costs to residents and businesses (life cycle costs) and provide value for money.
3. Optimize opportunities for resource recovery and greenhouse gas reduction.
4. Deliver a solution that adds value to the surrounding community and enhances the livability of neighbourhoods.

Project Scope – Principles

The Project will include the following elements:

1. Wastewater treatment process (WWTP) design capacity to meet Provincial Municipal Wastewater Regulation (MWR) requirement for sewage flows with an Average Dry Weather Flow (ADWF) of 108 ML/day.
2. WWTP, capacity, redundancy and waste water overflow meet Provincial effluent quality regulations.

3. WWTP meets the National Wastewater Systems Effluent Regulations (Fisheries Act) mandatory minimum effluent quality standards that can be achieved through secondary wastewater treatment.
4. Bio-solids treatment that allows for a range of beneficial uses.
5. Conveyancing system.
6. Positive measures to integrate the infrastructure within the host municipality or municipalities.

The Business Case will consider options to include the following:

1. Enhanced secondary or tertiary treatment.
2. Integrated Resource Management elements (or IRM compatible).

The Business Case may recommend the inclusion of these elements as base scope or as separately priced optional items.

Project Board Role and Function

The role of the Project Board is to:

1. Be responsible for overall planning, project management, site acquisition, expenditures, and liquid waste management planning for the purposes of the Project.
2. Select a Project Director to oversee all aspects of the Project.
3. Provide direction and guidance to the Project Director on Project matters, including the development of a decision making framework, business priorities, strategies and resource approval, and appropriate project controls and reporting procedures.
4. Manage the development of a comprehensive Business Case for submission to the federal and provincial governments to confirm funding to proceed to project implementation.
5. Appoint or confirm advisors including fairness advisor and conflict of interest adjudicator.
6. Oversee Project scope, schedule and budget as the Project progresses through planning, procurement and implementation phases, with particular attention to risk identification and risk management.

7. Work with the Project Director to resolve material issues that may arise over the course of the Project.
8. Oversee Project communications, information and consultation activities.

Project Board approval is required for:

1. The project management organizational structure and appointment of key resources for the project including the Project Director.
2. The proposed scope, schedule and budget for the Project.
3. The establishment and implementation of a communications & consultation plan and any significant deviations from the communications/consultation plan.

Role of Project Board Members

Project Board members will exercise their professional expertise and judgement to plan and implement the Project in accordance with the Project Vision and Goals. During the Business Case planning process Project Board members will approach options objectively, and will consider each option on the basis of the information and analysis that is developed by the Project Director and Project Team.

Project Team

The Project Director will lead a Project Team to plan, procure and implement the Project. The Project Director will prepare a Project Management Plan to guide the work. The Project Team will include relevant expertise required for the Project, including financial, technical, estimating, communication and consultation, procurement and legal expertise. Membership of the team will reflect the requirements of the work at a particular time and may change over time.

Project Board Guiding Principles and Values

The following principles and values will guide the Project Board's decision-making and actions:

1. The Project must be in full compliance with applicable federal and provincial legislation and regulations within the required timelines.
2. Option analysis will have regard for lifecycle costs (both capital and operating), the highest environmental standards, and IRM, within the context of the Project's schedule and budget constraints. Considerations and trade-offs between operating and capital costs, qualitative outcomes and schedule will be transparent in the Business case analysis.
3. A range of contract delivery models will be explored, including performance-based models such as Design-Build-Finance-Operate-Maintain models that would support innovation and the use of leading technologies.
4. The Project Board will work cooperatively with host municipalities on siting the facility or facilities.
5. The Project Board will work cooperatively with funding partners and will be full compliance with funding agreements.

Project Board – Meeting/Reporting

1. The Project Board will meet as required, but no less frequently than once in each calendar quarter.
2. The Chair will call Project Board meetings; issue and approve agendas and minutes for Project Board meetings; and provide direction as required to the membership regarding Project Board responsibilities.
3. Where possible, agenda, resolutions and background documents will be provided to all Board members at least 48 hours prior to the meeting.
4. The Project Board will provide the CRD Board with a comprehensive quarterly report which will describe the status of the Project, and specifically address Project scope, budget, schedule and risk. The report will include a dashboard or executive summary which will highlight material changes in any of these areas. Further information on the contents of the quarterly report is provided at Appendix A.

5. The Project Board will review the risk registry at least twice per year; any material change in any risk item will be highlighted as part of the quarterly report.

Confidentiality and Conflict of Interest

Information that is provided to the Project Board in confidence, or that is by its nature confidential, will be treated in confidence by members and not disclosed to third parties (including their own employer or any other organization with which the member has a relationship). The duty to maintain information in confidence continues after a Project Board member ceases to become a Project Board member.

Project Board members will declare any relevant personal, academic, professional or business interests on an ongoing basis. The Chair shall be responsible for the management of any conflicts of interest. Project Board members may be excluded from the Project Board or from consideration of specific items in which they have an interest where this is necessary to avoid a conflict (real or perceived).

CRD Board approvals

The CRD Board has overall accountability for the Project.

CRD Board approval is required for:

1. The final Business Case prior to submission to the federal and provincial governments.
2. Any changes that could materially affect scope, schedule, budget (materiality includes the ability to meet federal regulation requirements, availability of funding or costs to taxpayers).

CRD approval will not be required to enter into a contract with the preferred proponent provided if there are no material changes to scope, schedule or budget.

Appendix A

Quarterly Project Status Reports will include:

1. Executive Summary/Project Dashboard

One to two pages – highlights status of scope, schedule and budget and identifies current decisions required and risks and risk mitigation strategies. Key activities over the last reporting period are highlighted

2. Key Activities

Key activities completed in the current period are described; works/activities proposed for the next period are identified.

3. Project Scope

Project details and description are set out. Any changes/proposed changes to Project Scope are discussed.

4. Budget/Financial

Progress against budget is set out (planned versus actual expenditures). Draws on contingency, if any, can be identified.

5. Schedule Status

Schedule milestones are identified, and progress against each milestone is tracked.

6. Risk

Key risks are identified, and risk mitigation strategies are discussed.

7. Project Communications and Consultation

Project communications and consultation activities completed in the current period are described; activities proposed for the next period are identified. Any current or emerging issues are identified.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4109

**A BYLAW FOR THE ESTABLISHMENT OF THE CORE AREA WASTEWATER
TREATMENT PROJECT BOARD TO ADMINISTER THE CORE AREA
WASTEWATER TREATMENT PROJECT**

WHEREAS:

- A. The Regional Board of the Capital Regional District may establish a commission under section 263(1)(g) of the *Local Government Act* R.S.B.C. 2015 c. 1, to operate Regional District services, undertake operation and enforcement in relation to the Regional Board's exercise of its regulatory authority, and manage property or an interest in property held by the Regional District.
- B. The Regional Board of the Capital Regional District has adopted by resolution the Core Area Wastewater Treatment Project Board Terms of Reference dated May 25, 2016 for the purposes of establishing principles governing the Core Area Wastewater Treatment Project.
- C. The Regional Board of the Capital Regional District wishes to establish the Core Area Wastewater Treatment Project Board for the purposes of administering the Core Area Wastewater Treatment Project.

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

1. Definitions

In this Bylaw unless the context otherwise requires:

"BUSINESS CASE" means a written report justifying the proposed Project, its costs and timelines and prepared in accordance with the funding requirements of Senior Governments;

"CORE AREA WASTEWATER TREATMENT PROJECT" means all work connected with the design, procurement, construction, commissioning and financing of the Wastewater Treatment Project to serve the Core Area Participants and which may also include operating the service of Wastewater Treatment;

"CORE AREA PARTICIPANTS" mean the City of Colwood, the Township of Esquimalt, the City of Langford, the District of Oak Bay, the District of Saanich, the City of Victoria and the Town of View Royal and the Juan de Fuca Electoral Area;

“COMMISSIONING” means the putting into functional operation of the Wastewater Treatment Project or a component of the Wastewater Treatment Project;

“FUNDING AGREEMENTS” mean the agreements between the Capital Regional District and Senior Governments setting out the terms and conditions for funding for the Project;

“INTERIM PROJECT DIRECTOR” means a person appointed by the Regional Board to act as the Project Director until the Project Board appoints the permanent Project Director;

“LIQUID WASTE MANAGEMENT PLAN” means the plan adopted by the Capital Regional District and approved by the Minister of Environment under the *Environmental Management Act*, as amended from time to time;

“MEMBER” is a member of the Project Board;

“PROJECT” means the Capital Regional District Core Area Wastewater Treatment Project;

“PROJECT BOARD” means the Wastewater Treatment Project Board;

“PROJECT DIRECTOR” means the person appointed by the Project Board as the Project Director;

“PROJECT TEAM” means a group of people selected for their skills and expertise by the Project Director to carry out work of the Project on behalf of the Project Board;

“REGIONAL BOARD” means the Board of the Capital Regional District;

“RISK REGISTRY” means a framework for evaluating all and any risks associated with the Project and which identifies mitigation measures to reduce risk;

“SENIOR GOVERNMENTS” mean the government of the Province of British Columbia and the Government of Canada.

“TERMS OF REFERENCE” means the Core Area Wastewater Treatment Project Board Terms of Reference dated May __, 2016 adopted by resolution of the Regional District Board and attached to this Bylaw as Schedule “A”;

“WASTEWATER TREATMENT PROJECT” means the wastewater management system for the Core Area Participants set out in the Liquid Waste Management Plan;

2. Establishment of Project Board

2.1 The Regional Board establishes the Core Area Wastewater Treatment Project Board.

2.2 The purposes of the Project Board are:

- (a) to administer the overall planning, project management, site acquisition, expenditures and liquid waste management planning for the purposes of the Wastewater Treatment Project;
- (b) to manage the development of a comprehensive Business Case for submission to the Senior Governments in order to confirm funding for the Project;
- (c) to conduct procurement processes associated with the Project as directed by the Project Board;
- (d) to complete the Project within the established budget and time frame of the Funding Agreements to ensure that the Project is in compliance with all applicable provincial and federal regulations and Funding Agreements; and
- (e) to administer all aspects of the management of the Project except as limited by this Bylaw.

2.3 The Project Board will:

- (a) select a Project Director to oversee all aspects of the Project;
- (b) provide direction and guidance to the Project Director on Project matters, including the development of decision-making framework, business priorities, strategies and resource approval;
- (c) appoint or confirm advisors including a fairness advisor and a conflict of interest adjudicator;
- (d) establish and approve the scope, schedule and budget for the Project
- (e) establish a Project Team that will provide the Project Board with a comprehensive quarterly report describing the status of the Project and that specifically addresses the scope, budget and schedule of the Project; and
- (f) provide quarterly status reports to the Regional Board on the scope, budget and schedule of the Project.

3. Project

3.1 The Project will include the following elements:

- (a) Wastewater treatment process (“WWTP”) that is able to receive sewage flows of 108 ML/d average dry weather flows (ADWF);
- (b) WWTP capacity redundancy and wastewater overflow meet provincial effluent quality regulations;
- (c) WWTP meets the National Wastewater Systems Effluent Regulations (*Fisheries Act*) mandatory minimum effluent quality standards that can be achieved through secondary wastewater treatment;;
- (d) Biosolids treatment that allows for a range of beneficial uses;
- (e) Wastewater Conveyancing system;
- (f) Positive measures to integrate the Project infrastructure within a host municipality;
- (g) The preparation of a Business Case in relation to the Project.

3.2 The Project will be in full compliance with applicable federal and provincial legislation and regulations.

3.3 The Project will be in compliance with the time lines established in the Funding Agreements.

4. Project Board

4.1 The Project Board shall consist of a minimum of seven (7) Members appointed by the Regional Board, one of whom shall be the Chief Administrative Officer of the Capital Regional District.

4.2 The Member shall be appointed for a term of four (4) years.

4.3 The appointment of a Member expires at the end of his or her appointed term.

4.4 Despite sections 4.2 and 4.3, the term of office of all Members shall expire following completion of the Project, not including any ongoing operation of the Wastewater Treatment Service that may or may not be part of the Project, or upon the death, incapacity or resignation of the Member.

4.5 The Regional Board shall appoint a person to fill a vacancy on the Project Board no later than 90 days of the position becoming vacant.

- 4.6 A Member may not appoint an alternate to take his or her place on the Project Board.
- 4.7 The Regional Board may appoint a Member whose term has expired and there is no limit on the number of terms a Member may hold.
- 4.8 Where information is provided to the Project Board in circumstances where the Project Board meeting is closed to the public as may occur under section 5.4 or where the information is provided to a Project Board Member on a confidential basis, the Member must not disclose that information to a third party, including that Member's employer or any other organization with whom the member has a relationship.
5. Project Board Meetings
- 5.1 The Project Board shall meet as required, but no less frequently than once in each calendar quarter.
- 5.2 A quorum of Members of the Project Board is a majority of the Members of the Project Board.
- 5.3 A decision of the Project Board shall be decided by a majority of votes of Members of the Project Board.
- 5.4 Meetings of the Project Board shall be open to the public except insofar as the Project Board determines, in accordance with sections 90 and 91 of the *Community Charter*, that a meeting should be closed to the public.
- 5.5 Meetings of the Project Board shall be conducted in accordance with the Capital Regional District Procedures Bylaw, as amended from time to time, insofar as the provisions of this Bylaw are applicable to the proceedings of the Project Board.
- 5.6 If a member attending a Project Board meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the Member has:
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest
- the Member must declare this and state in general terms the reason why the director considers this to be the case.
- 5.7 After making a declaration under section 5.6, the Member must not:
- (a) remain or attend at any part of the meeting of the Project Board during which the matter is under consideration;

- (b) participate in any discussion on the matter at any such meeting;
 - (c) vote on a question in respect of the matter at such a meeting; or
 - (d) attempt in any way, whether before, during or after such meeting, to influence the voting on any question in respect of the matter.
- 5.8 Without limiting the circumstances in which a director's appointment to the Project Board may otherwise be rescinded, and for certainty, the Regional Board may rescind the appointment of a member who contravenes sections 5.6 and 5.7 of this Bylaw.
- 5.9 Where possible, agendas, resolutions and background documents will be provided to Project Board directors at least 48 hours prior to a meeting of the Project Board.
- 5.10 The Project Board will generally administer the Project in consideration of the Terms of Reference and if there are any inconsistencies between the provisions of the Terms of Reference and this Bylaw, these Bylaw provisions apply.
6. Appointment of Chair
- 6.1 The Regional Board will appoint a Member of the Project Board as the Chair of the Project Board.
- 6.2 The Chair will call Project Board meetings, issue and approve agendas and minutes for Project Board meetings and provide direction, as required, to the Project Board regarding Project Board responsibilities.
- 6.3 The Project Board shall each year elect a vice-chairperson from among the Project Board Members.
7. Capital Regional District Board Approvals
- 7.1 Notwithstanding any delegation of authority from the Regional Board to the Core Area Wastewater Treatment Project Board, Regional Board approval is required for:
- (a) the final Business Case prior to its submission to the Senior Governments;
 - (b) any alteration to the scope, schedule or budget of the Project that would result in the Project not meeting provincial and federal regulations governing the Project, exceeding all approved funding for the Project or increasing costs to taxpayers from those contemplated in the original Business Case.
8. Severability
- 8.1 If any part of this Bylaw is found to be invalid by a court of competent jurisdiction, it must be severed without affecting the validity of the remainder of the Bylaw.

9. Any schedules attached to this Bylaw form part of this Bylaw.

10. Citation

10.1 This Bylaw may be cited as the CRD Core Area Wastewater Treatment Project Board Bylaw No. 1, 2016.

READ A FIRST TIME THIS DAY OF 2016

READ A SECOND TIME THIS DAY OF 2016

READ A THIRD TIME THIS DAY OF 2016

ADOPTED THIS DAY OF 2016

CHAIR

CORPORATE OFFICER

SCHEDULE “A”

CORE AREA WASTEWATER TREATMENT PROJECT BOARD TERMS OF REFERENCE

Purpose

The purpose of these Terms of Reference is to set out the role, responsibilities and function of the Project Board. The Terms of Reference provide a framework that includes the Project vision and goals, guiding principles and values, meeting protocols, confidentiality considerations and identifies those matters that must be referred to the CRD Board for approval.

Background

In 2006, an environmental report commissioned by the Ministry of Environment noted the contamination of seabed sites close to Capital Regional District (CRD) outfalls where the region’s wastewater is discharged. As a result, the Province mandated that the CRD plan for and initiate secondary sewage treatment for the region.

The CRD has made considerable efforts to meet its commitment, and many options to deliver wastewater treatment have been explored. These efforts include technology and siting options, extensive public consultation, and input from the various committees of the CRD (including the Eastside Select Committee and the Westside Select Committee). This work provides the Project with a wealth of technical information to inform the next steps in moving the Project forward.

On May 11, 2016, the CRD Board adopted a series of recommendations on next steps for the Project. These included establishing a Project Board with delegated authority to undertake all aspects of business case planning, site acquisition, project management and expenditures.

Vision

The Project Board will deliver a sewage treatment and resource recovery system that is innovative, achievable and optimizes benefits - economic, social and environmental (including climate change mitigation) - for the long term.

The Project Board will approach the project from the perspective that waste materials should be treated as resources and managed as such, with a long term objective to create a system that supports the principles of Integrated Resource Management (IRM).

The Project Board will give consideration to, and reflect, public input received with an objective of being responsive to community values and concerns.

Goals

The Project Board has the following goals to support achieving this vision:

1. Meet or exceed federal regulations for secondary treatment by December 31, 2020.
2. Minimize costs to residents and businesses (life cycle costs) and provide value for money.
3. Optimize opportunities for resource recovery and greenhouse gas reduction.
4. Deliver a solution that adds value to the surrounding community and enhances the livability of neighbourhoods.

Project Scope – Principles

The Project will include the following elements:

1. Wastewater treatment process (WWTP) design capacity to meet Provincial Municipal Wastewater Regulation (MWR) requirement for sewage flows with an Average Dry Weather Flow (ADWF) of 108 ML/day.
2. WWTP, capacity, redundancy and waste water overflow meet Provincial effluent quality regulations.
3. WWTP meets the National Wastewater Systems Effluent Regulations (Fisheries Act) mandatory minimum effluent quality standards that can be achieved through secondary wastewater treatment.
4. Bio-solids treatment that allows for a range of beneficial uses.
5. Conveyancing system.
6. Positive measures to integrate the infrastructure within the host municipality or municipalities.

The Business Case will consider options to include the following:

1. Enhanced secondary or tertiary treatment.
2. Integrated Resource Management elements (or IRM compatible).

The Business Case may recommend the inclusion of these elements as base scope or as separately priced optional items.

Project Board Role and Function

The role of the Project Board is to:

1. Be responsible for overall planning, project management, site acquisition, expenditures, and liquid waste management planning for the purposes of the Project.
2. Select a Project Director to oversee all aspects of the Project.
3. Provide direction and guidance to the Project Director on Project matters, including the development of a decision making framework, business priorities, strategies and resource approval, and appropriate project controls and reporting procedures.
4. Manage the development of a comprehensive Business Case for submission to the federal and provincial governments to confirm funding to proceed to project implementation.
5. Appoint or confirm advisors including fairness advisor and conflict of interest adjudicator.
6. Oversee Project scope, schedule and budget as the Project progresses through planning, procurement and implementation phases, with particular attention to risk identification and risk management.
7. Work with the Project Director to resolve material issues that may arise over the course of the Project.
8. Oversee Project communications, information and consultation activities.

Project Board approval is required for:

1. The project management organizational structure and appointment of key resources for the project including the Project Director.
2. The proposed scope, schedule and budget for the Project.
3. The establishment and implementation of a communications & consultation plan and any significant deviations from the communications/consultation plan.

Role of Project Board Members

Project Board members will exercise their professional expertise and judgement to plan and implement the Project in accordance with the Project Vision and Goals. During the Business Case planning process Project Board members will approach options objectively, and will consider each option on the basis of the information and analysis that is developed by the Project Director and Project Team.

Project Team

The Project Director will lead a Project Team to plan, procure and implement the Project. The Project Director will prepare a Project Management Plan to guide the work. The Project Team will include relevant expertise required for the Project, including financial, technical, estimating, communication and consultation, procurement

and legal expertise. Membership of the team will reflect the requirements of the work at a particular time and may change over time.

Project Board Guiding Principles and Values

The following principles and values will guide the Project Board's decision-making and actions:

1. The Project must be in full compliance with applicable federal and provincial legislation and regulations within the required timelines.
2. Option analysis will have regard for lifecycle costs (both capital and operating), the highest environmental standards, and IRM, within the context of the Project's schedule and budget constraints. Considerations and trade-offs between operating and capital costs, qualitative outcomes and schedule will be transparent in the Business case analysis.
3. A range of contract delivery models will be explored, including performance-based models such as Design-Build-Finance-Operate-Maintain models that would support innovation and the use of leading technologies.
4. The Project Board will work cooperatively with host municipalities on siting the facility or facilities.
5. The Project Board will work cooperatively with funding partners and will be full compliance with funding agreements.

Project Board – Meeting/Reporting

1. The Project Board will meet as required, but no less frequently than once in each calendar quarter.
2. The Chair will call Project Board meetings; issue and approve agendas and minutes for Project Board meetings; and provide direction as required to the membership regarding Project Board responsibilities.
3. Where possible, agenda, resolutions and background documents will be provided to all Board members at least 48 hours prior to the meeting.
4. The Project Board will provide the CRD Board with a comprehensive quarterly report which will describe the status of the Project, and specifically address Project scope, budget, schedule and risk. The report will include a dashboard or executive summary which will highlight material changes in any of these areas. Further information on the contents of the quarterly report is provided at Appendix A.
5. The Project Board will review the risk registry at least twice per year; any material change in any risk item will be highlighted as part of the quarterly report.

Confidentiality and Conflict of Interest

Information that is provided to the Project Board in confidence, or that is by its nature confidential, will be treated in confidence by members and not disclosed to third parties (including their own employer or any other organization with which the member has a relationship). The duty to maintain information in confidence continues after a Project Board member ceases to become a Project Board member.

Project Board members will declare any relevant personal, academic, professional or business interests on an ongoing basis. The Chair shall be responsible for the management of any conflicts of interest. Project Board members may be excluded from the Project Board or from consideration of specific items in which they have an interest where this is necessary to avoid a conflict (real or perceived).

•

CRD Board approvals

The CRD Board has overall accountability for the Project.

CRD Board approval is required for:

1. The final Business Case prior to submission to the federal and provincial governments.
2. Any changes that could materially affect scope, schedule, budget (materiality includes the ability to meet federal regulation requirements, availability of funding or costs to taxpayers).

CRD approval will not be required to enter into a contract with the preferred proponent provided if there are no material changes to scope, schedule or budget.

Appendix A

Quarterly Project Status Reports will include:

1. Executive Summary/Project Dashboard

One to two pages – highlights status of scope, schedule and budget and identifies current decisions required and risks and risk mitigation strategies. Key activities over the last reporting period are highlighted

2. Key Activities

Key activities completed in the current period are described; works/activities proposed for the next period are identified.

3. Project Scope

Project details and description are set out. Any changes/proposed changes to Project Scope are discussed.

4. Budget/Financial

Progress against budget is set out (planned versus actual expenditures). Draws on contingency, if any, can be identified.

5. Schedule Status

Schedule milestones are identified, and progress against each milestone is tracked.

6. Risk

Key risks are identified, and risk mitigation strategies are discussed.

7. Project Communications and Consultation

Project communications and consultation activities completed in the current period are described; activities proposed for the next period are identified. Any current or emerging issues are identified.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4110

A BYLAW TO DELEGATE POWERS, DUTIES AND FUNCTIONS OF THE CAPITAL REGIONAL DISTRICT BOARD TO THE CORE AREA WASTEWATER TREATMENT PROJECT BOARD

WHEREAS:

- A. Under sections 263(1)(e), 229 and 230 of the *Local Government Act*, R.S.B.C. 2015, c.1, the Board of the Capital Regional District may, by bylaw, adopted by at least two-thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to another body established by the Board and in so doing may establish any terms and conditions it considers appropriate;
- B. The Board has established the Core Area Wastewater Treatment Project Board under the Core Area Wastewater Treatment Board Bylaw No. 1, 2016;
- C. The Board of the Capital Regional District wishes to delegate certain of its powers, duties and functions to the Core Area Wastewater Treatment Project Board.

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

- 1. The Board hereby delegates to the Core Area Wastewater Treatment Project Board established under the Core Area Wastewater Treatment Project Board Bylaw No. 1, all of the powers, duties and functions of the Board of the Capital Regional District under sections 263(1)(a) of the *Local Government Act*, R.S.B.C. 2015, c. 1, to make agreements respecting the:
 - (a) Regional District's services, including agreements respecting the undertaking, provision and operation of those services other than the Board's regulatory authority;
 - (b) Operation and enforcement in relation to the Board's exercise of its regulatory authority; and
 - (c) Management of property or an interest in property held by the Regional District

all in relation to the Regional District's activities, works or services of the service administered by the Core Area Wastewater Treatment Project Board and provided that any revenues or expenditures arising from the exercise of this delegated

authority are included in the approved financial plan of the Capital Regional District.

2. The Board hereby delegates to the Core Area Wastewater Treatment Project Board all the powers, duties and functions of the Board of the Capital Regional District under section 263(1)(b) of the *Local Government Act*, R.S.B.C. 2015 c. 1, to make agreements with a public authority respecting:

- (a) Activities, works or services within the powers of a party to the agreement, other than the exercise of a regulatory authority, including agreements respecting the undertaking provision and operation of activities, works and services;
- (b) Operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement; and
- (c) The management of property or an interest in property held by a party to the agreement

all in relation to the service administered by the Core Area Wastewater Treatment Project Board, provided that any revenues or expenditures resulting from the exercise of this delegated authority are included in the approved financial plan of the Capital Regional District.

3. The Board hereby delegates to the Core Area Wastewater Treatment Project Board all the powers, duties and functions of the Board under section 263(1)(d) of the *Local Government Act*, R.S.B.C. 2015, c.1, to acquire, hold, manage and dispose of land, improvements, personal property or other property, and any interest or right in or with respect to that property in connection with the operation of service administered by the Core Area Wastewater Treatment Project Board, provided that any revenues or expenditures arising from the exercise of this delegated authority is included in the approved financial plan of the Capital Regional District.

4. Notwithstanding sections 1 to 3 of this Bylaw, the delegation of authority under this Bylaw is subject to:

- (a) purchasing policies and procedures of the Regional Board; and
- (b) the Board's reservation of authority to approve the final business case in relation to the Core Area Wastewater Treatment Project to be prepared by the Core Area Wastewater Treatment Project Board for submission to the provincial and federal governments and any alteration to the Core Area Wastewater Treatment Project's scope, schedule or budget that would result in:
 - (i) the Core Area Wastewater Treatment Project not meeting provincial and federal regulations governing the Core Area Wastewater

Treatment Project;

- (ii) the Capital Regional District exceeding all approved sources of funding for the Core Area Wastewater Treatment Project; or
 - (iii) increased costs to taxpayers from those contemplated in the business case; and
- (c) does not derogate from the delegations of authority to officers and employees contained in sections 3 and 4 of the Capital Regional District Delegation Bylaw No. 1, 2001;
5. In the case of a delegation of authority to the Core Area Wastewater Treatment Project Board, the Project Board Chair and the Project Director are authorized to execute an agreement approved by the Core Area Wastewater Project Board.
 6. For clarity, subject to the *Local Government Act*, R.S.B.C. 2015 c. 1, unless a power, duty or function of the Capital Regional District Board has been expressly delegated by this Bylaw or another CRD Bylaw, all the powers, duties and functions of the CRD Board remain with the CRD Board.
 7. For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.
 8. Severability
 - 8.1 If any part of this Bylaw is found to be invalid by a court of competent jurisdiction, it must be severed without affecting the validity of the remainder of the Bylaw.
 9. Citation

This Bylaw may be cited as the CRD Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016.

READ A FIRST TIME THIS	DAY OF	2016
READ A SECOND TIME THIS	DAY OF	2016
READ A THIRD TIME THIS	DAY OF	2016
ADOPTED THIS	DAY OF	2016

CHAIR

CORPORATE OFFICER

NOTICE OF MOTION: May 9, 2016

TO: CRD

FROM:

COLIN PLANT AND DAVID HOWE

Whereas the devastation and loss of property experienced by those in the Ft. McMurray region has been unprecedented in recent Canadian history,

And,

Whereas the time and costs for residents and businesses to return to normal will be significant and immense,

And,

Whereas Canadians from across our nation will want to help those who have experienced significant loss and experienced trauma as a result of the wildfire,

And

Whereas the residents of the CRD will want to show their support those affected by the wildfires in the Fort McMurray region,

Be it resolved that the CRD will support regional fundraising initiatives or activities to support those in need as a result of the loss caused by wildfires in Northern Alberta.



Making a difference...together

**REPORT TO FINANCE COMMITTEE
MEETING OF WEDNESDAY, JUNE 1, 2016**

SUBJECT Support to the Fort McMurray Region in the Wake of Northern Alberta Wildfires

ISSUE

To follow up on the notice of motion brought forward at the May 11 Capital Regional District (CRD) Board meeting concerning support to the Fort McMurray Region in the wake of wildfires in Northern Alberta.

BACKGROUND

At the May 11, 2016 Capital Regional District Board meeting, Director Colin Plant brought forward the following notice of motion:

Whereas the devastation and loss of property experienced by those in the Ft. McMurray region has been unprecedented in recent Canadian history; and

Whereas the time and costs for residents and businesses to return to normal will be significant and immense; and

Whereas Canadians from across our nation will want to help those who have experienced significant loss and experienced trauma as a result of the wildfire; and

Whereas the residents of the CRD will want to show their support those affected by the wildfires in the Fort McMurray region:

Be it resolved that the CRD will support regional fundraising initiatives or activities to support those in need as a result of the loss caused by wildfires in Northern Alberta.

To follow up on this notice, staff has examined ways that the CRD Board could authorize financial support. The CRD can potentially use the Regional grant-in-aid service to accomplish this. The CRD in general has a no regional grant in aid policy but exceptions have been made in the past.

ALTERNATIVES

1. That the Board receive this report for information
2. That the CRD Board authorize on an exceptional basis a regional grant-in-aid in support of the Fort McMurray region in the wake of the devastation from Northern Alberta wildfires;

IMPLICATIONS

The CRD has a "no regional grant-in-aid" policy; the 2012 grant provided to the Island Corridor Foundation was on an exceptional basis only. In the fall of 2015, the CRD Board rejected a funding request for an initiative to run a deer management pilot project for two reasons: a) the initiative was not related to a service; b) the CRD has a "no regional grant-in-aid" policy.

If the Board wishes to move further with this staff can examine ways to accommodate the funding request within the current financial plan.

CONCLUSION

A notice of motion was put forward at the May 11, 2016 Board meeting regarding CRD support to the Fort McMurray Region in the wake of Northern Alberta wildfires. This can be accomplished by providing monies through a regional grant in aid if the Board wishes to do so.

RECOMMENDATION

That the CRD Board receive this report for information.

Submitted by:	Rajat Sharma, MBA, CPA, CMA, Acting Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer