

Meeting Minutes

Capital Regional District Board

Wednesday, August 10, 2016

1:35 PM

6th Floor Boardroom

Present:

Directors: B. Desjardins (Chair), D. Howe (Vice Chair), R. Atwell, D. Blackwell, S. Brice, J. Brownoff (1:35), V. Derman, A. Finall, C. Hamilton, L. Helps, M. Hicks, R. Kasper, W. McIntyre, K. Murdoch (for N. Jensen), S. Price, J. Ranns, V. Sanders (for C. Plant), D. Screech, L. Seaton, K. Williams, R. Windsor and G. Young

Staff: R. Lapham, Chief Administrative Officer; L. Hutcheson, General Manager, Parks and Environmental Services; D. Lokken, General Manager, Technology and Corporate Initiatives; S. Carby, Senior Manager, Protective Services; C. Culham, Senior Manager, Regional Housing; M. McCrank, Senior Manager, Infrastructure Operations; A. Orr, Senior Manager, Corporate Communications; S. Henderson, Manager, Real Estate; R. Lachance, Manager, Financial Planning and Analysis; B. Reems, Corporate Officer, and S. Norton, Deputy Corporate Officer (Recorder)

Also Present: D. Fairburn, Vice Chair, Core Area Wastewater Treatment Project Board

Absent: Directors M. Alto and B. Isitt

The meeting was called to order at 1:35 pm.

Chair Desjardins recognized the Lkwungen People on whose traditional territory the CRD building stands, and our neighbouring First Nations governments - Songhees, Esquimalt, WSA NEC, Scia'new, T'Sou-ke and Pacheedaht peoples.

1. APPROVAL OF THE AGENDA

**MOVED by Director Derman, SECONDED by Director Blackwell,
That Item 5.8 be removed from the agenda; and that the agenda be approved as amended.
CARRIED**

2. ADOPTION OF MINUTES

2.1. [16-856](#) Minutes of CRD Board Meeting of July 13, 2016

Director Brownoff entered the meeting at 1:35 pm.

**MOVED by Director Price, SECONDED by Director Seaton,
That the minutes of the meeting of July 13, 2016 be adopted as circulated.
CARRIED**

Referring to the minutes, Director Finall noted that first and second readings were given to the Regional Growth Strategy Bylaw at the last meeting. She advised that she had asked staff about some of the amendments which did not

result from Board direction, and was advised that they relate to a legal opinion regarding the Langley decision that had not been provided to the Board.

**MOVED by Director Finall, SECONDED by Director Ranns,
That staff provide the CRD Board with a copy of the legal opinion relating to the
Regional Growth Strategy and the Langley decision at an in camera meeting.
CARRIED**

3. REPORT OF THE CHAIR

Chair Desjardins remarked on:

- her commitment to lighter agendas
- the effectiveness of the Federation of Canadian Municipalities (FCM) in advocating on behalf of municipalities with the federal government
- inquiries to the FCM regarding the CRD Board becoming a member of the Big City Mayors' Caucus.

4. PRESENTATIONS/DELEGATIONS - None

5. REPORTS OF COMMITTEES

Core Area Wastewater Treatment Project Board

5.1. [16-859](#) Core Area Wastewater Treatment Project Board Monthly Report

D. Fairburn reviewed the the highlights of the report: reporting of business case and program recommendation to the September 14, 2016 CRD Board; meetings with municipal staff and First Nations; interim reporting out after August 25 meeting; review of technical information and public input; establishment of the Due Diligence Panel; and hearing of delegations.

Questions and concerns were raised regarding the timing of the Project Board meetings, and the nature of the meetings with municipal staff.

**MOVED by Director Derman, SECONDED by Director Brownoff,
That the monthly report of the Project Board be received for information.
CARRIED**

5.2. [16-855](#) Due Diligence Panel - Terms of Reference and Related Process

L. Hutcheson provided further detail on the budget for the Due Dilligence Panel (DDP), and R. Lapham explained the appointment process. D. Fairburn described how the Project Board would use the recommendations from the DDP. He clarified that the DDP report would be provided in an open meeting of the Project Board.

Discussion ensued regarding the appointment process, the short timeline, and reporting out of the DDP.

**MOVED by Director Helps, SECONDED by Director Howe,
That the report be received for information.
CARRIED
OPPOSED Atwell, Derman, Finall**

Electoral Area Services Committee

- 5.3. [16-798](#) Salt Spring Island Liquid Waste Burgoyne Bay Septage Receiving Facility Renewal Project - Authorization For Pre-purchase of Equipment and Construction Tender Services
- MOVED** by Director McIntyre, **SECONDED** by Director Hicks,
That staff be authorized to issue an Invitation to Quote (ITQ) to pre-purchase major equipment for the Burgoyne Bay Septage Receiving Facility Renewal Project and issue an Invitation to Tender (ITT) for the installation of equipment and associated works.
CARRIED
- 5.4. [16-811](#) East Sooke/Sooke Fire Prevention and Suppression Service and Emergency Response Agreement
- MOVED** by Director Kasper, **SECONDED** by Director Hicks,
That the East Sooke/Sooke Fire Prevention and Suppression Service and Emergency Response Agreement between the CRD representing the East Sooke Fire Department and the District of Sooke be approved and that the Board Chair and Corporate Officer be authorized to execute the Agreement.
CARRIED
- 5.5. [16-829](#) Wastewater and Marine Environment Program - Gulf Islands and Port Renfrew - 2015 Annual Report
- MOVED** by Director Howe, **SECONDED** by Director McIntyre,
1. That the draft Gulf Islands and Port Renfrew Wastewater and Marine Environment Program 2015 Annual Report be approved; and
2. That staff be directed to forward the final report to the committees and commissions that oversee operation of the facilities and to the BC Ministry of Environment, and post it on the Capital Regional District website.
CARRIED

Environmental Services Committee

- 5.6. [16-818](#) Hartland Landfilling Operations Contract - Tender Process
- MOVED** by Director Derman, **SECONDED** by Director Kasper,
That the tender process and documents for the contract for Hartland Landfilling Operations 2017 to 2020 be approved.
CARRIED
- 5.7. [16-833](#) Award of Contract 15-1838B - Maintenance Contract for the Hartland Landfill Gas Power Generation System
- MOVED** by Director Derman, **SECONDED** by Director Blackwell,
That Contract 15-1838B, Regular Maintenance to the Hartland Landfill Gas Power Generation System, be awarded to Finning Canada on a time-and-materials basis at the proposed rates outlined in Appendix A, for a period of two years starting August 18, 2016, and to be paid from the Environmental Resource Management budget.
CARRIED

Integrated Resource Management Select Committee - July 27, 2016

- 5.8. [16-815](#) Future Directions for the Integrated Resource Management Select Committee - Report from Chair Derman and Vice-Chair Williams

This Action Report was withdrawn.

Integrated Waste Management Select Committee - August 10, 2016

- 5.9. [16-852](#) Integrated Resource Management Pilot Project - Next Steps

Discussion ensued regarding further changes to the Terms of Reference.

MOVED by Director Derman, **SECONDED** by Director Helps,

That staff be directed to:

1. retain the services of a procurement specialist to work with staff to develop a Request for Expressions of Interest (RFEOI) for an Integrated Resource Management (IRM) pilot project and bring an RFEOI document back through the Committee to the Board for approval; and
2. retain the services of an independent IRM specialist to present information to the Board regarding the Sydney, Australia strategic IRM process and to assist with the development of an RFEOI, as outlined above.

CARRIED

OPPOSED Young

MOVED by Director Derman, **SECONDED** by Director Finall,

That the Terms of Reference be amended by deleting the phrase "not later than the September 14, 2016 Board meeting" at the end of the third bullet in section 2.0.

CARRIED

MOVED by Director Derman, **SECONDED** by Director Finall,

That the Terms of Reference be amended by deleting the words "pilot project" in the first bullet under section 1.0.

DEFEATED

OPPOSED Howe, Atwell, Blackwell, Brice, Brownoff, Desjardins, Finall, Hamilton, Helps, Hicks, Kasper, McIntyre, Murdoch, Price, Ranns, Sanders, Screech, Seaton, Williams, Windsor, Young

MOVED by Director Derman, **SECONDED** by Director Finall,

That the Terms of Reference be amended by adding the words ", or regional IRM solution, or" after the words "potential pilot" in the first bullet under section 1.0.

CARRIED

MOVED by Director Derman, **SECONDED** by Director Williams,

That staff be directed to:

3. amend the Terms of Reference of the IRM Select Committee as shown in Appendix D, and as further amended by the Board.

CARRIED

OPPOSED Young

Juan De Fuca Land Use Committee

- 5.10. [16-786](#) Zoning Amendment Application for Sheringham Point Lighthouse Property at That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435 (VOTING BLOCK A)

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That the referral of proposed Bylaw No. 4097 directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, BC Hydro, the Department of Fisheries and Oceans, the District of Sooke, Island Health, the Ministry of Transportation and Infrastructure (MoTI), the RCMP, Sooke School District No. 62, T'Sou-ke First Nation, CRD Building Inspection and CRD Protective Services be approved and the comments be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
That proposed Bylaw No. 4097, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 129, 2016" be introduced and read a first and second time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Kasper,
That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4097.

CARRIED

- 5.11. [16-799](#) Floodplain Exemption for Lot 5, Section 2, Renfrew District, Plan VIP83339 - Waters Edge Drive (VOTING BLOCK A)

MOVED by Director Hicks, **SECONDED** by Director Kasper,
That floodplain exemption DV000049 for Lot 5, Section 2, Renfrew District, Plan VIP83339 for the purpose of constructing a single-family dwelling be granted subject to the following conditions:

- a) That the proposed development comply with the recommendations outlined in the professional geotechnical engineer's report prepared by WSP Canada Ltd., dated April 7, 2016;
- b) That the building location be verified by a BC Land Surveyor prior to completion of the building permit; and
- c) That the professional geotechnical engineer's report prepared by WSP Canada Ltd., dated April 7, 2016, be secured via a restrictive covenant registered on title as part of the Building Permit process.

CARRIED

Regional Parks Committee

- 5.12. [16-804](#) Regional Parks 2015 Annual Report

MOVED by Director Hicks, **SECONDED** by Director Screech,
That the Regional Parks 2015 Annual Report be received for information.

CARRIED

Saanich Peninsula Water Commission

- 5.13. [16-825](#) Bylaw No. 4113, "Saanich Peninsula Water and Wastewater Development Cost Charge Waiver Bylaw No. 1, 2016"
- MOVED by Director Price, SECONDED by Director Windsor,
That Bylaw No. 4113, cited as "Saanich Peninsula Water and Wastewater Development Cost Charge Waiver Bylaw No. 1, 2016" be introduced and read a first and second time.
CARRIED**
- MOVED by Director Price, SECONDED by Director Windsor,
That Bylaw No. 4113 be read a third time.
CARRIED**
- MOVED by Director Price, SECONDED by Director Windsor,
That Bylaw No. 4113 be adopted.
CARRIED**

6. ADMINISTRATION REPORTS

- 6.1. [16-835](#) Animal Control Services Agreement between the Capital Regional District and the City of Langford
- MOVED by Director Blackwell, SECONDED by Director Hamilton,
That the Animal Control Services Agreement between the Capital Regional District and the City of Langford be approved and that the Board Chair and Corporate Officer be authorized to execute the Agreement.
CARRIED**
- 6.2. [16-842](#) Bylaw No. 4114 and 4115: Municipal Finance Authority (MFA) Security Issuing Bylaws - Fall 2016
- MOVED by Director Blackwell, SECONDED by Director Hicks,
That Bylaw No. 4114, "Security Issuing Bylaw No. 4, 2016", be introduced and read a first and second time.
CARRIED**
- MOVED by Director Blackwell, SECONDED by Director Hicks,
That Bylaw No. 4114 be read a third time.
CARRIED**
- MOVED by Director Blackwell, SECONDED by Director Hicks,
That Bylaw No. 4114 be adopted.
CARRIED**
- MOVED by Director Williams, SECONDED by Director Derman,
That Bylaw No. 4115, "Security Issuing Bylaw No. 5, 2016", be introduced and read a first and second time.
CARRIED**

**MOVED by Director Williams, SECONDED by Director Derman,
That Bylaw No. 4115 be read a third time.
CARRIED**

**MOVED by Director Williams, SECONDED by Director Derman,
That Bylaw No. 4115 be adopted.
CARRIED**

6.3. [16-837](#) Selection Process for Nominations to B.C. Ferry Authority Board

**MOVED by Director Blackwell, SECONDED by Director Finall,
That the Directors from the District of North Saanich, District of Central Saanich,
Salt Spring Island Electoral Area and Southern Gulf Islands Electoral Area be
appointed to the selection committee to review and recommend to the CRD
Board nominees for appointment to the Board of Directors of the B.C. Ferry
Authority.
CARRIED**

6.4. [16-861](#) Federation of Canadian Municipalities CISAL Program

Using a PowerPoint presentation, R. Lapham reviewed: previous international development initiatives between the CRD and FCM; objectives of the CISAL Program; his trip to the Ancash region of Peru; and the terms of the Memorandum of Understanding.

**MOVED by Director Howe, SECONDED by Director Brice,
That the CRD enter into a Memorandum of Understanding with the Federation of
Canadian Municipalities to provide for participation in the FCM Sustainable and
Inclusive Communities in Latin America (CISAL) Program
CARRIED**

7. BYLAWS

**7.1. [16-853](#) Bylaw No. 4055, "Port Renfrew Water Supply Local Service Establishment
Bylaw No. 1, 1989, Amendment Bylaw No. 4, 2016"**

**MOVED by Director Hicks, SECONDED by Director Blackwell,
That Bylaw No. 4055 be adopted.
CARRIED**

8. MOTION WITH NOTICE

8.1. [16-843](#) Board Proceedings - Debate

Director Young provided background to the motion regarding the situation at the July 13 meeting when the Board Chair curtailed his comments during a discussion because they were repetitive, and given the tight time constraints. During the ensuing debate, some members opined that the Board Chair's actions were unfair; however, that it did not warrant the need for further discussion or formal procedural changes.

**MOVED by Director Young, SECONDED by Director Hicks,
That the CRD Board develop clear standards and guidelines for Directors with
respect to the circumstances under which Directors may repeat comments they
have made in the past and the sanctions to be imposed on Directors who repeat**

previous comments.

MOVED by Director Young, **SECONDED** by Director Ranns,
That the item be referred to the Governance Committee.

DEFEATED

OPPOSED Blackwell, Brownoff, Brice, Finall, Hamilton, Helps, Howe, McIntyre,
Sanders, Seaton, Price, Williams, Windsor

The question was called on the main motion:

That the CRD Board develop clear standards and guidelines for Directors with respect to the circumstances under which Directors may repeat comments they have made in the past and the sanctions to be imposed on Directors who repeat previous comments.

DEFEATED

OPPOSED Atwell, Blackwell, Brice, Brownoff, Derman, Desjardins, Finall,
Hamilton, Helps, Hicks, Howe, Kasper, McIntyre, Murdoch, Price, Ranns, Sanders,
Seaton, Screech, Williams, Windsor

8.2. [16-844](#)

Board Proceedings - Director Email Communications

Speaking to the motion, Director Young referred to previous advice from the Corporate Officer regarding the discussion of proposed amendments to Committee/Board items via email between Directors, and the need to provide clarification and guidelines regarding email exchanges. During the ensuing debate, the difference between sharing information versus having a discussion or the exchange of opinions on an agenda item was noted. Formal guidelines were not generally supported. However, there was a desire for staff to report on the legislative provisions that would apply.

MOVED by Director Young, **SECONDED** by Director Hicks,
That the CRD Board develop guidelines for Directors with respect to the circumstances under which Directors may exchange email communications.

MOVED by Director Young, **SECONDED** by Director Screech,
That the item be referred to the Governance Committee.

DEFEATED

OPPOSED Blackwell, Brownoff, Brice, Finall, Hamilton, Helps, Howe, McIntyre,
Sanders, Seaton, Price, Williams, Windsor

The question was called on the main motion:

That the CRD Board develop clear standards and guidelines for Directors with respect to the circumstances under which Directors may repeat comments they have made in the past and the sanctions to be imposed on Directors who repeat previous comments.

DEFEATED

OPPOSED Atwell, Blackwell, Brice, Brownoff, Derman, Desjardins, Finall,
Hamilton, Helps, Hicks, Howe, Kasper, McIntyre, Murdoch, Price, Ranns, Sanders,
Seaton, Screech, Williams, Windsor

MOVED by Director Helps, **SECONDED** by Director Brice,
That staff bring back to the Board provisions of the Local Government Act that relate to email exchange between Directors.

CARRIED

9. NEW BUSINESS

10. MOTION TO CLOSE THE MEETING

10.1. [16-862](#) Motion to Close the Meeting

MOVED by Director Brice, **SECONDED** by Director Helps,
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; (e)
the acquisition, disposition or expropriation of land or improvements; and (m) a
matter that, under another enactment, is such that the public may be excluded
from the meeting.

CARRIED

The Board moved to the closed session at 3:01 pm and rose from the closed session at 3:46 pm with report.

11. RISE AND REPORT

11.1. **16-879** Rise and Report - August 10, 2016

CRD Nominee to Victoria Airport Authority Board of Directors

The nomination of Colin Smith as the CRD Nominee to the Victoria Airport Authority Board of Directors was extended to October 17, 2018.

Appointments to CRD Committees and Commissions

The following appointments were approved:

- Pender Islands Parks and Recreation Commission, for a term to expire December 31, 2018: Kathy Curtis; Tim Hall;
- Pender Islands Parks and Recreation Commission, for a term to expire December 31, 2018: Kathy Curtis; Tim Hall.

12. ADJOURNMENT

MOVED by Director Windsor, **SECONDED** by Director Hamilton,
That the meeting be adjourned at 3:46 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER