

Meeting Minutes

Capital Regional District Board

Wednesday, August 9, 2023

1:00 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

PRESENT

DIRECTORS: C. Plant (Chair), M. Tait (Vice Chair), M. Alto (EP), P. Brent (1:02 pm), S. Brice, J. Brownoff, C. Coleman, Z. de Vries, B. Desjardins, S. Goodmanson (1:12 pm) (EP), G. Holman (1:02 pm), P. Jones (1:02 pm), S. Kim (for J. Caradonna) (EP), M. Little, C. McNeil-Smith (1:02 pm), K. Murdoch, D. Murdock, J. Rogers (for S. Tobias) (EP), L. Szpak, D. Thompson (EP), A. Wickheim (1:05 pm), K. Williams (1:09 pm), R. Windsor (1:20 pm) (EP)

STAFF: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; M. Barnes, Acting General Manager, Planning and Protective Services (for K. Lorette); A. Fraser, General Manager, Integrated Water Services; L. Hutcheson, General Manager, Parks and Environmental Services; K. Morley, General Manager, Corporate Services; S. Henderson, Senior Manager, Real Estate; C. Neilson, Senior Manager, Human Resources; E. Sinclair, Senior Manager, Regional and Strategic Planning; F. Lopez, Manager, Strategic Planning; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Directors Caradonna, Kobayashi, Tobias

The meeting was called to order at 1:00 pm.

1. TERRITORIAL ACKNOWLEDGEMENT

Director Brice provided a Territorial Acknowledgement.

2. APPROVAL OF THE AGENDA

MOVED by Director Brice, **SECONDED** by Director Tait,
That the agenda for the August 9, 2023 Session of the Capital Regional District Board be approved with the following amendment:

- agenda item 6.3. be moved to be considered under Reports of Committees as Item 8.12.

CARRIED

3. ADOPTION OF MINUTES

3.1. [23-550](#) Minutes of the July 12, 2023 Capital Regional District Board Meeting

**MOVED by Director Tait, SECONDED by Director Coleman,
That the minutes of the Capital Regional District Board meeting of July 12, 2023
be adopted as circulated.**

CARRIED

4. REPORT OF THE CHAIR

Good afternoon Directors, Staff and members of the public.

It is nice to see everyone again. I hope you are having an enjoyable summer.

I want to begin by looking back to last month's meeting and thank each of you.

I recognize the topic of Biosolids continues to be a challenging one for this board but the reason I am referencing last month's meeting is because I wish to acknowledge the respectful debate that we had last month.

I think it is a sign of a highly functioning board that we can continue to cooperate and be congenial with each other despite some very significant differences of opinion on the subject.

I hope that continues to be a trademark of our work together.

I also want to thank each of our committees for their work to date and acknowledge the Chairs and Vice Chairs for their efforts to conduct effective meetings thus far.

Over the next few months two things are going to emerge for this board that I hope you will each begin to consider in advance of our meetings.

The first is our interest in developing a more coordinated transportation system is now in the stage of consulting with our member municipalities and other transportation agencies.

I hope you will each be an ambassador for the CRD's efforts at your Council tables over the next couple of months. There will inevitably be different opinions but I am optimistic we will find a consensus on how to move forward based on shared goals.

The other topic I wish to "whet the ground" about is our provisional 2024 budget.

The 2023 budget was largely shaped by the previous board.

For Budget 2024 there are inevitably going to be opportunities and challenges but I encourage each of you to ask lots of questions and prepare for the meetings each of our committees in September through October that will have to shape the budget.

If you have any questions about the budgeting process please reach out to staff and/or myself.

Thank you for listening to my remarks. Now let's get on with the business of our meeting.

Directors Brent, Holman, Jones and McNeil-Smith joined the meeting at 1:02 pm.

Director Wickheim joined the meeting at 1:05 pm.

5. PRESENTATIONS/DELEGATIONS

5.1. Presentations

There were no presentations.

5.2. Delegations

- 5.2.1.** [23-561](#) Delegation - Edward Domovitch; Resident of Sooke: Re: Agenda Items: 6.7. Development Variance Permit for Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road, and 6.8. Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road
- This delegation did not speak.
- 5.2.2.** [23-562](#) Delegation - Mick Collins; Resident of Oak Bay: Re: Agenda Items: 6.5. Long-Term Biosolids Management Planning, 8.1. Notice of Motion: Academic Review - Land Application of Biosolids (Director Desjardins), 8.2. Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias), and 8.3. Healthy Waters Project for Tod Creek on the Saanich Peninsula - Update - July 2023
- M. Collins spoke to items 6.5., and 8.1. through 8.3. and provided a handout of their presentation.
- Director Williams joined the meeting at 1:09 pm.**
- 5.2.3.** [23-563](#) Delegation - Frances Pugh; Representing Saanich Inlet Protection Society and Peninsula Biosolids Coalition: Re: Agenda Item: 6.5. Long-Term Biosolids Management Planning
- F. Pugh spoke to item 6.5.
- 5.2.4.** [23-564](#) Delegation - Jonathan O’Riordan; Resident of the Capital Regional District: Re: Agenda Items: 6.5. Long-Term Biosolids Management Planning, 8.1. Notice of Motion: Academic Review - Land Application of Biosolids (Director Desjardins), and 8.2. Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias)
- J. O’Riordan spoke to items 6.5., 8.1. and 8.2.

6. CONSENT AGENDA

**MOVED by Director Desjardins, SECONDED by Director Murdoch,
That consent items 6.1., 6.2. and 6.4. through 6.11. be approved.
CARRIED**

- 6.1.** [23-555](#) Capital Regional District Arts and Culture: 2022 Impact Report
- This report was received for information.**

- 6.2. [23-532](#) 2023 Electoral Areas Committee Terms of Reference - Revised
- That the revised 2023 Electoral Areas Committee Terms of Reference be approved as presented.
- CARRIED**
- 6.4. [23-475](#) Implications of Increasing Fine Rates at Hartland Landfill
- This report was received for information.
- 6.5. [23-496](#) Long-Term Biosolids Management Planning
- This report was received for information.
- 6.6. [23-535](#) 2023 Governance Committee Terms of Reference - Revised
- That the revised 2023 Governance Committee Terms of Reference be approved as presented.
- CARRIED**
- 6.7. [23-467](#) Development Variance Permit for Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road
- That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.
- CARRIED**
- 6.8. [23-468](#) Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road
- That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of the land value pursuant to Section 510 of the Local Government Act.
- CARRIED**
- 6.9. [23-465](#) Watershed Security Officer Designation
- Appoint Jim Harradine and Derek Hall as Watershed Security Officers; and that Devon Barnes be removed from appointment; for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act, and in accordance with Capital Regional District Bylaw No. 2681.
- CARRIED**

6.10. [23-533](#) Disaster Mitigation and Adaptation Fund Grant Application

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting Disaster Mitigation and Adaptation grant funds and overseeing grant management for the proposed projects.

CARRIED

6.11. [23-493](#) Merchant Mews Pathway Design - Additional Funding

That the Salt Spring Island Transportation Service 2023 Capital Plan be amended to increase the budget for the Merchant Mews project by \$16,400 funded from the Capital Reserve Fund.

CARRIED

7. ADMINISTRATION REPORTS

There were no administration reports.

8. REPORTS OF COMMITTEES

Environmental Services Committee

8.1. [23-456](#) Notice of Motion: Academic Review - Land Application of Biosolids (Director Desjardins)

Director Windsor joined the meeting electronically at 1:20 pm.

MOVED by Director Desjardins, **SECONDED** by Director Williams,
That staff report back with a proposal that CRD Environment Service fund University of Victoria or other suitable independent academic institution to prepare a review:

- a) of available literature, to determine whether there are validated examples and/or peer reviewed papers assessing the risks of the application of biosolids on environmental and human health, and
- b) based on this and on The Precautionary Principle, whether CRD may have a legal liability for such application. The institution may receive submissions from the public.

Discussion ensued regarding whether there will be new information coming forward from the Province this fall.

MOVED by Director Holman, **SECONDED** by Director Brownoff,
That the main motion be amended to replace the opening statement with the wording, "That staff report back with a proposal that CRD Environmental Service work with senior governments to provide a review:"

DEFEATED

Opposed: Alto, Coleman, Desjardins, Goodmanson, Jones, Little, Rogers, Tait, Thompson, Wickheim, Williams, Windsor

MOVED by Director Holman, **SECONDED** by Director Brent,
That the main motion be amended to add the wording "and benefits" after the wording "assessing the risks"

CARRIED

Opposed: Desjardins, Jones, Tait, Thompson, Wickheim, Williams

MOVED by Director Brent, **SECONDED** by Director de Vries,
That the main motion be amended to remove the wording "and on The Precautionary Principle".

DEFEATED

Opposed: Coleman, Desjardins, Goodmanson, Jones, Kim, Little, Murdock, Rogers, Tait, Thompson, Wickheim, Williams, Windsor

Discussion ensued regarding the expected benefits of having public input.

Director Windsor left the meeting at 1:51 pm.

MOVED by Director Murdoch, **SECONDED** by Director Brent,
That the main motion be further amended to strike the wording "The institution may receive submissions from the public."

Discussion ensued regarding:

- clarification on public submissions
- whether part b) of the motion would be part of a public document

The question was called on the amendment:

That the main motion be further amended to strike the wording "The institution may receive submissions from the public."

CARRIED

Opposed: Desjardins, Jones, Thompson, Wickheim

The question was called on the main motion as amended:

That staff report back with a proposal that CRD Environment Service fund University of Victoria or other suitable independent academic institution to prepare a review:

- a) of available literature, to determine whether there are validated examples and/or peer reviewed papers assessing the risks and benefits of the application of biosolids on environmental and human health, and
- b) based on this and on The Precautionary Principle, whether CRD may have a legal liability for such application.

CARRIED

Opposed: McNeil-Smith, Murdoch

8.2. [23-457](#)

Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias)

Discussion ensued regarding the procurement process.

MOVED by Director Desjardins, **SECONDED** by Director Williams,
That staff look to the example of Logan, Australia for lessons learned on thermal processing of biosolids and a consortium approach.

CARRIED

Opposed: Brent, Brice, Brownoff, de Vries, Jones, Murdock, Szpak

8.3. [23-500](#)

Healthy Waters Project for Tod Creek on the Saanich Peninsula - Update - July 2023

Discussion ensued regarding the parameters and funding sources of this study.

MOVED by Director Desjardins, **SECONDED** by Director Williams,
That the CRD move forward with the study of Healthy Waters Project for Tod Creek on the Saanich Peninsula.

CARRIED

Opposed: Brent, De Vries

Finance Committee

- 8.4. [23-405](#) Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement
- MOVED** by Director Brice, **SECONDED** by Director Williams,
1. That the March 9, 2022 Board resolution pertaining to the approved Service Agreement be rescinded;
 2. That the Chief Administrative Officer be authorized to enter into a further revised Service Agreement to provide emergency communications services, as attached at Appendix C; and,
 3. That Staff be directed to amend the Financial Plan to reflect the increased service agreement payments for 2022 to 2027.
 4. That the CRD Board ask the CREST Board to present funding options to update the Call Answer Levy revenue.

Discussion ensued regarding:

- revenue and subsidy options
- any impact a referral may have on staff preparing the financial plan

Referral Motion:

MOVED by Director McNeil-Smith, **SECONDED** by Director Holman,
That the main motion be referred to the next meeting of the CRD Board and that a representative of CREST be invited to give a presentation at that meeting.

CARRIED

Opposed: Jones

Governance Committee

- 8.5. [23-531](#) Capital Regional District Advocacy Strategy

T. Robbins spoke to Item 8.5.

Discussion ensued regarding how this applies to issues within the electoral areas and sub-regional commissions.

MOVED by Director Little, **SECONDED** by Director Murdoch,
That the updated CRD Advocacy Strategy be approved.

CARRIED

Opposed: Wickheim

Director Coleman left the meeting at 2:48 pm.

- 8.6. [23-534](#) Capital Regional District Mission Statement
- Director Desjardins and Alternate Director Rogers left the meeting at 3:03 pm.
- Discussion ensued regarding the original staff recommendation.
- MOVED** by Director Little, **SECONDED** by Director Szpak,
That the following mission statement be adopted:
“We are a regional federation working together to serve the public good, plan for the future, and help build a livable, sustainable and resilient region. We work across municipal and electoral area boundaries to deliver services to residents regionally, sub-regionally and locally through an inclusive, efficient and open organization.”
- CARRIED**
Opposed: de Vries, Kim, Plant
- 8.7. [23-516](#) Bylaw No. 4556: Capital Regional District Public Notice Bylaw No. 1, 2023
- Alternate Director Rogers returned to the meeting at 3:06 pm.
- MOVED** by Director Little, **SECONDED** by Director Murdoch,
1. That Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023” be introduced and read a first, second, and third time.
CARRIED
- MOVED** by Director Little, **SECONDED** by Director Jones,
2. That Bylaw No. 4556 be adopted.
CARRIED
- 8.8. [23-530](#) Membership in the Institute of Corporate Directors
- Discussion ensued regarding membership fees.
- MOVED** by Director Little, **SECONDED** by Director Murdoch,
That the Board renew its membership with the Institute of Corporate Directors until the end of 2024.
CARRIED

- 8.9. [23-539](#) Bylaw No. 4350 and 4566 - Proposed Amendments to Recreation Commission Bylaws for Sooke and EA (2788) and Peninsula (2397)
- MOVED** by Director Little, **SECONDED** by Director Tait,
1. That Bylaw No. 4350, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000, Amendment Bylaw No. 4, 2023" be introduced and read a first, second and third time.
CARRIED
- MOVED** by Director Little, **SECONDED** by Director Tait,
2. That Bylaw No. 4350 be adopted.
CARRIED
- MOVED** by Director Little, **SECONDED** by Director Wickheim,
3. That Bylaw No. 4566, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time.
CARRIED
- MOVED** by Director Little, **SECONDED** by Director Tait,
4. That Bylaw No. 4566 be adopted.
CARRIED

Juan de Fuca Land Use Committee

- 8.10. [23-382](#) Development Permit with Variance for Lot 30, Section 98, Sooke District, Plan 33263 - 6067 Brecon Drive
- MOVED** by Director Wickheim, **SECONDED** by Director Tait,
That Development Permit with Variance DV000091, as amended, for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:
1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
 2. Part 1, Section 4.01 (2)(a) to increase the height permitted from 6 m to 6.392 m; and
 3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m² be denied.
- CARRIED**

Transportation Committee

8.11. [23-492](#) Regional Trails Widening and Lighting Project - Funding Options

MOVED by Director Murdock, **SECONDED** by Director Szpak,

1. That the Regional Trails Widening and Lighting Project be accelerated by the inclusion of the Project in the 2024-2028 Financial Plan and that project funds be secured by way of debt; and
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funds through non-tax revenue.
3. That the CRD Chair and CRD staff work with the province including a letter to the Minister of Transportation to secure opportunities for supporting the work identified in the Trails Widening and Lighting Project; and
4. That going forward the project be referred to as the regional trestles renewal, trails widening and lighting project.

Discussion ensued regarding:

- maintenance service levels
- grant opportunities

MOVED by Director Holman, **SECONDED** by Director Wickheim,

That the main motion be amended to replace section 1 with the wording "That Regional Trail and active transportation projects in electoral areas also be accelerated by including such projects in the 2024-28 Financial Plan, and that project funds also be secured by way of additional regional debt of up to \$4 million, to be allocated to electoral areas based on converted assessments."

Discussion ensued regarding transportation governance.

Referral Motion:

MOVED by Director Murdoch, **SECONDED** by Director Brice,

That the amending motion be referred to the next meeting of the Transportation Committee for discussion.

Discussion ensued regarding whether the intent of the amending motion directed a new action, and therefore should be considered a motion arising.

The question was called on the referral motion:

That the amending motion be referred to the next meeting of the Transportation Committee for discussion.

DEFEATED

Opposed: Alto, Brent, Brice, de Vries, Goodmanson, Jones, Kim, McNeil-Smith, Plant, Rogers, Szpak, Tait

The Chair ruled the amendment out of order.

Discussion ensued regarding:

- active transportation and trail priorities in the electoral areas
- whether debt servicing may delay overall dam and bridge upgrade projects
- maintenance levels required on the aging trestles

MOVED by Director de Vries, **SECONDED** by Director Brice,

That the meeting be extended beyond the 3 hour scheduled time.

CARRIED

The question was called on the main motion.

1. That the Regional Trails Widening and Lighting Project be accelerated by the inclusion of the Project in the 2024-2028 Financial Plan and that project funds be secured by way of debt; and
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funds through non-tax revenue.
3. That the CRD Chair and CRD staff work with the province including a letter to the Minister of Transportation to secure opportunities for supporting the work identified in the Trails Widening and Lighting Project; and
4. That going forward the project be referred to as the regional trestles renewal, trails widening and lighting project.

CARRIED

- 8.12. [23-545](#) Enforcement Practices for Alternative Forms of Housing - Recreational Vehicles

MOVED by Director Brent, **SECONDED** by Director Wickheim,
That the Board work collaboratively with former premier Mike Harcourt to advocate to other levels of government and their agencies for housing opportunities in the Electoral Areas.

CARRIED

9. BYLAWS

- 9.1. [23-537](#) Bylaw 4546 - "Saanich Peninsula Recreation Services (Centennial Park Multi-Sport Box) Loan Authorization Bylaw No. 1, 2023"

MOVED by Director Tait, **SECONDED** by Director Jones,
That Bylaw 4546 - "Saanich Peninsula Recreation Services (Centennial Park Multi-Sport Box) Loan Authorization Bylaw No. 1, 2023" be adopted.

CARRIED

- 9.2. [23-538](#) Bylaw 4547 - "Saanich Peninsula Recreation Services (Panorama Heat Recovery System) Loan Authorization Bylaw No. 1, 2023"

MOVED by Director Tait, **SECONDED** by Director Jones,
That Bylaw 4547 - "Saanich Peninsula Recreation Services (Panorama Heat Recovery System) Loan Authorization Bylaw No. 1, 2023" be adopted.

CARRIED

10. NOTICE(S) OF MOTION

There were no notice(s) of motion.

11. NEW BUSINESS

There was no new business.

12. MOTION TO CLOSE THE MEETING

12.1. [23-552](#)

Motion to Close the Meeting

MOVED by Director Tait, **SECONDED** by Director Murdoch,

1. That the meeting be closed for Appointments in accordance with Section 90(1)(a) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

2. That the meeting be closed for Labour Relations in accordance with Section 90(1)(c) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

3. That the meeting be closed for Land Acquisition In accordance with Section 90(1)(e) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

4. That such disclosures could reasonably be expected to harm the interests of the Regional District.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

5. That the meeting be closed for Legal Advice in accordance with Section 90(1)(i) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

6. That the meeting be closed for Contract Negotiations in accordance with Section (90)(1)(k) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

7. That such disclosures could reasonably be expected to harm the interests of the Regional District.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

8. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter.

CARRIED

The Capital Regional District Board moved to the closed session at 4:15 pm.

13. RISE AND REPORT

The Capital Regional District Board rose from its closed session at 4:49 pm without report.

14. ADJOURNMENT

MOVED by Director de Vries, **SECONDED** by Director Brice,
That the August 9, 2023 Capital Regional District Board meeting be adjourned at
4:49 pm.
CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER