

T O W N O F L A D Y S M I T H
G O V E R N M E N T S E R V I C E S C O M M I T T E E

Mandate –To advise Council on a broad spectrum of issues related to departmental matters

Monday, January 19, 2009 at 5:30 p.m.
Council Chambers, City Hall

A G E N D A

Chairperson: Councillor D. Paterson

Pages

1. **CALL TO ORDER**
2. **AGENDA APPROVAL**
3. **MINUTES** **1 - 2**
 - December 15, 2008
4. **DELEGATION**
 - 4.1 Robin Ramalho, Rain Forest Challenge Race
Re: Presentation of Rain Forest Challenge Race Business Plan and Budget
 - 4.2 Ken Bosma, Nanaimo Airport Commission
Re: Update on Nanaimo Airport
5. **CITY MANAGER'S REPORT** (Verbal Report)
6. **STAFF REPORTS**
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Re: OCP and Zoning Bylaw Amendment Application – Upper Holland Creek (GPM Developments Ltd)
 - 6.2 Manager of Development Services **15 - 16**
Re: Development Variance Permit Process
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Re: Heritage Tourism Workshop
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7. MEMBER SUBMISSIONS None.	
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10. UNFINISHED BUSINESS	

ADJOURNMENT



Town of Ladysmith

GOVERNMENT SERVICES COMMITTEE

Minutes of a meeting of the Government Services Committee held in Council Chambers at City Hall on Monday, December 15, 2008 at 6:30 p.m.

COUNCIL MEMBERS PRESENT:

Steve Arnett
Jillian Dashwood
Bruce Whittington

Scott Bastian
Mayor Rob Hutchins
Duck Paterson

COUNCIL MEMBERS ABSENT:

Lori Evans

STAFF PRESENT:

Ruth Malli
Rebecca Kalina

Sandy Bowden
Joe Friesenhan

The Chair, Councillor Duck Paterson, called the meeting to order at 6:31 p.m.

AGENDA APPROVAL

2008-180: It was moved, seconded and carried that the agenda for the Government Services Committee meeting of Monday, December 15, 2008 be approved as circulated.

MINUTES

2008-181: It was moved, seconded and carried that the minutes of the Government Services Committee meeting of Monday, November 17, 2008 be approved as circulated.

REPORTS

The City Manager presented the Committee with a brief update on operational activities.

2008-182: It was moved, seconded and carried that it be recommended to Council that staff meet with residents of Hooper Place, adjacent to the Sunset Woods subdivision, to discuss options for removal of the tree buffer between the properties, and other measures to address neighbourhood concerns.

2008-183: It was moved, seconded and carried that it be recommended to Council that the recommendations of the South Ladysmith Reservoir Preliminary Design Report be included in the 2009 budget considerations.

2008-184: It was moved, seconded and carried that it be recommended to Council that the issue regarding the replacement of vehicle unit 59 be referred back to staff for further review and that staff be requested to consider environmental impacts in this review.

2008-185: It was moved, seconded and carried that it be recommended to Council that the report from the Director of Public Works, dated December 10, 2008, regarding feedback from the Chemainus Road public meeting be received and filed.

2008-186: It was moved, seconded and carried that it be recommended to Council that staff be requested to provide suggestions on compensation for affected residents in the construction zone of Chemainus Road, once issues arising from the construction are discussed with the contractor.

2008-187: It was moved, seconded and carried that it be recommended to Council that Council authorize the payment of \$17,668.40 to the developer for the Town's share of the storm sewer on 4th Avenue, with 67% of the cost to come from the Roads DCC and 33% from unallocated surplus;

AND THAT the financial plan be amended to accommodate the expenditure.

2008-188: It was moved, ¹seconded and carried that it be recommended to Council that

Public Works be authorized to clean up the property and remove the vehicles and boat at 26 Kitchener Street and to charge the owner of the property for the cleanup, removal and storage.

2008-189: It was moved, seconded and carried that it be recommended to Council that if the Towns for Tomorrow grant for Aggie Field is unsuccessful, that staff be authorized to submit an application to the program for Phase 1 of a centralized water treatment facility at the Arbutus site.

CORRESPONDENCE

2008-190: It was moved, seconded and carried that it be recommended to Council that the letter from W. Stubbington regarding the Ladysmith cemetery be received and referred to Staff for a report, and that the letter writer be advised that the Town concurs with the establishment of a columbarium at the cemetery and that the columbarium is included in the Town's Five Year Plan.

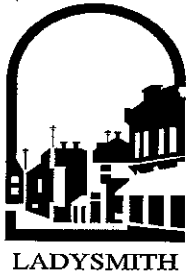
ADJOURNMENT

2008-191: It was moved, seconded and carried that this meeting adjourn. (7:11 p.m.)

CERTIFIED CORRECT:

Chair (Councillor D. Paterson)

Corporate Officer (S. Bowden)



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: January 12, 2009
File No: 3360-06-13

Re: OCP AND ZONING BYLAW AMENDMENT APPLICATION - UPPER HOLLAND CREEK (GPM Developments Ltd.) – Subject property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

RECOMMENDATION:

That the Government Services Committee recommends that Council:

- (a) directs staff to include in Bylaw 1672, the triangular shaped area of land located generally west of the hydro line containing Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 and other parcels within the Town's urban containment boundary;
- (b) amends the requirement for on-site sewerage treatment for rezoning application 3360-06-13 to a requirement for downstream sewer upgrades identified as undersized for this development and a dual (grey water reuse) system in the proposed development,
- (c) gives first and second reading to Bylaw 1672 and Bylaw 1673,
- (d) sets a Public Hearing date of March 2, 2009,
- (e) with respect to opportunities for consultation on the OCP amendment for application 3360-06-13 that Council refer Bylaw 1672 to School District #68 and review Bylaw 1672 with the Chemainus First Nation Band Council at the next joint Council meeting.

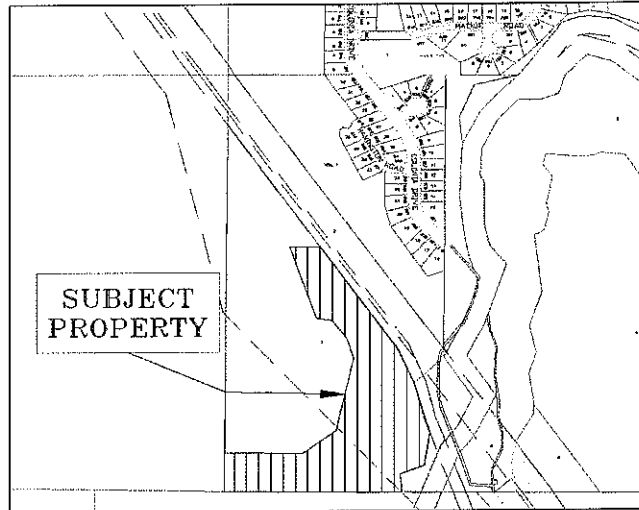
BACKGROUND / HISTORY:

Council has the authority to amend, by bylaw, the Official Community Plan and the Zoning Bylaw. Such amendments require a public hearing to be held prior to third reading of the bylaws.

The applicant is proposing to rezone the lands to Medium Density Residential (R-3-A) Zone with a maximum density of 190 units located within three 4-storey condominium apartments and 30 townhouse units.

- The apartment unit sizes range from 525 to 1150 sq.ft. and the townhouse units would be about 2000 sq.ft.

- The proposed maximum building height is 14 metres (4-storey condominium).
- 294 parking spaces would be provided (183 underground and 111 surface spaces).
- A park dedication of 2.5 acres adjacent to Holland Creek Park is proposed.
- The project is not proposed as a LEED® project, but would be built to Built Green™ standards for multi-family development.
- Rental of units would be expressly permitted within the condominium buildings.



The proposal has been considered by the Advisory Planning Commission and the Advisory Design Panel and Council has previously considered these comments. Both commissions were generally in support of the rezoning proposal.

At its meeting held August 5, 2008, Council provided direction to prepare bylaws, subject to road access being resolved to the satisfaction of the Town. Primary road access via Malone Road has now been resolved to the satisfaction of the Town.

Also at that time, Council has provided direction that the following amenities and commitments are to be secured through a covenant registered on the title of the subject property. The preparation and review of the covenant is the responsibility of the applicant. Such agreements are registered prior to final consideration of the bylaws by Council. The covenant has not yet been provided.

- 2.5 acre park dedication and development, including removal of invasive species, picnic tables, benches and trails to connect to the existing Holland Creek trail,
- Project construction to a Built Green Multi Pilot program standard,
- Rental of units expressly permitted within the condominium buildings,
- Implementation of the recommendations of the Preliminary Geotechnical Assessment by Levelton Consultants Ltd. Dated April 28, 2008,
- On-site storm water management and on-site sewerage treatment (see discussion in the next section below),
- Trolley bus stop at the site to serve the development to meet the Town's transit objectives, and
- \$80,000 amenity contribution at the time of building permit.

ANALYSIS:

Bylaw 1672 amends the Official Community Plan and Holland Creek Area Plan and Bylaw 1673 amends the Zoning Bylaw.

Bylaw 1672:*Official Community Plan Amendments*

This Bylaw includes the subject property within the “urban containment boundary” that has been established in the Official Community Plan (OCP). The Bylaw also adds the subject property to Development Permit Area 4 – Multi-Family Residential (DPA4) and Development Permit Area 7 - Hazard Lands (DPA7). A development permit would be required prior to alteration of the land and construction of buildings.

Two options are presented with respect to the lands to be included within the urban containment boundary: the subject property only or the entire triangular portion of land located west of the hydro right-of-way including the subject property. It is expected that all of the lands within this area will be proposed for residential development.

Holland Creek Area Plan Amendments:

Bylaw 1672 changes the land use designation of the subject property from “Reserve” to “Multi-Family”. It also deletes policy 3.1.2.11 as it would no longer be relevant if the rezoning is successful. Technical data in the plan is also updated.

Bylaw 1673:

Bylaw 1673 rezones the subject property from Single Family to Multi-Family. The Bylaw also includes two site specific amendments to permit the height of the condominium apartment buildings to be 14 metres (4 storeys) and a maximum of 190 units.

Access and Servicing:

The applicant has provided agreements from the affected property owners regarding primary road access from Malone Road to the subject property as required by Council.

Council has directed that on-site sewage treatment is to be provided. The applicant’s engineers have reviewed this requirement and have made an alternate proposal to the Town to manage the sewage flows from the development through the reduction of outflows (source control) combined with improvements to the downstream capacity. The proposal is that:

1. The downstream portion of the sewer system, identified as being under-sized for this development by Herold Engineering, will be improved to provide additional sewer capacity. Latecomer’s charges would apply to future development benefiting from these upgrades.
2. The developer will pay the Town the full amount of the sanitary sewer DCCs in addition to the developer paying the cost of improving downstream works.
3. The project will be built to the CHA Built Green Program which includes low flow applicants such as washing machines which would substantially reduce the flow.

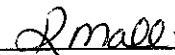
Staff has reviewed and support the revised proposal, with the addition of the installation of a dual (grey water re-use) system within the proposed development.

OCP Consultation:

The *Local Government Act* requires that when an OCP is being prepared or amended that Council consider opportunities for consultation, including with the regional district, adjacent municipalities, first nations, school district and provincial and federal governments. It is recommended that Bylaw 1672 be referred to School District #68 and reviewed with Chemainus First Nation Band Council.

The applicant held a public information meeting on March 25, 2008; about 10 to 12 people attended. The applicant advises that the issues identified by the public were: stormwater management, slope stability, blasting during construction, traffic generated by the project and phasing of construction. These concerns have been addressed through the rezoning process. At the time of the public meeting, primary access from Malone Road was not yet determined. The housing options presented were favourable to several people.

I concur with the recommendation:



Ruth Malli, City Manager

ATTACHMENTS:

- Bylaws 1672 and 1673.

TOWN OF LADYSMITH

BYLAW NO. 1672

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

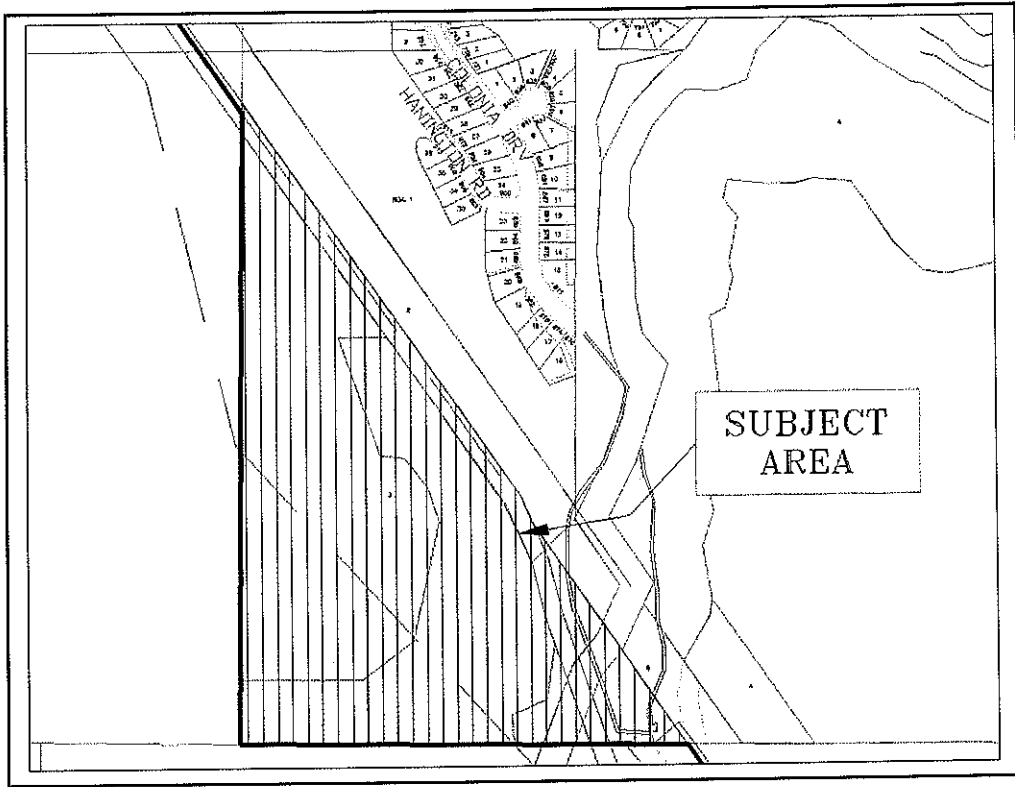
WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

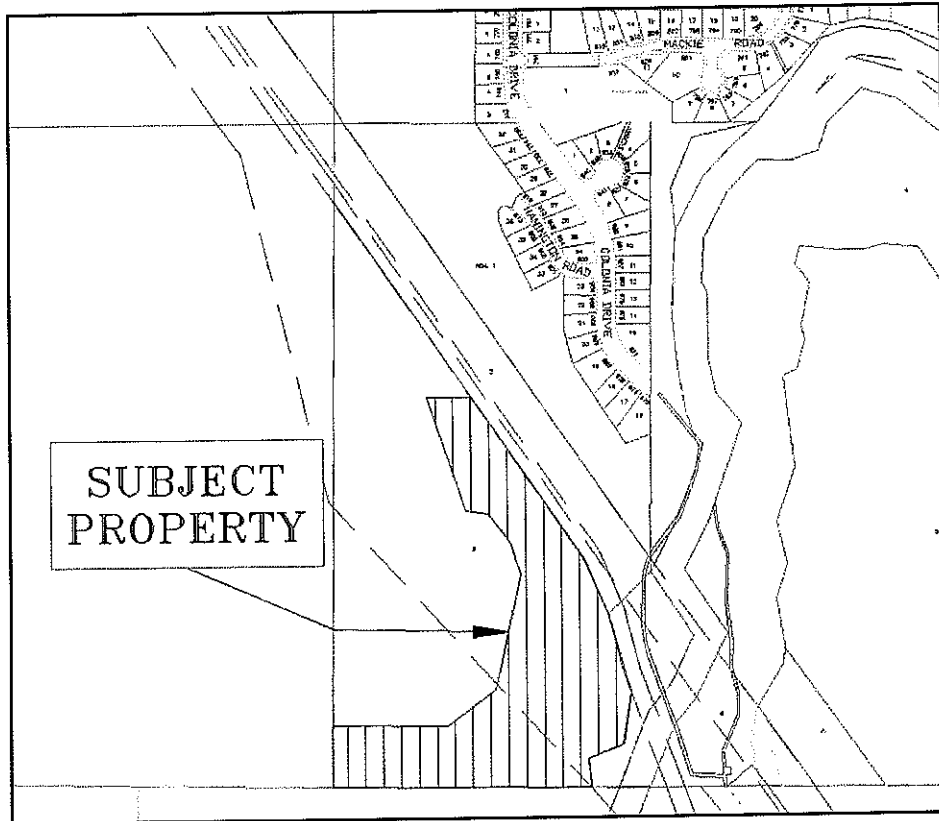
NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule "A" - "Town of Ladysmith Community Plan" is amended by:
 - (a) including on Figure 6:
the subject area shown on Schedule 1 attached to this Bylaw within the Urban Containment Boundary.
 - (b) placing on Map 1 "Land Use":
"Multi-Family Residential" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
 - (c) placing on Map 2 "Development Permit Areas":
"Development Permit Area 4 - Multi-Family Residential" and "Development Permit Area 7 - Hazard Lands" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
- (2) Schedule "C" - "Holland Creek Area Plan" is amended by:
 - (a) deleting the following residential policy:
" 3.1.2.11 An Urban Reserve will be designated in an isolated portion of the northwest of the Plan Area to provide for forestry uses over the near term and long term potential urban residential uses for a future period beyond the life of this Local Area Plan."
 - (b) placing on Figure 4:
"Multi-Family" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
 - (c) amending "Table 1: Residential Land Use" - Total Developable Area as follows:
reducing "Reserve" by 5.3 ha and increasing "Multi-Family Development" by 5.3 ha.

Bylaw 1672 - Schedule 1



Bylaw 1672 - Schedule 2



TOWN OF LADYSMITH

BYLAW NO. 1673

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended is hereby further amended by adding the following site specific regulations to Section 13.0 Medium Density Residential Zone:
 - (a) "13.2 (2)(a) Despite 13.2 (2) the height of an apartment building located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 14.0 metres (4 storey).", and
 - (b) "13.2 (4)(a) Despite 13.2(4) the number of residential units located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 190 units."
- (2) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:
"Medium Density Residential (R-3-A) Zone" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 as shown on Schedule 1 attached to this Bylaw.

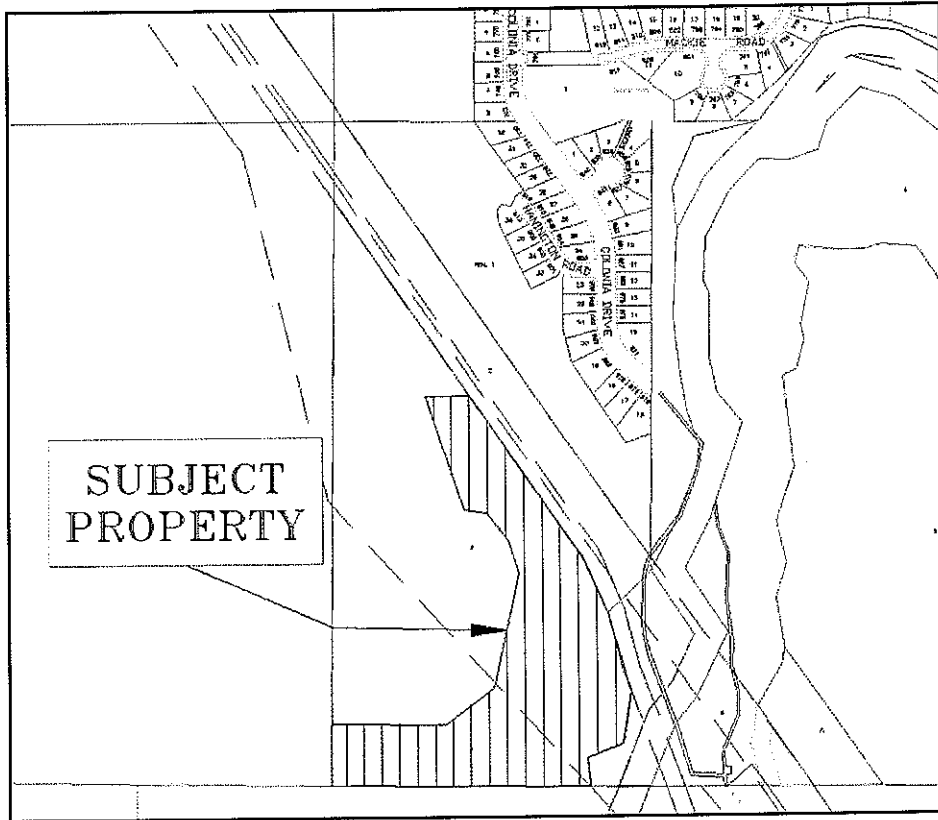
CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.71), 2008, No. 1673".

READ A FIRST TIME on the _____ day of _____

READ A SECOND TIME on the _____ day of _____

Bylaw 1673 – Schedule 1





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: January 14, 2009
File No:

Re: DEVELOPMENT VARIANCE PERMIT PROCESS

RECOMMENDATION:

That it be recommended to Council that staff be directed to prepare an amendment to Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 for the consideration of development variance permit applications by Council, as follows:

- a) Staff to undertake the notice and forward the application directly to Council for consideration for the following types of DVP applications.
 - setback requests for the redevelopment or expansion of an existing development
 - setback requests for new development that are 0.6 of a metre or less
 - height requests for less than 0.6 metres;
- b) Consideration of and direction regarding notice on all other DVP applications will be recommended to Council by the Government Services Committee.

BACKGROUND / HISTORY:

In order to facilitate policy decision-making, the Mayor has discussed with the Senior Management team the process for Council's consideration of staff reports. Staff reports will first be presented to the Government Services Committee for policy discussion, prior to Council consideration. However, some development applications are considered to be straight-forward and these applications could go directly to Council. One type of such application is development variance permit applications for minor requests.

Council Authority

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council.

Notice that a development variance permit may be issued is required to be provided to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit. Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 provides the process for development applications.

ANALYSIS:

For development variance permit (DVP) applications this change in reporting process means that the statutory notice will not be undertaken until Council has directed that notice is to take place. This will add time to the application process. Once the notice has been undertaken, the DVP will be advanced to Council for consideration as Council is the decision-making body with respect to DVP applications.

Some DVP applications are minor and proceeding with the notice without first putting the request on the Government Services Committee agenda will shorten the application process. This process is consistent with current practice.

Bylaw 1667 requires that the applicant hold a neighbourhood meeting when a height variance request is 3.0 metres or greater. This reporting change will not affect that process.

Therefore, it is recommended that for the following types of DVP applications, staff continue to provide notice and forward the application directly to Council for consideration.

- setback requests for the redevelopment of an existing development;
- setback requests for new development that are less than 0.6 of a metre;
- height requests that are less than 0.6 of a metre.

All other applications will first be presented to the Government Services Committee for discussion.

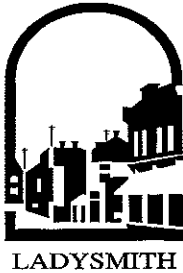
I concur with the recommendation:



Ruth Malli, City Manager

ATTACHMENTS:

None.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: January 14, 2009
File No:

Re: HERITAGE TOURISM WORKSHOP

RECOMMENDATION:

That the Government Services Committee recommend that Council support the Heritage Revitalization Advisory Commission to organize and sponsor a Heritage Tourism Workshop,

And that the Town submit a funding request to Heritage BC for \$1200.

BACKGROUND / HISTORY:

The 2008 annual conference of Heritage BC focused on the topic of heritage tourism. HRAC member A. Rogers attended the conference and provided a report to the Heritage Revitalization Advisory Commission (HRAC) and Tourism Advisory Commission (TAC) about the idea of holding a heritage tourism workshop in Ladysmith. Both groups supported the idea.

At its meeting held December 11, 2008, the HRAC made the following resolution.

It was moved, seconded and carried that the Heritage Revitalization Commission request that Council approve the holding of a workshop entitled "Community Heritage Tourism Strategies: A Planning Workshop". This is to be held the last week in February, 2009, during Heritage Week which runs from February 16-22 and will be funded by Heritage BC.

ANALYSIS:

The funding from Heritage BC will cover the cost of the facilitator. A copy of the workshop agenda can be found at the end of this report. The session is expected to take place February 27 or 28, 2009.

As the session is a day-long session, the Town (HRAC) would be responsible for the facilitator's accommodation and meals and workshop logistics (room, equipment, meals). A registration fee could also be charged. The HRAC budget includes support for heritage week activities. The UBCM Tourism funding also includes funding for tourism industry development.

About 20 representatives would be expected to attend the workshop. The facilitator provides a list of representatives to invite, including: Local heritage sites/museums, Local heritage society, Local First Nations, Local tourism association, Regional tourism association, Chamber of Commerce, Municipality (mayor, council, Economic Development Officer), Spirit of BC Community Committee, Accommodation and food and beverage services, Private heritage tourism operators, and College/ university/ educational institution.

The members of the HRAC will be coordinating logistics for the workshop.

I concur with the recommendation:



Ruth Malli, City Manager

ATTACHMENTS:

Heritage Tourism Workshop outline.

Community Heritage Tourism Strategies A Planning Workshop

FACILITATOR: Ursula Pfahler, PODA Communications

DATES:

LOCATION:

Introduction

This one-day workshop is designed to build participant's awareness of cultural/heritage tourism and its potential, and to explore opportunities for heritage tourism development as an aspect of a communities tourism plan.

This session is for key stakeholders interested in the development of heritage tourism in their community, including staff and board members of agencies such as the Chamber of Commerce or Downtown Business Association, the local and regional marketing organizations, local heritage sites, heritage organizations and events and festivals the local Spirit of BC Committee, tourism operators whose businesses are located in historic buildings or districts or who offer heritage and cultural tourism experiences, local heritage-related businesses and related economic development agencies.

Schedule

9:00 am–12:00 pm Part 1: Morning session

- Welcome and Introductions
- Definition of cultural/heritage tourism
- Cultural/Heritage tourism market potential
- Heritage tourism vision
- Strengths, weaknesses, opportunities and threats for Heritage Tourism in your community
- Partnership opportunities with other types of tourism

12:00–1:00 pm Lunch

1:00–4:30 pm Part 2: Afternoon session

- Heritage Tourism community inventory and assessment
- Developing heritage tourism experiences
- Promoting heritage tourism
- Conclusions and workshop evaluation



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: November 17, 2008
File No:

Re: CEMETERY BYLAW

RECOMMENDATION:

That the Government Services Committee recommend that Council adopt the attached Bylaw for the regulation, operation, and maintenance of the Town of Ladysmith Cemetery.

BACKGROUND / HISTORY:

The operation and maintenance of the Town of Ladysmith Cemetery comes under the jurisdiction of the Business Practices & Consumer Protection Authority (BPCPA). An audit of our cemetery was completed by the BPCPA in April of 2008 that identified the necessity for the Town to revise the cemetery bylaw and record keeping practices.

The attached bylaw and schedules have been written to address the shortfalls of the existing cemetery bylaw and practices. The new bylaw covers additional areas of operation and proposed changes that are required to allow for the construction of columbarium and other improvements identified in the Ladysmith Cemetery Expansion report adopted by Council in February of 2005.

Further development of the cemetery, such as columbarium, scattering garden or ossuary is subject to capital approvals but we propose immediate changes to the cremation plot sizes. The present cremation plot is approximately 30" X 60" and we propose to make these 30" X 30" for the use of one single or one double cremation vault and memorial.

All pricing for Cemetery Fees and Charges will now be included in Bylaw #1644, The Town of Ladysmith Fees and Charges Bylaw.

The major changes proposed from the existing bylaw are:

- Revised description of "Resident"
- New description of "Former Resident", "Family Member", "Niche", "Ossuary", and "Scattering Garden"
- Section 13 - Internment rights can be transferred to a family member

- Section 17 – Internment rights can be surrendered to the Town
- Section 27(d) – proposing that 8 cremated remains be allowed on a full plot (formerly 4)
- Section 27(g) – allow double size cremation vaults to be used
- Section 28 – Columbarium regulations
- Section 29 – Ossuary regulations
- Section 30 – Scattering of Ashes regulations
- Section 43 – maximum size of Memorials specified
- Sections 44 & 45 – Memorials for columbarium and scattering proposed
- Section 53 & 54 – conduct of dog owners in cemetery
- Section 56 – Artificial flowers removed March 15th each year (presently March 1st)
- Section 64-67 – Maintenance of Care Fund

Changes to the Schedules are as follows:

- Schedule A – now incorporates a legal agreement (as required by BPCPA) and the option of reselling any reserved lots still unused after 50 years.
- Schedule B – Internment permit revised
- Schedule C – Memorial permit revised
- Schedule D – new form for 'Right of Internment Transfer'
- Schedule E – new form for 'Right of Internment Surrender'
- Schedule F – new form for 'Additional Internments in a Lot'

ATTACHMENTS:

Draft Bylaw #1668.

I concur with the recommendation:



 Ruth Malli, City Manager



TOWN OF LADYSMITH

BY-LAW No. 1668

A By-law to provide for the regulation, operation, and maintenance of the Municipal Cemetery

A. **WHEREAS** pursuant to the *Community Charter* Council may, by bylaw, among other powers, regulate, maintain and operate cemeteries and establish the fees, terms and conditions under which persons may acquire the right to make use of areas or lots in a municipal cemetery, subject to the *Cremation, Interment and Funeral Services Act*;

B. **AND WHEREAS** the *Cremation, Interment and Funeral Services Act*, provides that every operator of a cemetery must make bylaws, including bylaws respecting the administration and operation of the cemetery, the rights, privileges and responsibilities of the operator, rates and charges and the size, class and kind of memorials;

C. **AND WHEREAS** the Town of Ladysmith, which owns and operates a cemetery, has established itself as a Board of Cemetery Trustees in accordance with the *Cremation, Interment and Funeral Services Act*;

D. **AND WHEREAS** the Council of the Town of Ladysmith wishes to delegate to the Director of Public Works certain specific administrative powers of the Council relating to the operation and management of the cemetery owned by the Town of Ladysmith;

NOW THEREFORE, under its statutory powers, including Section 8(f) of the *Community Charter, S.B.C. 2003, c.26*, the Council of the Town of Ladysmith in open meeting assembled enacts the following provisions:

TITLE

1. This By-law may be cited for all purposes as the "Town of Ladysmith Cemetery Management By-law No. 1668".

DEFINITIONS

2. In this By-law terms defined in the *Cremation, Interment, and Funeral Services Act* and this by-law shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

ADMINISTRATOR means the Director of Public Works of the Town, or duly appointed deputy or designate.

APPLICANT means an individual who applies to the Town for a Right of Interment.

BURIAL VAULT means a protective, sealable outer receptacle, into which a casket or urn is placed, designed to restrict the entrance of gravesite elements into the casket or urn.

CARETAKER means the person duly authorized by the Town to perform Interments and to care for and maintain the Cemetery.

CEMETERY means the "Town of Ladysmith Cemetery" at 320 Christie Road, being lands described as:

Lot 2, Block 84 A&B, Plan Number 28037, Land District 43, PID 002-273-217, Folio number 445-1345.000,

and future development on the east side of the cemetery described as:

Lot A, VIP 71585, District Lot 147, Land District 43, PID 024-914-410, Folio number 445-1449.020

set apart or used as a place of burial of human remains or cremated remains, together with any incidental or ancillary buildings on the land.

CEMETERY POLICY means the written guidelines and procedures established by the Administrator and utilized for management of the Cemetery.

CHILD means a person twelve (12) years of age or younger.

ACT means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Administrative Authority, as may be amended or replaced from time to time and all regulations made thereunder.

CO-MINGLED means the intentional mixing of the Cremated Remains of more than one deceased person.

CONTROL OF DISPOSITION means the authority to control the disposition of the Human Remains or Cremated Remains in accordance with section 5 of the Act.

COUNCIL means the Council of the Town of Ladysmith.

CREMATED REMAINS means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.

CREMATION VAULT means a receptacle made of durable material placed in a ground cremation Lot to encase an urn, or urns, holding cremated remains. A Cremation Vault has a lid and is placed during the Interment process.

EXHUMATION means the exposure of interred Human Remains for viewing or for examination, whether in or removed from the Lot in which the Human Remains had been interred.

FAMILY MEMBER means a parent or step-parent, a grandparent or step-grandparent, a sibling (natural, adopted or step), a Spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

FEES means the schedule of fees as prescribed in the Town of Ladysmith Fees and Charges By-law No. 1644.

FORMER RESIDENT means a person who resided in the Town of Ladysmith limits for at least ten (10) consecutive years.

FUNERAL PROVIDER means an individual licensed under the Act to provide funeral services.

GRAVE LINER means a receptacle made of durable material placed around the casket to provide reinforcement to the Lot and which is placed during the burial process.

HOLIDAY means a holiday as defined in the *Interpretation Act*.

INTERMENT PERMIT means a permit document that authorizes the Interment of a deceased person (Schedule B).

INTERMENT RIGHT HOLDER means a person who holds a Right of Interment Certificate (Schedule A).

INURNMENT means the process of placing Cremated Remains in a receptacle, such as an Urn, and the placement of that receptacle into a Niche.

LOT means a discrete space used, or intended to be used in the Cemetery, for the Interment of Human Remains or Cremated Remains under a Right of Interment Certificate and includes a grave, crypt, Niche or plot, but does not include the placement of Cremated Remains in a Scattering Garden or Ossuary.

MEDICAL HEALTH OFFICER means the person from time to time having jurisdiction as the Medical Health Officer for the Town.

NICHE means a space, usually within a Columbarium, designed for the Inurnment of Cremated Remains.

OSSUARY means a receptacle, usually located below ground, for the placement of non-recoverable, Co-mingled Cremated Remains.

RESIDENT means a person who resided or owned property within the Town of Ladysmith limits immediately before death or moving to a care facility.

RIGHT OF INTERMENT means a certificate that provides for the right for the interment of Human Remains or Cremated Remains in a designated Lot.

SCATTERING means the non-recoverable dispersal of Cremated Remains over a body of land or water within a defined area of the Cemetery.

SCATTERING GARDEN means a designated area for the placement of non-recoverable, co-mingled cremated human remains in a garden area.

TOWN means the Town of Ladysmith.

TRANSFER FEE means fees levied to cover administrative costs associated with the transfer or surrender of a Right of Interment or other services.

URN means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

APPLICATION OF BY-LAW

3. This By-law applies to the Cemetery, and to the Interment within the Cemetery, of the human deceased, and for its management, operation and preservation and the terms, conditions and fees set out shall apply to every Right of Interment within the Cemetery.

4. The administration of the Cemetery shall be carried out in accordance with the Act, regulations pursuant to the Act and this Bylaw.
5. The Council of the Town shall continue as the Board of Cemetery Trustees.
6. Council may determine from time to time the size and layout of the Lots, the developments and improvements to be carried out and made in and to the Cemetery, subject to compliance with the requirements of the Act.
7. A copy of the plan of the Cemetery shall be filed with the Administrative Authority.

ADMINISTRATION OF BY-LAW

8. The Administrator is responsible for the general administration of the By-law and is authorized to:
 - a. maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority under the Act;
 - b. issue all Rights of Interment and permits required and authorized by this By-law, except as otherwise provided in this By-law; and
 - c. establish Cemetery Policy, subject to this Bylaw and Council direction.

RIGHT OF INTERMENT

9. A person may apply to the Administrator for a Right of Interment Certificate for a vacant, unreserved Lot (Schedule A, "Right of Interment Certificate").
10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.

14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
 - a. there are no Interments in the designated Lot;
 - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
 - c. the original license or Right of Interment Certificate is surrendered;
 - d. the applicable Administration Fee is paid; and
 - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.

INTERMENTS

19. An Interment shall be made within the Cemetery once the person with Control of Disposition has obtained an Interment Permit and paid all applicable Fees.
20. Only Human Remains, or Cremated Remains, may be interred or memorialized in the Cemetery.
21. No person other than the Caretaker or a person under the authority of the Caretaker shall carry out an Interment. An Interment shall only be conducted in predefined Lots approved by the Administrative Authority.
22. Application for an Interment Permit shall be made at least two (2) working days before the Interment is to take place. The Administrator may schedule the Interment in a shorter time frame subject to full compliance with all other applicable provisions of this By-law.
23. An Interment of Cremated Remains is to be completed within 30 days of all Fees being paid.
24. The bodies of persons who have died having any infectious disease, as defined in the Health Act R.S.B.C. 1996, c.179, or legislation that replaces the *Health Act*, shall be interred as directed by the Medical Health Officer.

25. The Administrator shall follow any instructions of the Medical Health Officer in the preparation and placement of the Interment.
26. When an Interment for a person with an infectious disease needs to occur outside regular working hours, the Administrator must authorize such Interment and must follow the Medical Health Officer's instructions.
27. The following apply to all in-ground Interments:
- (a) A Grave Liner or Burial Vault is required for each in-ground burial Interment.
 - (b) A Cremation Vault is required for each in-ground cremation Interment.
 - (c) All Cremated Remains must be interred in a sealed container constructed of permanent, durable material approved by the Administrator.
 - (d) The Administrator may allow for the interment of up to eight (8) Cremated Remains on any full-size lot in addition to one (1) casket burial provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in the Act. Schedule F must be completed.
 - (e) No casket burial is permitted in a Lot after Cremated Remains have been interred in that Lot.
 - (f) Cremated Remains placed on a full-size burial Lot are not Co-mingled.
 - (g) Each cremation Lot may hold one (1) Cremation Vault containing one (1) set of cremated remains in a single vault or two (2) sets of cremated remains in a double vault.
 - (h) Each full casket interment in the cemetery shall be made in a grave, which when filled and closed, provides not less than 0.9m (3 feet) of earth between the upper surface of the grave liner and the general ground level around the gravesite.
 - (i) Each in-ground Interment of cremated remains shall be made, in a cremation vault in the Lot, in a grave dug to a depth of 0.6m (2 feet.).
 - (j) The Administrator must supply permission for the purchase of any Grave Liner or Burial Vault from a source other than the Town, with permission based on the item's size, design, material and construction.
 - (k) The installation of Burial Vaults will be subject to a handling Fee and must be paid in full prior to installation. The Administrator may request that Grave Liners or Burial Vaults be installed by their supplier, under the supervision of the Caretaker, with the installation being at the Applicant's expense.
 - (l) Any charges incurred by the Cemetery above and beyond the standard scope of services, in the handling of Grave Liners or Burial Vaults not supplied by the Town will be charged to the Applicant for an Interment Permit and must be paid prior to Interment.

28. Cremated Remains placed in a Columbarium must be enclosed in a sealed container or Urn constructed of permanent, durable material approved by the Administrator.
29. Cremated Remains placed in an Ossuary are permanent, non-recoverable and Co-mingled. Placement of Cremated Remains in the Ossuary will only be performed by the Caretaker.
30. Scattering of Cremated Remains is permanent and non-recoverable and is permitted only in designated locations and under the supervision of the Caretaker.
31. All interments shall be performed between the hours of 9:30 a.m. and 3:00 p.m., Monday to Friday except the Administrator may schedule Saturday, Sunday or Statutory Holiday Interments subject to the payment of additional Fees and availability of the Caretaker. The person with Control of Disposition shall be responsible for any late arrival Fees if the Human Remains or Cremated Remains are delivered to the Cemetery outside of the above prescribed times.

EXHUMATIONS AND DISINTERMENTS

32. Pursuant to Section 16 of the Act a Cemetery must not exhume or disinter Human Remains until:
 - a. the Administrator receives a written request to do so from the person who has the Control of Disposition of the remains;
 - b. approval of the Exhumation by the Administrative Authority is received by the Administrator unless the remains are being interred in another lot in the cemetery;
 - c. the Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when the Human Remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and
 - d. payment of the prescribed Fee is received, or acceptable payment arrangements have been made with the Administrator.
 - e. The person applying for the Exhumation assumes responsibility for any damage that may occur to a casket, urn or other container as a result of the Exhumation.
33. The Town's responsibility with respect to Exhumation or Disinterment is limited to:
 - a. excavation of sufficient quantities of soil to permit access to the Human or Cremated Remains;
 - b. removal of intact burial containers; and
 - c. closure of the Lot.

but the Town does not assume any responsibility for damage that may occur to a casket, urn or other container.

34. In accordance with Section 18 of the Act, a Funeral Provider employed at the expense of the Interment Right Holder or their successors is required for the handling of any Human Remains unless the remains are being interred in another lot in the cemetery.

MEMORIALS

35. Memorials will only be installed, removed or modified in the Cemetery when:

- a. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator, and obtained a 'Memorial Permit' (Schedule C).
- b. the applicable contribution is paid to the Care Fund as required in the Act; and
- c. all outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
- d. the deceased person has been interred in the Lot.

36. All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator.

37. All Memorials shall be constructed of granite or bronze or other material of a permanent nature as approved by the Administrator. Bronze Memorials must be set on a concrete or granite base.

38. Installation of Memorials shall occur between 8:30 a.m. and 3:00 p.m. Monday to Friday, excluding statutory holidays. Installations will be made as soon as possible after delivery of the Memorial to the Town and timelines may vary depending on scheduling issues, weather conditions and ground conditions.

39. The Town does not assume a duty to repair any breakage or damage to any Memorial or to replace any damage, defacement or removal of a Memorial from the Cemetery, except as shall arise as the result of the negligence of the Caretaker.

Ground Interment Memorials

40. A Memorial in respect of an inground Interment, including those for cremation Lots, shall be installed flush with the ground except in areas designated for upright markers.

41. A Memorial Permit (Schedule C) shall be issued by the Administrator to authorize installation of all ground interment Memorials.

42. The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.

43. The maximum finished dimensions of in-ground MEMORIALS (granite or bronze attached to a concrete base) shall be:

Single Cremation Lot:	Maximum 50 x 30 cm (20" x 12")
Double Cremation Lots: (two adjacent plots)	Maximum 70 x 40 cm (28" x 16")
Single Burial Lot:	Maximum 60 x 30 cm (24" x 12")
Double Burial Lots: (two adjacent plots)	Maximum 75 x 45 cm (30" x 18")

The thickness of all Memorials shall be approximately 10 cm (4")

Cremation Memorials

44. Cremation Memorials apply to any bronze plaque for use on a Columbarium, Memorial board or Memorial rock but do not include Memorials for in-ground cremation Interments.

45. Bronze plaques for Cremation Memorials shall be installed by the Town and must conform to the approved design and specifications of the applicable section of the Cemetery as established by the Town.

46. Where incorrect inscription instructions, dimensions, specifications or locations are given on the Memorial installation application and signed by the Interment Right Holder, their successors or the cremation Memorial supplier, then the cremation Memorial shall be removed and reinstalled at the expense of the Interment Right Holder or their successors.

GENERAL PROVISIONS AND REGULATIONS

47. Every person, including those in funeral processions, when entering and while within a Cemetery, shall obey the instructions of the Caretaker.

48. No person shall disturb the peace, quiet and good order of a Cemetery.

49. The Caretaker may require a person who contravenes section 48 to immediately leave the Cemetery.

50. No person shall discharge any firearm within a Cemetery, except at Military Funerals where the discharge of firearms is permitted only in regular volleys, under the command of the officer in charge, and only during the conduct of the burial service.

51. The Cemetery shall be deemed be open to the public at sunrise every morning and closed to the public at sunset every evening.

52. Cemetery roadways are for the exclusive use of Interment processions, Cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed twenty (20) kilometres per hour. All operators of vehicles shall at all times obey the directions and orders of the Caretaker.

53. No person owning or having custody, care or control of a dog shall allow the dog to be within a Cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.
54. No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a Cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner not within the Cemetery.
55. For the purpose of regular maintenance, only fresh cut flowers, wreaths and floral offerings may be placed on headstones in sections which are grass covered during the period March 16th to October 31st in any year, and during this period no person shall place or cause to be placed on the graves in sections which are grass covered any artificial flowers or plants, vases or decorative containers or ornaments or any other offerings except as outlined herein. Floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the appearance and beauty of the Cemetery.
56. Artificial flowers may be placed on graves in sections which are grass covered during the period November 1st to the following March 15th in any year, and if not removed by March 15th will be removed by the Caretaker, stored for one (1) month and destroyed or disposed of at that time if not claimed.
57. No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a Cemetery.
58. No Lot shall be defined by a fence, railing, coping, hedge or by any other marking except a Memorial as permitted in the Memorial provisions of this By-law.
59. No person, other than the Administrator, shall solicit orders for goods or services within a Cemetery.
60. No person shall destroy, damage or deface any Lot, Memorial, fence, vegetation, gate or any structure in a Cemetery or injure or destroy any Cemetery improvements.
61. No person shall deposit any rubbish or offensive material within a Cemetery.
62. No person shall play any game or sport within the Cemetery.
63. No person shall carry, or possess, a bottle or other container of liquor as defined in the *Liquor Control and Licensing Act* (British Columbia) while in the Cemetery.

CARE FUND

64. A Care Fund for the future maintenance and care of the Cemetery and the Lots therein is hereby established, set aside and maintained. All monies in the Care Fund will be held and invested in accordance with the requirements of the Act.
65. The Care Fund will be maintained with the Town's bankers in an account to be designated as the "Cemetery Care Fund". The City Manager and Manager of Finance will be responsible for all deposits to such account and for ensuring that:

- a. the account at all times complies with the provisions of the Act;
- b. any investment of any monies in the Care Fund is permitted under the Act;
and
- c. any interest earned on the investments of the Care Fund may be used for maintenance and care of the Cemeteries in the year in which the interest and income is earned, or may be retained in the Care Fund to increase the principal sum.

66. The Administrator may, on behalf of the Town, accept voluntary payments to the Care Fund from any person or organization.

67. The principal sum of the Care Fund will not be reduced other than in accordance with an order from the Administrative Authority pursuant to the Act.

PENALTY FOR INFRACTIONS

68. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits or neglects to fulfill, observe, carry out or perform a duty or obligation imposed by this by-law, shall be liable on summary conviction to a penalty of not less than \$125 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

COMMENCEMENT AND TRANSITIONAL PROVISIONS

69. This by-law will come into force on: _____.



TOWN OF LADYSMITH

330 – 6th Avenue, P.O. Box 220, Ladysmith, B.C. V9G 1A2
Public Works Office: (250) 245-6445 • Fax (250) 245-0932 • www.ladysmith.ca

RIGHT OF INTERMENT CERTIFICATE

Schedule "A"

Lot Address: A _____ C _____ M _____ P _____

Right of Interment agreement between the Town of Ladysmith and

Certificate Holder: _____ Phone: _____

Address: _____ Postal Code: _____

IN CONSIDERATION of the price paid by the Certificate Holder to the Town, the parties covenant and agree, subject to the *Cremation, Interment and Funeral Services Act*, as follows:

Lot	_____
Care Fund	_____
GST	_____
TOTAL	_____

1. The Town hereby grants to the Certificate Holder a **right to use** the above **Regular / Cremation** Lot in the Ladysmith cemetery for the interment of the person named in this agreement subject to the terms of the Cemetery Management Bylaw, upon payment of the applicable fee and receipt of an Interment Permit.
2. The Certificate holder acknowledges that this agreement is for the **use of the Lot** and that an additional charge will be payable in accordance with the Town of Ladysmith Cemetery Management Bylaw for an Interment Permit prior to use of the Lot for the interment process carried out by the Town.
3. The Administrator may allow for the interment of up to eight (8) Cremated Remains on any full-size lot in **addition** to one (1) casket burial provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in the Act and subject to the Cemetery Management Bylaw. (Schedule F to be completed)
4. The Right to the Lot under this Agreement may be **transferred** by the Certificate Holder to a Family Member who wishes to use the Lot, if the Lot is unused, upon the Certificate Holder and that other person making an application to the Town (on Schedule D), paying the transfer fee prescribed in the Cemetery Management Bylaw, and surrendering the original Interment Right Certificate.
5. The Certificate Holder may **surrender** the Right of Interment Certificate to the Town.(Schedule E). A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Certificate Holder subject to Section 17 of the Cemetery Management Bylaw provided there are no Interments or Memorials in the designated Lot.
6. The Certificate Holder is hereby advised that, in certain limited circumstances outlined in Section 43 of the *Business Practices and Consumer Protection Act*, this agreement may be **cancelled** and refunded in full.
7. The Town reserves the right to **reclaim** the interment rights for any unused Lot where such reclamation shall be carried out in compliance with Section 25 of the *Cremation, Interment and Funeral Services Regulations* (See excerpts on reverse of form).
8. This **Agreement** is binding upon the **Town** and its successors and assigns and on the **Certificate Holder** and his or her heirs, executors, administrators and personal representatives if they comply with all the applicable provisions of the Cemetery Management Bylaw prior to the use of the Lot.

Rights Holder Signature

Town of Ladysmith Authorized Signature

Date: _____

34 Date: _____

RIGHT OF INTERMENT

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

RIGHT OF INTERMENT

9. A person may apply to the Administrator for a Right of Interment Certificate for a vacant, unreserved Lot (Schedule A, "Right of Interment Certificate").
10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
 - a. there are no Interments in the designated Lot;
 - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
 - c. the original license or Right of Interment Certificate is surrendered;
 - d. the applicable Administration Fee is paid; and
 - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.

RECLAMATION OF UNUSED INTERMENT RIGHTS

(Excerpts from the Cremation, Interment and Funeral Services Regulation of BC)

- Section 25 (1) With prior approval of the director, an operator may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if:
- a) the owner of the right of interment is at least 90 years of age, or if not living, would be at least 90 years of age,
 - b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
 - c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
 - d) the operator has made diligent attempts to contact the interment right holder but has not been able to locate or contact the interment right holder.



TOWN OF LADYSMITH

Public Works Office: 330 – 6th Avenue, P.O. Box 220, Ladysmith, B.C. V9G 1A2

Phone: 250-245-6445 • Fax 250-245-0932 • www.ladysmith.ca

INTERMENT PERMIT

Schedule "B"

Lot Address: A _____ C _____ M _____ P _____ Lot Occupied Yes No

Date (of booking): _____ Time: _____

DECEASED INFORMATION

Name: _____ Age: _____

Address: _____ Sex: _____

Date of Birth: _____ Place of Birth: _____

Date of Death: _____ Place of Death: _____

NEXT OF KIN (CIFSA Sec 5)

Name: _____ Relationship to Deceased: _____

Address: _____ City/Province: _____

Postal Code: _____ Phone: _____ Email: _____

INTERMENT Full Burial Cremation Burial Cremation Certificate Attached Yes No

Interment Date: _____ Day: _____ Time: _____

Funeral Director: _____ Will family be present at graveside Yes No

Signature: _____ Phone: _____ Date: _____

(To confirm above arrangements)

No arrangements will be made without Funeral Directors Confirmation which can be faxed back to 250-245-0932

ACKNOWLEDGEMENT OF AUTHORITY

By signing this form, I certify and represent to the Town Of Ladysmith that I am the legally authorized representative of the above named deceased person, and that I have authority for the control of the disposition of human remains in accordance with the order of priority set out in section 5 of the Cremation and Funeral Services Act. I acknowledge that the Town is relying on this representation. I further agree to indemnify and save harmless the Town of Ladysmith, its officers and employees, from all actions, liability, costs, expenses, demands or claims resulting from this authorization. I hereby authorize the interment of the above named deceased under the terms and conditions outlined herein and accept the responsibility for costs associated with this authorization. I acknowledge that the interment must comply with the Town of Ladysmith Cemetery Management Bylaw # 1668.

Signature of Next of Kin (or Authorized Person)

Print Name

Relationship to Deceased

Office Confirmation # (from Database): _____ Arranged by: _____

A/R Invoice #: _____ Funeral Director Faxed and Confirmed (date & time): _____

Public Works Employee Notified (name): _____ Date & Time: _____

Interment confirmed by: _____ Death/Cremation Certificate Filed (date): _____

THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);

THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);

CONTROL OF DISPOSITION – Section 5

- (1) The right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:
- (a) the personal representative named in the will of the deceased;
 - (b) the spouse of the deceased;
 - (c) an adult child of the deceased;
 - (d) an adult grandchild of the deceased;
 - (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
 - (f) a parent of the deceased;
 - (g) an adult sibling of the deceased;
 - (h) an adult nephew or niece of the deceased;
 - (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the Estate Administration Act;
 - (j) the minister under the Employment and Assistance Act or, if the official administrator under the Estate Administration Act is administering the estate of the deceased under that Act, the official administrator;
 - (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).
- (2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.
- (3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority
- (a) is determined in accordance with an agreement between or among them, or
 - (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

WRITTEN AUTHORIZATION – Section 8

- (3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless
- (a) the operator is authorized to do so under the Vital Statistics Act, and
 - (b) the operator
 - (i) is ordered to do so by a medical health officer under the Health Act, or
 - (ii) has received the authorization from the person who, under section 5, has the right to control the disposition of the human remains.

PROTECTION FROM LIABILITY – Section 9

- If
- (a) there is an error or omission in an authorization provided under section 8 to an operator or a funeral provider, or
 - (b) the person who signed an authorization provided under section did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.

DEFINITION OF SPOUSE

"spouse" means a person who

- (a) is married to another person,
- (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or
- (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death;

Cemetery Management By-law No. 1668

The use of any lot, exercise of interment rights, installation of any memorial, visitation of any memorial site and performance of all services is subject to the bylaws, rules and regulations of the Town of Ladysmith as may be currently in effect or from time-to-time amended.

Town of Ladysmith, Cemetery Services Information Policy

The Cemetery collects and uses personal information solely for the purpose of providing client families with the products and services they request and, as required by law, to retain a permanent record of every interment within the Town operated cemetery, and is subject to Privacy Legislation and Cemetery policy.

Staff will be pleased to provide you with the location of a burial site. Staff are prohibited from providing any other personal information about deceased persons interred, or Rights Holders, at the Town Cemetery.



TOWN OF LADYSMITH

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Phone: 250-245-6445 • Fax 250-245-0932 • www.ladysmith.ca

MEMORIAL PERMIT

Schedule "C"

(To be submitted along with payment.)

Lot Address: A _____ C _____ M _____ P _____

Request Date: _____ New Remove & Replace

In Memory of: _____

Marker Size: _____ Single Double Bronze plaque

Permit Fee: Single Marker (see reverse) \$ _____ Care Fund \$ _____ plus GST Total \$ _____

Double Marker (see reverse) \$ _____ Care Fund \$ _____ plus GST Total \$ _____

Plaque \$ _____ Care Fund \$ _____ plus GST Total \$ _____

Marker Type: Granite Bronze on concrete Bronze cremation plaque

Requested By: Name/Company: _____

Address: _____

Comments:

This permit is issued in accordance with and subject to Cemetery Management Bylaw # 1668*, Town of Ladysmith Fee Setting Bylaw # 1644, and rules and regulations of the Town of Ladysmith Cemetery as they may be in effect at the time of purchase or, as they may be amended from time to time thereafter.

*Copy of Cemetery Management Bylaw # 1668 and Fee Setting Bylaw # 1644 are available upon request.

Memorials shall only be placed, installed or removed by the Caretaker or other person duly authorized by the Town of Ladysmith.

TOWN OF LADYSMITH AREA ONLY

T.O.L. Approval:

Date:

T.O.L. Comments:

Installation Date:

A/R Invoice Number:

MEMORIALS

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

35. Memorials will only be installed, removed or modified in the Cemetery when:

- a. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator, and obtained a 'Memorial Permit' (Schedule C).
- b. the applicable contribution is paid to the Care Fund as required in the Act; and
- c. all outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
- d. the deceased person has been interred in the Lot.

36. All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator.

37. All Memorials shall be constructed of granite or bronze or other material of a permanent nature as approved by the Administrator. Bronze Memorials must be set on a concrete or granite base.

38. Installation of Memorials shall occur between 8:30 a.m. and 3:00 p.m. Monday to Friday, excluding statutory holidays. Installations will be made as soon as possible after delivery of the Memorial to the Town and timelines may vary depending on scheduling issues, weather conditions and ground conditions.

39. The Town does not assume a duty to repair any breakage or damage to any Memorial or to replace any damage, defacement or removal of a Memorial from the Cemetery, except as shall arise as the result of the negligence of the Caretaker.

Ground Interment Memorials

40. A Memorial in respect of an inground Interment, including those for cremation Lots, shall be installed flush with the ground except in areas designated for upright markers.

41. A Memorial Permit (Schedule C) shall be issued by the Administrator to authorize installation of all ground interment Memorials.

42. The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.

43. The maximum finished dimensions of in-ground MEMORIALS (granite or bronze attached to a concrete base) shall be:

Single Cremation Lot: Maximum 50 x 30 cm (20" x 12")

Double Cremation Lots: (two adjacent plots) Maximum 70 x 40 cm (28" x 16")

Single Burial Lot: Maximum 60 x 30 cm (24" x 12")

Double Burial Lots: (two adjacent plots) Maximum 75 x 45 cm (30" x 18")

The thickness of all Memorials shall be approximately 10 cm (4")

Cremation Memorials

44. Cremation Memorials apply to any bronze plaque for use on a Columbarium, Memorial board or Memorial rock but do not include Memorials for in-ground cremation Interments.

45. Bronze plaques for Cremation Memorials shall be installed by the Town and must conform to the approved design and specifications of the applicable section of the Cemetery as established by the Town.

46. Where incorrect inscription instructions, dimensions, specifications or locations are given on the Memorial installation application and signed by the Interment Right Holder, their successors or the cremation Memorial supplier, then the cremation Memorial shall be removed and reinstalled at ~~39~~ expense of the Interment Right Holder or their successors.



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RIGHT OF INTERMENT TRANSFER

Schedule "D"

Lot Address: A _____ C _____ M _____ P _____

Under Section 13 of the *Town of Ladysmith Cemetery Management By-law*, I hereby request that the Right of Interment Certificate for the above Lot, as registered to me _____ be transferred from my name to that of:

New Rights Holder: _____

Address: _____

Town/Province: _____ Postal Code: _____

Phone: _____ Email: _____

I hereby surrender the original Right of Interment Certificate and confirm there have been no interments in the Lot, nor memorials placed on the Lot and I agree to pay the Administration Fee as prescribed.

Right of Interment Holder Signature

Printed Name

Address: _____

Telephone: _____ Date: _____

Administration Fee _____

GST _____

TOTAL _____

Date Records Amended: _____ By: _____ A/R Invoice #: _____

INTERMENTS

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

RIGHT OF INTERMENT

10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
 - a. there are no Interments in the designated Lot;
 - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
 - c. the original license or Right of Interment Certificate is surrendered;
 - d. the applicable Administration Fee is paid; and
 - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.



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RIGHT OF INTERMENT SURRENDER

Schedule "E"

Lot Address: A _____ C _____ M _____ P _____

Under Section 17 of the *Town of Ladysmith Cemetery Management By-law*, I hereby surrender to the Town of Ladysmith the Right of Interment for the above Lot.

I hereby surrender the original Right of Interment Certificate and confirm there have been no interments in the Lot, nor memorials placed on the Lot and I agree to pay the Administration Fee as prescribed.

Right of Interment Holder Signature

Printed Name

Address: _____

Telephone: _____ Date: _____

Original price paid for Right of Interment (less the Maintenance Care Fund contribution) *	
Plus GST paid on *	
Less Administration Fee	(\$ _____)
Less GST on Administration Fee	(\$ _____)
REFUND TOTAL	

Date Records Amended: _____	By: _____	Refund Cheque #: _____
Original Invoice #: _____	Dated: _____	A/R Reference: _____

RIGHT OF INTERMENT CERTIFICATE

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
 - a. there are no Interments in the designated Lot;
 - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
 - c. the original license or Right of Interment Certificate is surrendered;
 - d. the applicable Administration Fee is paid; and
 - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.



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ADDITIONAL INTERMENTS IN A LOT

Schedule "F"

Lot Address: A _____ C _____ M _____ P _____

Grave of: _____

I (we), being persons having priority in connection with disposition of human remains or cremated remains as set out in Section 5 of the *Cremation, Interment and Funeral Services Act*, in relation to the original occupant of this grave, hereby authorize the Town of Ladysmith to inter the ashes of:

in the grave space occupied by: _____

The undersigned represents to the Town of Ladysmith that they notified the immediate next-of-kin of the original person(s) interred in the above lot and that the immediate next-of-kin agree to the additional interment.

The undersigned further acknowledge that the Town is relying on this representation and agree to indemnify and save harmless the Town of Ladysmith, its officers and employees, from all actions, liability, costs, expenses, demands or claims resulting from the additional interment authorized by this permit.

Signed

Date _____

Signed

Date _____

Signed

Date _____

Signed

Date _____

Signed

Date _____

Town of Ladysmith Approval: _____ Date: _____

THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);

CONTROL OF DISPOSITION – Section 5

(1) The right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
- (b) the spouse of the deceased;
- (c) an adult child of the deceased;
- (d) an adult grandchild of the deceased;
- (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
- (f) a parent of the deceased;
- (g) an adult sibling of the deceased;
- (h) an adult nephew or niece of the deceased;
- (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the Estate Administration Act;
- (j) the minister under the Employment and Assistance Act or, if the official administrator under the Estate Administration Act is administering the estate of the deceased under that Act, the official administrator;
- (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

(2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

(3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority

- (a) is determined in accordance with an agreement between or among them, or
- (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

WRITTEN AUTHORIZATION – Section 8

- (3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless
- (a) the operator is authorized to do so under the Vital Statistics Act, and
 - (b) the operator
 - (i) is ordered to do so by a medical health officer under the Health Act, or
 - (ii) has received the authorization from the person who, under section 5, has the right to control the disposition of the human remains.

THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);

PROTECTION FROM LIABILITY – Section 9

If

- (a) there is an error or omission in an authorization provided under section 8 to an operator or a funeral provider, or
- (b) the person who signed an authorization provided under section did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.

DEFINITION OF SPOUSE

"spouse" means a person who

- (a) is married to another person,
- (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or
- (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death;

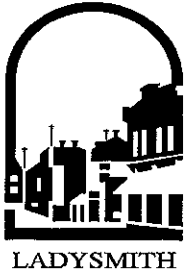
Cemetery Management By-law No. 1668

The use of any lot, exercise of interment rights, installation of any memorial, visitation of any memorial site and performance of all services is subject to the bylaws, rules and regulations of the Town of Ladysmith as may be currently in effect or from time-to-time amended.

Town of Ladysmith, Cemetery Services Information Policy

The Cemetery collects and uses personal information solely for the purpose of providing client families with the products and services they request and, as required by law, to retain a permanent record of every interment within the Town operated cemetery, and is subject to Privacy Legislation and Cemetery policy.

Staff will be pleased to provide you with the location of a burial site. Staff are prohibited from providing any other personal information about deceased persons interred, or Rights Holders, at the Town Cemetery.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: November 8, 2008
File No:

Re: CASSIDY AQUIFER ASSESSMENT AND EVALUATION

RECOMMENDATION:

For your information in preparation for the 2009 budget process.

BACKGROUND / HISTORY:

In August of 2005, Council awarded a contract to EBA Engineering Consulting Ltd to assess the Geological and Hydrological conditions of Stocking Lake, Holland Lake, and Prevost Lake to develop options for consideration to increase the reliability and quantity of the available surface water supply for the Towns future use. Council also wanted to determine the feasibility of bringing water into the Town from the Cassidy Aquifer.

Koers & Associates Engineering Ltd. have completed an assessment of the availability and viability of piping water from the Cassidy Aquifer to the Town. The report identifies two aquifers present in the Cassidy area that may be considered for exploration and development.

A copy of the report is available at Corporate Services.

The recommendations from the report are included in the 5 year Capital Plan submitted as a separate report.

ATTACHMENTS:

None.

I concur with the recommendation:



Ruth Malli, City Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: November 28, 2008
File No:

Re: PROPOSED 5 YEAR CAPITAL WATER SUPPLY

RECOMMENDATION:

For your information and consideration in the 2009 budget process.

BACKGROUND / HISTORY:

In order to ensure a safe and adequate water supply for residents in the Town of Ladysmith for the present and future, the Town embarked on a plan to upgrade its water system based on a report prepared by Earth Tech (Canada) Inc. in 2003. Part of the Town's water supply strategy included the reduction of peak water demands by implementing water conservation strategies, the first of which was the installation of water meters throughout the entire Town.

The Town applied for and received a Federal/Provincial infrastructure grant for the construction of an enclosed reservoir at the Arbutus Reservoir location. This construction was completed in 2008.

In order to bring the new Council up to date on what has been transpiring with our water supply over the past few years and to propose a strategy for the next few years, Koers & Associates have supplied a report identifying where we are and where we propose to go in the future. The attached report brings together present and previous information and makes recommendations for Council to consider through the budget process.

ATTACHMENTS:

Koers & Associates report

I concur with the recommendation:



Ruth Malli, City Manager



**KOERS
& ASSOCIATES
ENGINEERING LTD.**
Consulting Engineers

P.O. BOX 790
194 MEMORIAL AVENUE
PARKSVILLE, B.C. V9P 2G8
Phone (250) 248-3151
Fax (250) 248-5362
kael@koers-eng.com

December 9, 2008
File: 0754-01

Town of Ladysmith
P.O.Box 220
Ladysmith, B.C. V9G 1A2

Attention: Mr. Joe Friesenhan, ASCT
Director of Public Works

Dear Sirs:

Re: Drinking Water Supply – Proposed 5 Year Capital Plan

Following the Town's last overall water supply study, completed by Earth Tech (Canada) Ltd. in July 2003, the Town embarked on a plan to upgrade its water supply, treatment, and distribution system in accordance with "Preferred Alternative B". This plan proposed a continuation of separate treatment and storage for its Holland Creek and Stocking Lake drinking water sources by installing new storage reservoirs for North and South Ladysmith, adding Ultraviolet treatment to both sources for improved disinfection, adding ozone treatment to the Holland Creek source for colour removal, replacement of the supply main from Stocking Lake to South Ladysmith and from South Ladysmith to the Arbutus Reservoir, as well as new control valves and a new SCADA system.

PROGRESS TO-DATE:

➤ **Water Conservation**

An important part of the Town's water supply strategy is the reduction of peak water demands by encouraging water conservation. The Town implemented universal metering between 2003 and 2005, which reduced peak per-capita demands by 23% between 2002 and 2006, resulting in a correspondingly longer useful life of proposed improvements.

➤ **New Arbutus Reservoir**

In 2008, the Town completed the first phase of improvements recommended in the 2003 report, consisting of the new enclosed Arbutus Reservoir, decommissioning of the old open reservoir, replacing the old chlorination equipment and increasing the chlorine contact time by moving the chlorine injection point from the reservoir outlet to the reservoir inlet, and the first phase of a SCADA upgrade.

NEW INFORMATION:

Because of property issues, and to improve system pressures, the new Arbutus Reservoir was installed at a higher site, with top water level 23 m higher (TWL 163 m) than the tank proposed in the 2003 Water Study. This is 5.0 m higher than the elevation from which the South Ladysmith system is currently served.

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December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

This allows interconnection of the two supply systems without the need to pump from Arbutus to the south end system, which was assumed to be necessary in the 2003 Water Report. Reviewing the comparative costs considered in that report, it would appear that the elimination of the previously anticipated pump station will result in an almost even up comparison of costs between the "Alternative B" system with separate treatment of the two sources and "Alternative A" with centralized treatment at Arbutus. Thus, the Town is now able to consider both options from an essentially equal cost perspective, with centralized treatment having the advantage of lower operating and maintenance costs, and lower future expansion costs.

In June 2008, the Vancouver Island Health Authority (VIHA) wrote to all Vancouver Island municipalities with surface water sources that it will be implementing a surface water treatment rule, the same that has been in place for the rest of B.C. since 2007.

This rule (the "4-3-2-1 Rule") is the level of water treatment that was the target used in the 2003 Water Report, so proposed treatment strategies from that report are assumed to be valid. The new rule also specifies that surface water systems may be permitted to operate without filtration (as is practiced by Ladysmith) under certain conditions of acceptable turbidity, E.Coli counts, and if two disinfectants are provided, which together achieve 4-log (99.99%) removal/deactivation of viruses and 3-log (99.9%) reduction/inactivation of Giardia and Cryptosporidium, and that the Drinking Water Officer may require additional/alternative treatment to address high bacterial counts or risk of fecal contamination of source water, high organic matter that may result in unacceptable levels of disinfection by-products, or chemical or other contaminants that may affect potability.

There was no time period given for compliance, but municipalities were instructed to contact VIHA immediately to begin the planning process, indicating that a compliance plan is expected in the short term, for implementation over a period of time which presumably allows for the ability of the municipality to provide funds for cost recovery.

PROPOSED CAPITAL PROJECTS:

Following the 2003 Water Report, the Town has carried out additional investigations to allow prioritization and capital cost planning for the recommended improvements. The following is a summary of that information, and the resulting proposed capital plan.

➤ Dam Repairs

In 2007, EBA Consultants completed geotechnical assessments of the Stocking Lake and Prevost Lake Dams for the Town, as well as a comprehensive hydrotechnical assessment of the Stocking and Holland Creek watersheds. This resulted in the decommissioning of the sub-standard Prevost Lake Dam, and draining of the relatively insignificant storage volume behind it, and a recommendation to increase the stability of the Stocking Lake Dam and reduce seepage. The cost to increase dam stability was estimated at \$100,000.

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December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

➤ **Holland Lake to Stocking Lake Outlet Diversion**

The hydrotechnical work concluded that the Town had become increasingly reliant on the Stocking Lake source during periods of high colour and turbidity in Holland Creek, to the extent that the Town's water licence on Stocking Lake is being consistently exceeded. A plan was developed by Koers & Associates in January 2008 proposing to divert water from Holland Lake via pipeline into the Stocking Lake supply main to bring the use of Stocking Lake back within the licenced amount. The direct diversion from Holland Lake into the Stocking Lake supply main is expected to bypass the source of colour and turbidity that occurs due to high runoff in Holland Creek, and allow the Town to continue to provide water quality within the Canadian Drinking Water Quality Guidelines year-round without the need for filtration. This will require a water licence amendment for Holland Lake and a pipeline in a new right-of-way (to be acquired from Holland Lake to Stocking Lake) crossing TimberWest and Crown Land. This plan was approved by the Town, including an assessment of the feasibility to generate power from the roughly 300 m elevation difference across this pipeline.

Prior to application for Water Licence Amendment and pipeline right-of-way, which will require direct notification to the stakeholders and public advertising in the local newspaper, it has been recommended that the Town consult with the primary stakeholders, being Chemainus First Nation, TimberWest and the Cowichan Valley Regional District, about the project and confirm their support.

➤ **Groundwater Exploration, Cassidy Aquifer**

The January 2008 Koers & Associates interim report also recommended that the Town proceed with a hydro-geological investigation to determine the potential and economics of an alternative groundwater source from wells to be developed in the Cassidy Aquifer. The Town authorized EBA Consultants to proceed with such assessment. A final report was submitted in November 2008, which concludes that significant quantity and good quality groundwater is likely available in at least three locations.

If proven by test drilling, this would appear to be an economical additional source of water for the Town that could be activated during high turbidity periods in Holland Creek, and could be used in lieu of Stocking Lake water, if for some reason the Holland to Stocking diversion could not proceed. If this source is proven, this could be used as a back-up to improve the Town's negotiating position for the Crown Land portion of the right-of-way required for the Holland to Stocking diversion pipe, and in planning future additional water supply.

Future implementation of the groundwater source would involve the construction of a 8,000 m long pipeline along the B.C. Hydro right-of-way between the Cassidy wells and the Arbutus Reservoir site. This would likely not be implemented until required because of future growth, or to avoid the high expense of filtration treatment, or earlier if the Holland Lake to Stocking supply main diversion pipeline proposal is not successful.

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December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

The exploration cost to prove the Cassidy groundwater source is estimated at \$200,000 (excluding GST) and is considered essential "insurance" to ensure the Town can meet its water quantity and quality objectives to OCP build-out.

➤ **South Ladysmith Reservoir**

South Ladysmith is supplied from Stocking Lake without the benefit of a treated water storage reservoir for peak demand balancing and fire flows. The supply is chlorinated and limited chlorine contact time is provided in a small concrete contact tank. Peak demands and fire flows are provided directly from the raw water supply main. The chlorination system only has capacity to chlorinate the full range of domestic demands, however, when a fire draw or other excessive demand occurs in the South End, water entering the distribution system will not have adequate disinfection, creating potential health issues.

A preliminary design report for a new South Ladysmith Reservoir was presented by Koers & Associates in November 2008. This review identified that additional property will have to be obtained, as there is not sufficient room to construct a new storage tank on the existing Town-owned site while having to keep the existing chlorination system and contact tank in service. The additional property that is required for the new reservoir is on Crown Land, and given the difficulties experienced at the Arbutus Reservoir site, acquisition of this land could be a lengthy process and can be avoided.

The capacity of the existing main feeding Stocking Lake water from the south end compound to the new Arbutus Reservoir is limited and will soon be inadequate to transfer sufficient Stocking Lake water to North Ladysmith during high turbidity/colour periods in Holland Creek. Also, the pipe material is asbestos cement (AC), which is old and subject to degradation and breakage. AC pipe is not used anymore in modern water distribution systems and most municipalities, including Ladysmith, plan to replace all remaining AC pipe over the next 20 - 30 years.

If this main is replaced now, with a larger diameter main for projected future flows, a second main can be installed in the same trench, at low incremental cost, to deliver treated water from the new Arbutus Reservoir to the south end.

The report recommends that the Town proceed with the interconnection main before a new South Ladysmith Reservoir is constructed, for the following reasons:

- ✓ Replacement of the existing Stocking Lake raw water supply main between the south end and the Arbutus Reservoir is inevitable. As the interconnection main follows the same alignment as the existing Stocking Lake raw water supply main, it is a good opportunity to install both pipes in a common trench and complete two high priority projects at the same time.

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December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

- ✓ For the foreseeable future, the new Arbutus Reservoir would provide emergency storage, peak hour balancing, and fire storage for south Ladysmith. Treated water would be supplied from the Arbutus Reservoir (via the interconnection main) under all high flow conditions that occur in South Ladysmith, thereby eliminating the possibility of untreated water entering the South Ladysmith water system. In order to minimize initial costs, the existing chlorination equipment at the south end could continue to chlorinate domestic flows for South Ladysmith. However, the preferred option is to decommission the old chlorination equipment at the south end and construct a new centralized chlorination facility at the Arbutus Reservoir site that is capable of treating the entire water supply.
- ✓ The completion of an interconnection main would provide the Town with total flexibility for all future conceivable water supply scenarios, including centralized treatment and storage for all of Ladysmith, or centralized treatment but separate storage facilities for North and South Ladysmith, and/or the addition of a potential new groundwater source from the Cassidy Aquifer.
- ✓ If in the future, it is considered best to construct a separate new reservoir for South Ladysmith, the existing chlorine contact tank and chlorinator building can be demolished and the new reservoir constructed on the existing Town-owned site, without the need for additional property acquisition.
- ✓ The interconnection main would allow the Town to have a back-up supply for South Ladysmith (by utilizing the Holland Creek supply) in case there is a break in the supply main between Stocking Lake and South Ladysmith.

The estimated cost of the new interconnection main and replacement of the existing 200 mm diameter Stocking Lake raw water supply main is \$1.5 million, not including GST. Based on the water system modeling we have just carried out, the new interconnection main should have a diameter of 350 mm in order to supply a fire flow of 150 litres per second to the Peerless subdivision that is proposed in the south end. The interconnection main could be installed with a smaller diameter if the Town's next reservoir was going to be constructed in the south end. However, as centralized storage and treatment at the Arbutus site appear to be the most economical approach at this stage, we recommend proceeding with the larger pipe size.

PROPOSED CAPITAL PLAN:

Several meetings have been held with Town staff over the past year to discuss future water supply projects, their priorities, water licence issues, and the impact of the additional VIHA requirements. On the basis of the information presented and discussions held, the following recommended phased capital plan has emerged for consideration by Council:

.../6

December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

➤ **Capital Plan - Phase I. Treatment Compliance. 2009 Completion**

It is recommended that, in conjunction with the interconnection main discussed above, the Town proceed immediately with the first phase of a centralized treatment facility at the Arbutus site (on the old open reservoir property) for which the Town currently has a Licence of Occupation. The ultimate treatment requirements (assuming filtration treatment can be avoided) are UV disinfection followed by chlorination for both source waters and Ozone treatment for colour removal on the Holland Creek source. Phase I of the centralized treatment facility would include a new chlorination building.

After discussion with staff, it is proposed that the Phase I works towards compliance with the 4-3-2-1 surface water treatment rule consist of the following:

- Design of full centralized treatment plant layout (at Arbutus site) to ensure the addition of future treatment phases are accounted for during the detailed design of the centralized chlorination building. Proposed budget \$25,000.
- Design and construction of new centralized chlorination building at the Arbutus site, with provisions to expand building in future for other treatment processes. New facility to include up to-date equipment for safe handling of chlorine gas. Proposed budget \$750,000.
- Provide new power supply to Arbutus site or install generator system to supplement existing power service and temporarily supply increased electrical demands until a new power supply can be economically brought to site. Proposed budget \$200,000.
- Carry out regular UVT measurements on the Holland Creek and Stocking Lake raw water supplies over the 2008-09 winter and 2009 spring and summer to provide a data base for sizing the proposed UV reactors that would be installed in Phase II. Budget \$3,000. Approved in 2008 budget.
- Design and construct the interconnection main from Arbutus Reservoir to the south end. Proposed Budget \$1,500,000.
- Complete approval process for Holland – Stocking diversion pipeline (water licence and pipeline right-of-way acquisition). Budget \$35,000. Approved in 2008 budget, and work was started in 2008.
- Install continuous turbidity analyzer on Holland Creek raw water flow at the new Arbutus Reservoir control valve chamber, with signal and controls to automatically close raw water supply in case of high turbidity event in Holland Creek. Purchase hand-held turbidity meter to provide monitoring tool for decision to re-open Holland Creek raw water supply. Estimated cost \$10,000.
- Carry out groundwater exploration at Site A (see EBA Groundwater Resource Assessment and Evaluation, Cassidy Aquifer, 2008). Proposed Budget \$200,000.
- Develop water quality monitoring program for Holland Creek and Stocking Lake sources and carry out first year monitoring. Proposed budget \$25,000.

.../7

December 9, 2008

File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

➤ **Capital Plan - Phase II. Treatment Compliance. 2010 Completion**

It is recommended that the Phase II works consist of the following:

- Complete new power supply to the Arbutus site if not done under Phase I. Estimated cost \$200,000.
- Design and construct building additions, treatment equipment, and piping for centralized UV disinfection and Ozone at the Arbutus site. Construct new outlet piping from existing Arbutus Reservoir valve junction through new treatment plant to tie-in point at existing distribution mains. Relocate any existing equipment so all control valves and meters are housed in the new treatment plant facility. Complete SCADA system upgrading. Proposed budget \$2,900,000.
- Feasibility study for hydro power potential on diversion pipeline. Budget \$2,500. Approved in 2008 budget. Not yet started.
- Design Holland Lake to Stocking Lake Outlet diversion pipeline and Stocking Lake dam improvements. Estimated engineering and legal surveying budget \$210,000.
- Water quality monitoring program for Holland Creek and Stocking Lake sources. Target annual budget \$15,000.00.

➤ **Capital Plan - Phase III. Treatment Compliance. 2011 Completion**

It is recommended that the Phase III works consist of the following:

- Tendering and construction of the Holland Lake to Stocking Lake outlet diversion pipeline and Stocking Lake dam improvements, including hydro power generation if economically feasible. Estimated cost of pipeline and dam improvements is \$3,100,000 (not including cost of power generation facilities and connecting power line).
- Water quality monitoring program for Holland Creek and Stocking Lake sources. Target annual budget \$15,000.00.

➤ **Capital Plan - Phase IV. 2013 Completion (Two-Year Program)**

It is recommended that the Phase IV works consist of the following:

- Design and construction of a new raw water supply main to replace the old existing AC main between the Stocking Lake Dam and South Ladysmith. Proposed budget of \$1,300,000.
- Additional reservoir capacity for South Ladysmith. Options include centralized storage with the addition of a second tank at the Arbutus site or construction of a new tank at the site of the existing south end chlorination building and contact tank. Proposed budget \$2,100,000.

.../8

December 9, 2008
File: 0754-01

Town of Ladysmith
Mr. Joe Friesenhan

- Two-year water quality monitoring program for Holland Creek and Stocking Lake sources. Target two-year budget \$30,000.00.

The costs shown are in estimated 2008 dollars, net of GST, including allowance for engineering and 20% contingencies, but excluding the cost of legal, administration, and interim financing.

DRINKING WATER PROTECTION ASSESSMENT

The Town has been requested by VIHA to submit a Drinking Water Protection Assessment and plan for implementation. Koers & Associates was authorized by the Town in April 2008 to prepare such assessment. A first draft of this assessment was submitted to VIHA and Town staff on November 17, 2008 for feedback. At this time we have received only verbal feedback from one of the VIHA public health engineers.

VIHA is not entirely happy with the material provided by Koers in the first draft, and it appears that it wants to see more information on how the Town intends to deal with drinking water protection, which would include a presentation of the capital plan that addresses compliance with the new surface water treatment rule, and proposed actions to reduce contamination threats in the watersheds. Adoption in principle of the proposed capital plan to address treatment compliance and water quality protection will go a long way to satisfying VIHA's concerns.

We trust this is the information you require at this time. We would be pleased to meet further to discuss any options or alternate approaches to meeting the Town's water quality and supply quantity objectives. Once the 5-year capital plan is finalized and approved in principle by Council, please advise if we can then incorporate this plan in the Drinking Water Protection Assessment to satisfy VIHA's requirements.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.



for
D.A. Koers, P.Eng.
Project Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: January 13, 2009
File No:

Re: PARKING LOT AT ST. JOHNS LODGE

RECOMMENDATION:

For your Information

BACKGROUND / HISTORY:

A letter was received from the St. Johns Temple Association requesting that the Town install parking curbs at the ends of the five parking spaces that face the fence along the property line between the Royal Bank building and the St. Johns Lodge.

In 2003, the Town entered an agreement with the St. Johns Temple Association to build a public parking lot on the Lodge property. The Association was to supply the land and the Town would construct a paved parking lot which would be available for use by the public in general.

Due to the number of mishaps and near misses, the installation of the no-post barriers is recommended to ensure a safe parking area for the motoring public. The cost of the no-posts and their installation will be approximately \$1,000 and will be taken from the public works operations budget.

ATTACHMENTS:

Letter from St. Johns Temple Association.

I concur with the recommendation:



Ruth Malli, City Manager

To: Mayor and Council

0100 7 5 2009

RE: Parking Lot at St. Johns lodge
26 Gatacre

I am writing this letter to request parking curbs be installed by the Town Of Ladysmith in the five spaces that adjoin the Royal Bank parking lot. There is a chain link fence dividing the two properties and it is being damaged by vehicles hitting it as they park.

Recently a vehicle broke the end of the fence and the top bar damaged the windshield of a vehicle entering the Royal Bank parking lot.

At the rear of the building is a fire escape for the upper floor, vehicles often park such that this exit is blocked for emergency egress. The brickwork installed by the Town as it constructed the parking lot clearly outlines a sidewalk from the foot of the fire escape to the alley. Curbing along this sidewalk would protect the fence and the escape route.

I thank you in advance for your attention to this matter.

Yours truly,



George Wrean
St Johns Temple Association



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: January 14, 2009
File No:

Re: HOLLAND CREEK PEDESTRIAN BRIDGE

RECOMMENDATION:

That it be recommended to Council that the replacement of the bridge at the West end of the Holland Creek Trail system with a new structure be referred to the 2010 budget.

BACKGROUND / HISTORY:

During our regular inspections of the Towns trail system, the inspectors noticed that the bridges along the Holland Creek Trail were showing signs of rot. The smaller bridges were replaced last year as part of the regular maintenance program. The large bridge at the West end of the trail system was also showing signs of rot. Due to the size of the bridge, it was decided to get the bridge inspected by a professional engineer to determine if the bridge was safe for use.

Herold Engineering Consulting Engineers was engaged to determine the condition of the bridge and provide recommendations for its continued use. The attached report identifies the problem and makes recommendations for its safe use.

The minor repairs will be completed in the 2009 budget year.

ATTACHMENTS:

Herold Engineering Report

I concur with the recommendation:



Ruth Malli, City Manager



Town of Ladysmith

Holland Creek Pedestrian Bridge Inspection Report - 2008

Prepared for:

The Town of Ladysmith
410 Esplanade
Ladysmith, B.C.
V9G 1A2

Prepared by:

D.C. Bandy, P.Eng.
Herold Engineering Limited
3701 Shenton Road
Nanaimo, BC V9T 2H1

Submittal Date:

December 31, 2008

Project No.

0037-033



TOWN OF LADYSMITH HOLLAND CREEK PEDESTRIAN BRIDGE INSPECTION - 2008

1. INTRODUCTION

Herold Engineering Limited was asked by the Town of Ladysmith to inspect and provide an evaluation of a pedestrian bridge on the Holland Creek trail network. The trail network can be accessed from several locations including the end of Mackie Road. The bridge in question is located approximately 2 km from the Mackie Road trailhead. It is understood that the bridge is used for pedestrian traffic only, and is not used for vehicles or mobile equipment.

The purpose of our investigation was to determine the condition of the structure and provide recommendations for continued use. Since the bridge is open to the general public, our focus includes safety features such as handrails, signage and load carrying capacity. Photographs of the structure are contained in and appendix at the end of this report.

2. METHODOLOGY

The field inspection was carried out on August 19, 2008 under dry, but overcast conditions. The inspection was visual and tactile, carried out from the ground as well as from accessible portions of the structure. The timber components were sounded with a hammer and probed with an awl to determine the presence of decay. Buried portions of the structures were not exposed for inspection.

Little is known about the history of the structure. Previous inspection reports or "as-built" drawings were not available. The opinions and recommendations in this report are based on our field observations and measurement. Analysis of the load carrying capacity was carried out in accordance with CSA S-6, "Canadian Highway Bridge Design Code".

3. Description:

The bridge consists of a log stringer superstructure supported on rock filled log cribs. The main span runs approximately east/west over Holland Creek. The western approach consists of an earth filled ramp retained on the downhill side by a concrete block wall.

The main span consists of three hem-fir log stringers approximately 330mm in diameter with an overall length of 15.250m. The deck consists of 150mm x 150mm timber cross ties on 1.220m centres with 89mm x 190mm deck planks spanning between cross ties. The railings consist of 89mm x 89mm posts with 38mm x 140mm top rails and 38mm x 89mm mid rails.

The eastern approach consists of a ramp constructed of two hem-fir stringers approximately 230mm in diameter spanning between concrete (sonotube) supports on 2.750m centres.

Both ends of the main span as well as the west end of the eastern approach are supported on rock filled log cribs. The log cribs are founded on concrete pad footings.

The underside of the main span is approximately 3.0m above the creek bed. The creek bed consists of large boulders. At the time of our investigation the water level was low (approximately 300mm).

4. INSPECTION

The structure is in overall fair to poor condition. The log stringers of the main span exhibit soft rot to a depth of approximately 75mm. This condition will reduce the stringers capacity to carry applied loads (i.e. pedestrian, snow, etc.). It is difficult to predict the remaining capacity of timbers subject to soft rot without deflection testing or intrusive investigation, however, based on our experience with similar structures it is our opinion that applied loads should be restricted to 1.5kPa or 8 persons.

The concrete block wall retaining the western approach is partially undermined in several locations. This may lead to localized settlement and cracking of the retaining wall. It is believed the condition is due to scour action during periods of high creek flow. Firm bearing should be re-established and the toe of the wall should be protected with rip rap to prevent further scour.

The soil at the end of the approach has settled below the level of the main span deck resulting in a potential tripping hazard. This area should be re-filled and compacted to minimize the tripping hazard.

The logs forming the log cribs at both ends of the main span are soft with several rotten to approximately 50%. It would be difficult to repair these without extensive repairs to the overall structure and it is estimated that the decay will progress at a relatively slow rate. The cribs should continue to be monitored with no further action at this time.

The hand rails are rough and cracked in a number of locations. Cracked handrail boards should be replaced to avoid splinters.

The log stringers of the eastern approach are in contact with the ground at the eastern end. Contact with damp soil will accelerate decay and deterioration. At the time of our inspection the stringers showed soft rot to a depth of approximately 35mm. Soil should be removed from around the stringers to allow air circulation.

5. RECOMMENDATIONS

1. Overall, this structure is in only fair to poor condition. The main span shows signs of significant decay of the load carrying members. It is recommended that the bridge be scheduled for replacement in the near future (i.e. within 3 years).
2. At this time, the main span may not be capable of carrying a full design load with adequate margins of safety. It is recommended that signs be posted at both ends stating "Maximum Capacity 8 Persons".

3. The concrete block retaining wall at the western approach should be provided with firm footing were it has been undermined. The toe of the wall should be armored with rip rap to prevent further scour. The surface of the approach ramp should be filled where it meets the deck of the main span to avoid a tripping hazard.
4. Hand rail boards that are cracked or splintered should be replaced.
5. The soil which is in contact with the stringers of the eastern approach should be removed to allow air circulation.
6. It is recommended that this structure be inspected by a qualified individual annually and after any extreme flow events.

APPENDIX A
PHOTOGRAPHS



Photo 1: Looking upstream



Photo 2: Main span looking East



Photo 3: Top of western approach ramp showing tripping hazard



Photo 4: Cracked and splintered handrail.



Photo 5: Western approach ramp.



Photo 6: Void at toe of western approach retaining wall.



Photo 7: Partially undermined retaining wall



Photo 8: Rock filled log crib at the west end of the main span.



Photo 9: Main span stringer showing white rot.



Photo 10: Main span stringer showing soft rot to 75mm



Photo 11: Handrail at east end of eastern approach broken off at end.



Photo 12: Eastern approach looking West.



Photo 13: Eastern approach stringer in contact with ground.



Photo 14: Eastern approach stringer in contact with ground.



Photo 15: Main span looking upstream.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Patrick Durban, Director of Parks, Recreation & Culture
Date: January 13, 2009
File No:

RE: Boat Ramp / Washrooms / Changerooms / Office

RECOMMENDATION

THAT it be recommended to council that the Town of Ladysmith not charge for water and sewer service at the boat ramp washroom / change rooms / office and that the Town of Ladysmith be authorized to install a water meter to determine water consumption for the wharf.

BACKGROUND

A number of years ago, a partnership between the Federal Government, the Fisherman's Wharf Association, the Rotary Club and the Town of Ladysmith was established to construct a washroom, change room & office facility adjacent to the boat ramp at the foot of Ludlow Road.

A condition of the agreement was to bring forward a request to not charge for water and sewer service for the washroom / changerroom / office building only and that the association would look after cleaning and maintaining the facility. Unfortunately this request was never brought forward to Council for consideration.

In addition, it was clearly understood that the water supply to the wharf was not part of this agreement and the association is responsible for water consumption for the wharf operation.

ATTACHMENTS:

None.

I concur with the recommendation:



Ruth Malli, City Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: January 14, 2009
File No:

Re: REQUEST FOR SHORT TERM LEASE OF LOWER LEVEL OF 224 HIGH STREET -
NANAIMO YOUTH SERVICES

RECOMMENDATION:

That it be recommended to Council to authorize Staff be to enter into a short term lease agreement with Nanaimo Youth Services on a month-to-month basis for use of the lower level of 224 High Street for the purpose of conducting customer service and tourism training at a monthly lease rate of \$800 per month.

BACKGROUND / HISTORY:

The Nanaimo Youth Services leased the lower level of 224 High Street in the past to conduct their "Blade Runners" youth skills program. The previous lease rate was established at \$1,500 per month and was based on the amount of funding received by Nanaimo Youth Services from outside funding agencies. Nanaimo Youth Services has requested the Town's consideration of leasing this facility commencing immediately and terminating in the spring for the purpose of conducting customer service and tourism training. We are advised that funding for the program has been reduced this year and Nanaimo Youth Services is requesting the Town's consideration of reducing the lease rate for the premises to \$800 per month.

Delegation Bylaw No. 1456 authorizes the Corporate Officer to enter into short term lease agreements, however, Council's authorization is requested in this case given the request to significantly reduce the lease rate for the facility.

I concur with the recommendation.

Ruth Malli, City Manager

ATTACHMENTS:

None



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: December 3, 2008 (updated January 9, 2009)
File No: 0530-00

Re: COUNCIL PROCEDURES BYLAW

RECOMMENDATION:

That it be recommended to Council that Council endorse the draft "Council Procedures Bylaw 2008, No. 1666" as presented and direct Staff to place the bylaw on the February 2, 2008 Regular Council agenda for first three readings; and further that Staff be directed to process the statutory notification of Council's consideration of final adoption of the bylaw at the Council meeting scheduled for March 2, 2009 at 7:00 p.m. in accordance with the *Community Charter*.

SUMMARY OF KEY POINTS:

As Council is aware, Section 124 of the Community Charter states that Council must establish the general procedures to be followed by council and council committees in conducting their business. The current Council Procedure Bylaw 1995, No. 1159 has been amended by bylaw several times and requires updating and consolidating. The following amendments to the Council Procedure Bylaw are proposed for Council's consideration. Several items noted are considered housekeeping items. Significant amendments to the bylaw are denoted with an arrow in the right hand margin of the bylaw document.

- Delete all references to the "Municipal Act" and replace with the appropriate legislation (i.e. either the "Local Government Act" or the "Community Charter");
- Delete all references to "Clerk" and "Manager of Corporate Services" and replace with "Corporate Officer";
- Amend Section 1.1 to state that the Inaugural Meeting of Council shall be held on the first Monday of December following a local government election (as required by Section 125[1] of the *Community Charter*);
- Amend start time for all regular meetings of Council from 7:30 p.m. to 7:00 p.m. (in accordance with the current practice) and confirm the frequency of the meetings to twice per month (first and third Monday);
- Consolidate all amendments to Bylaw 1159 into the new Bylaw No. 1666;
- Delete all references to gender to ensure gender neutrality;
- Renumber sections as appropriate;
- Other housekeeping matters.

In accordance with Section 124(3) of the Community Charter "A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms." Staff will process the necessary notice prior to adoption of the bylaw.

I concur with the recommendation:

ATTACHMENT:

Council Procedure Bylaw 2008, No. 1666 (DRAFT)


Ruth Malli, City Manager

TOWN OF LADYSMITH

BYLAW NO. 1666

A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS FOR THE TOWN OF LADYSMITH

WHEREAS Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. **INAUGURAL MEETING OF COUNCIL**



1.1 The Inaugural Meeting of Council shall be held ~~as statutorily required~~ on the first Monday of December following a local government election. At this inaugural meeting the Mayor shall appoint a Councillor to serve as the Deputy Mayor to serve in the absence, illness or disability of the Mayor. The Mayor may from time to time change the appointment of the Deputy Mayor.

2. **REGULAR MEETINGS OF COUNCIL**



2.1 Subject to Subsection 2.2 to 2.4 inclusive of this bylaw, regular meetings of Council shall be held on the first and third Monday of each month at 7:00 p.m. in the Council Chambers at City Hall, except where Council determines that a meeting will be held elsewhere.

2.2 When a regular Council Meeting falls on a statutory holiday, as defined in the *Interpretation Act*, the meeting shall be held on the next business day following which is not a holiday.

2.3 A regular meeting may be cancelled by a resolution of Council, provided that two consecutive meetings are not cancelled.

2.4 The Mayor may, after providing at least two clear day's written notice, through the office of the Corporate Officer postpone any regular meeting of Council to a day, time and place named in such notice.

2.5 A regular meeting shall adjourn at 11:00 p.m. unless a resolution to proceed beyond that time is passed.

3. **NOTICE OF REGULAR COUNCIL MEETINGS**

3.1 At least 72 hours before a regular meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board. The "notice board" is the notice board at City Hall.

3.2 At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice boards; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

3.3 At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

4.0 **NOTICE OF SPECIAL COUNCIL MEETINGS**

- 4.1 Except where notice of a special meeting is waived under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:
- (a) give advance public notice of the time, place and date of the meeting by way of notice posted on the notice board at City Hall; and
 - (b) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

5.0 NOTICE OF COMMITTEE MEETINGS

- 5.1 In this section:
- “Primary Committee” means the following committee of council:
- (a) Government Services
- “Secondary Committee” means a committee of council which is not a Primary Committee.
- 5.2 At least 72 hours before a regular meeting of a Primary Committee, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- 5.3 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must give further public notice of the meeting by:
- (a) posting a copy of the agenda on the notice board; and
 - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.
- 5.4 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.
- 5.5 At least 24 hours before:
- (a) a special meeting of a Primary Committee, or
 - (b) a meeting of a Secondary Committee

the Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.

6.0 ATTENDANCE OF PUBLIC AT MEETINGS

- 6.1 Subject to Sections 90(3) and 133(1) of the *Community Charter*, all Council meetings must be open to the public.
- 6.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community Charter*.
- 6.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:
- (a) Select or standing committees of council
 - (b) Board of Variance
 - (c) Court of Revision
 - (d) Advisory Commissions
 - (e) Other Commissions

7. SPECIAL AND “IN CAMERA” MEETINGS OF COUNCIL

- 7.1 Special Meetings of Council when required shall be open to the public, except where Council has determined by resolution that it is in the public interest to exclude the public from such meetings

- 7.2 Only those matters shown on the agenda of a Special Meeting shall be dealt with at that Special Meeting of Council, except where a resolution to place an additional item on the agenda has been passed unanimously at that meeting, as the first item of business.
- 7.3 Special Meetings of Council held with the public excluded shall be called "Executive Session" Meetings, and only the following matters may be considered at such meetings:
- 7.3.1 personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - 7.3.2 personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - 7.3.3 labour relations or other employee relations;
 - 7.3.4 the security of the property of the municipality;
 - 7.3.5 the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - 7.3.6 law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - 7.3.7 litigation or potential litigation affecting the municipality;
 - 7.3.8 an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - 7.3.9 the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 7.3.10 information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
 - 7.3.11 negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
 - 7.3.12 discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (annual municipal report);
 - 7.3.13 a matter than, under another enactment, is such that the public may be excluded from the meeting;
 - 7.3.14 the consideration of whether a council meeting should be closed under provisions of the Community Charter;
 - 7.3.15 the consideration of whether the authority under section 91 of the *Community Charter (other persons attending closed meetings)* should be exercised in relation to a council meeting
- 7.4 A part of a council meeting must be closed to the public if the subject matter being considered related to one or more of the following:
- 7.4.1 a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

- 7.4.2 the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between the provincial government or the federal government or both and a third party;
- 7.4.3 a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 of the *Community Charter* (ombudsman to notify authority) of that *Act*;
- 7.4.4 a matter than, under another enactment, is such that the public must be excluded from the meeting.

8. COUNCIL MEETING AGENDA

- 8.1 Prior to each regular, Special or Inaugural Meeting, the Corporate Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and Council shall proceed with the business in the order set out, unless that agenda is altered by resolution.
- 8.2 All documents intended to be submitted for the agenda of a regular meeting of Council must be delivered to the Corporate Officer not later than 4:00 p.m. on the Wednesday preceding the day of the regular meeting, except that when a holiday falls on the intervening Friday, the documents must be delivered not later than 4:00 p.m. on the Tuesday preceding the day of the regular Council Meeting.
- 8.3 The agenda for regular Council Meetings, for Special Council Meetings for the purpose of holding Public Hearings shall be made available to the public in accordance with Council policy.
- 8.4 Council may by resolution, at a regular Council Meeting, as the first item of business after the adoption of the minutes of the previous meeting:
 - 8.4.1 add further items to the agenda; and
 - 8.4.2 delete any items from the agenda.
- 8.5 Subject to Subsection 20.3, any items added to the agenda in accordance with Subsection 8.4.1 shall be delegable, and any item deleted from the agenda in accordance with Subsection 8.4.2 shall cease to be delegable.

9. OPENING OF PROCEEDINGS

- 9.1 As soon after the time for a meeting as there is a quorum present, the Mayor shall, if present, take the Chair and call the meeting to order.
- 9.2 Where the Mayor is absent, the Acting Mayor shall take the Chair and call the meeting to order.
- 9.3 Where both the Mayor and Acting Mayor are not in attendance within fifteen minutes after the time appointed for a meeting, the Corporate Officer shall call the members to order, and if a quorum is present, the members shall choose a member to Chair the meeting until the arrival of the Mayor or Acting Mayor.
- 9.4 If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Corporate Officer shall record the names of the members present, and the meeting shall be deemed to have been cancelled.

10. MINUTES OF COUNCIL AND STANDING COMMITTEES

- 10.1 The minutes of the proceedings of Council Meetings shall be kept as statutorily required.
- 10.2 The minutes of the proceedings of Standing Committees shall be kept as statutorily

required.

10.3 Not less than 48 hours before the holding of each regular meeting the Corporate Officer shall send to each member of Council, a copy of the minutes of:

10.3.1 the last regular Council meeting;

10.3.2 any Special Council meetings, including Public Hearings;

10.3.3 Standing Committee meetings of Council;

10.3.4 Advisory commission and other commission meetings

for their adoption or receipt at the next regular meeting, where such meetings or hearings have been held more than five days prior to that regular Council Meeting.

11. RULES OF CONDUCT IN COUNCIL CHAMBERS



11.1 Members shall address the presiding member by that person's title of Mayor, Acting Mayor, Chair or Councillor.

11.2 A member shall not speak disrespectfully of Her Majesty The Queen or any other member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.

11.3 A member shall not use words in a Council Meeting which, in the opinion of the Chair, are offensive.

11.4 When a member is speaking, another member shall not disturb or interrupt the speaker, except to raise a point of order.

11.5 When the Chair is putting a question, no member shall absent himself without permission from the Chair.

11.6 Every member shall abide by the decision of the Chair on points of order, practice, and the interpretation of Council procedures, and every member has the right of statutory appeal.

11.7 Where any member is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if he resists the rules of conduct or debate, the Chair may ask for that member to withdraw their remarks and may order the member to leave their seat. If the member refuses to leave, the Chair may order the removal of the member for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member apologizes, Council may, by resolution, permit the member to resume their seat.

12. RULES OF DEBATE IN COUNCIL CHAMBERS

12.1 A member shall not speak other than on the motion under debate.

12.2 The Chair, or any member through the Chair, may call a Point of Order regarding the subject matter which the member is addressing.

12.3 When a Point of Order is raised, the Chair shall immediately suspend the debate, and the member in question shall refrain from speaking until the Point of Order is determined.

12.4 A member may request the motion under discussion to be read at any time during debate, but may not interrupt a member who is speaking.

12.5 A member shall not speak more than once on the same motion, without the leave of the Council, except where requested through the Chair to:

12.5.1 explain a material part of their remarks which may have been misunderstood; or

12.5.2 raise a point of information or clarification.

In such cases, that member shall not be permitted to introduce what, in the opinion of the Chair, is a new matter.

12.6 Questions of information or clarification may be addressed to a speaker through the Chair, and the member to whom such questions are addressed shall be permitted the opportunity to reply.

12.7 A member shall not speak to any motion, or provide clarification of any matter, for a period longer than five minutes, without permission from Council. The mover of a motion may, however, speak again to close debate but shall be limited to a further five minutes.



~~12.8 Council may, by resolution, request the member who is in the Chair to leave the Chair if that member wishes to speak to a motion, other than to give direction on a referral motion.~~

12.8 After a question has been called by the Chair, a member shall not speak to the motion and no member shall make a further motion until after the result of the vote has been declared. The decision of the Chair as to whether the question has been called shall be final.

13. ANNUAL MEETING

13.1 The Corporate Officer / Corporate Officer must give notice of the council meeting or other public meeting in respect of which Council has resolved to consider:

13.1.1 the annual report prepared under Section 98 of the *Community Charter*, and

13.1.2 submissions and questions from the public

by giving public notice by

13.1.3 posting notice of the date, time and place of the annual meeting on the notice board at City Hall, and

13.1.4 publishing notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

14. ELECTRONIC MEETINGS

14.1 Subject to the *Community Charter*

14.1.1 a special meeting may be conducted by means of electronic or other communication facilities,

14.1.2 a member of Council or a council committee who is unable to attend a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

15. MOTIONS

15.1 When a motion has been moved and seconded, the Chair shall permit debate on that motion, and that motion shall be recorded in the minutes.

15.2 The Chair, after determining that all members wishing to speak on the matter have done so, may close debate by ~~35~~ closing the question on the motion.

- 15.3 After a motion has been stated or read, it is deemed to be in the possession of the Council and it may be withdrawn by the mover and seconder of the motion, only with the unanimous consent of the Council members present.
- 15.4 When a motion is under consideration, and prior to the calling of the question, only the following motions shall be entertained, and in the following precedence:
- 15.4.1 a motion to refer;
 - 15.4.2 a motion to amend;
 - 15.4.3 a motion to table;
 - 15.4.4 a motion to call the question.
- 15.5 Where the Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair shall advise the members accordingly without calling the question, and shall cite without argument or comment, the rule or authority applicable to the case. A member of Council who is dissatisfied with the decision of the Chair shall have the statutory right of appeal.
- 15.6 When an amendment to a main motion has been moved and seconded, the Chair shall on the request of a member, state the original motion, and the amendment, and shall permit debate only on the amendment.
- 15.7 A member, other than the mover of a main motion, may propose an amendment to that motion, but that amendment must be disposed of before any subsequent amendments are proposed.
- 15.8 A member who has spoken to the main motion shall not propose an amendment to that motion but may speak to the amendment proposed by another member.
- 15.9 If the amending motion is defeated and no further amendments are proposed, the Chair shall again propose the main motion, and debate may ensue on the main motion. If the amending motion is passed and no further amendments are proposed, the Chair shall then propose the main motion as amended.
- 15.10 A member may propose a sub-amendment to an amendment, and the provisions of Subsections 15.7, 15.8 and 15.9 regarding entitlement to move and speak to amendments, and with regard to the sequence in which the Chair shall deal with amendments shall also apply, so far as applicable, to sub-amendments.
- 15.11 The Chair shall put amendments to Council in the following order:
- 15.11.1 the sub-amendment;
 - 15.11.2 the amendment to the main motion;
 - 15.11.3 the main motion.
- 15.12 The amendments permitted under Subsection 15.7 and the sub-amendments permitted under Subsection 15.10 may be proposed by the deletion, addition, or substitution of words or figures, provided such words or figures do not, in the opinion of the Chair, affect the main motion or the amendment, whichever is applicable, to the extent that it is either:
- 15.12.1 negated; or
 - 15.12.2 changed in such a way that either an alternative action is proposed or all reference to the original action is eliminated.
16. **RESCINDING OF A RESOLUTION**
- 16.1 A resolution adopted at a regular or special Council meeting may be rescinded at the

next regular Council meeting provided:

- 16.1.1 Council has given due consideration to the actions, if any, taken by an officer, employee or agent of the Town on the basis of such resolution; and
 - 16.1.2 A Notice of Motion regarding the intent to rescind has been served by a member who voted with the prevailing side; and either at the meeting at which the resolution was adopted, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.
- 16.2 The server of a Notice of Motion in accordance with Subsection 16.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 16.3 A motion resulting from a Notice of Motion served under Subsection 16.1 to rescind a resolution of Council:
- 16.3.1 is debatable;
 - 16.3.2 may not be amended, tabled or referred;
 - 16.3.3 is not delegable; and
 - 16.3.4 may only be withdrawn by the server on a Point of Order, prior to be seconded or, upon being seconded, only with the unanimous consent of all the members present.

17. RECONSIDERATION OF A DEFEATED MOTION

- 17.1 A motion which has been defeated at a regular or special Council meeting may be reconsidered at the next regular Council meeting provided:
- 17.1.1 by a member who voted with the prevailing side; and
 - 17.1.2 either at the meeting at which the resolution was defeated, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.
- 17.2 The Server of a Notice of Motion in accordance with Subsection 17.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 17.3 A motion to reconsider a defeated motion resulting from a Notice of Motion served under Subsection 11.1:
- 17.3.1 may not be amended, tabled or referred;
 - 17.3.2 is not delegable; and
 - 17.3.3 may only be withdrawn by the server on a Point of Order, prior to being seconded; or upon being seconded, only with the unanimous consent of all the members present.
- 17.4 A motion to reconsider a defeated motion, resulting from a Notice of Motion, is debatable as to the merits of reconsideration and, if passed, Council shall immediately reconsider the original motion. The original motion:
- 17.4.1 is debateable;
 - 17.4.2 may not be amended, tabled, referred or withdrawn; and
 - 17.4.3 is not delegable.

17.5 Council shall not reconsider any defeated motion under this Subsection more than once.

17.6 The provisions of this Section shall also apply to Special "Executive Session" Meetings and a Notice of Motion in connection with the reconsideration of a defeated motion at a Special "Executive Session" Meeting, unless Council authorizes that such actions be considered at a regular meeting.

18. VOTING ON A MOTION

18.1 Whenever a vote of Council is taken for any purpose, each member of the Council present shall signify their vote upon the motion by raising their hand, whereupon the Chair shall declare the result. The Corporate Officer shall record the results of the vote in the minutes.

18.2 When a motion under consideration contains several propositions, the vote upon each proposition shall be taken separately, if so requested by any member of Council. A further mover and seconder shall not be required for each proposition, and the question shall be called on each proposition based on the original mover and seconder.

18.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.

18.4 When a vote is taken, all negative votes shall be recorded.

19. PROCEDURES FOR DELEGATIONS TO COUNCIL

19.1 A person or organization wishing to address Council as a delegation shall be heard by Council provided notification of this intent, including a summary of the matter which is the subject of the delegation and of the specific action which is being requested from Council by the delegation, is submitted to the Corporate Officer in accordance with the requirements of Subsection 8.2 of this Bylaw, for circulation with the Council agenda.

19.2 Notwithstanding Subsection 19.1 of this Bylaw, a person or organization wishing to address Council as a delegation, and who has not complied with the requirements of Subsection 8.2 of this Bylaw, may do so with a two-thirds majority consent of the Council.

19.3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:

19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws which have received first reading and which have not yet been adopted or defeated;

19.3.2 Development Permits or Development Variance Permits except where Council is considering the issuance of such a permit at the same meeting.

19.4 The provisions of Subsections 19.1 to 19.3 inclusive do not apply to a Special Council Meeting for the purpose of holding Public Hearings on land use matters.

19.5 A delegation intending to use audio or audio-visual equipment or both, for the purposes of making a submission to Council shall advise the Corporate Officer prior to the Council meeting, of the intent to use such equipment, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment.

20. PROCEDURES REGARDING BYLAWS

20.1 Every proposed bylaw, except a bylaw requiring a Public Hearing, may be

introduced and given first, second and third readings in one motion.

- 20.2 The introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council.
- 20.3 Any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause.
- 20.4 Every proposed bylaw shall come into force and effect on the date of adoption unless, in accordance with the provisions of the *Community Charter*, a subsequent date is specified in the bylaw.
- 20.5 Every proposed bylaw on which a Public Hearing is required shall, upon being given first and second reading, be submitted to a future meeting for the purpose of holding Public Hearings for which all statutory notification and advertising requirements can be satisfied unless Council, by resolution, directs otherwise.

21. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE MATTERS



21.1 All Public Hearings shall be held at ~~Special~~ *prior to* meetings of Council, and except as otherwise stated, the rules of Council shall be observed, so far as may be applicable, during these Public Hearings.

21.2 Prior to each Special Council Meeting for the purpose of holding Public Hearings, the Corporate Officer shall prepare an agenda of all business to be dealt with at such meeting, and Council shall proceed with the business set out in that agenda, unless that agenda is altered by resolution.



21.3 Each speaker will be permitted to address the hearing for a maximum of ~~twice~~. ~~There will be no limit to the length of initial presentations,~~ *ten (10) minutes*, provided the *All comments* are *must be* relevant to the issues at hand and the hearing is not being obstructed.

21.4 The bylaws will be considered individually and in numerical order, unless otherwise indicated, and the order of proceedings, after completion of the opening statement, will be as follows:

21.4.1 a brief statement by the Corporate Officer regarding the bylaw under consideration;

21.4.2 a brief presentation will be requested from the applicant or agent for each land use application;

21.4.3 the Corporate Officer will report on written submissions which have been received as part of the record;

21.4.4 oral submissions from the public will then be heard;

21.4.5 supplementary oral submissions from the public and the developer (if any) will then be heard. A limit of ten minutes applies to supplementary submissions;

21.4.6 the bylaw readings will be considered at the next regular Council meeting.

22. STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES

22.1 At the Inaugural Meeting of Council, or at such other times as considered appropriate, the Mayor may establish Standing Committees of Council, and shall appoint members thereto.

22.2 The Mayor shall be an Ex-Officio member of all Committees established in accordance with Subsection 22.1 of this bylaw, and shall be entitled to vote at all meetings thereof. In the absence of the Mayor, the Acting Mayor shall have the same Ex-Officio voting privileges at Standing and Select Committee Meetings, except where the Acting Mayor is already a voting member of that Committee.

22.3 The mandate of each of the Standing Committees of Council shall be as established by Council policy, but the general duties of Standing and Select Committees shall be to:

22.3.1 report to Council from time to time, as often as the interests of the Town require, on all matters connected with the duties imposed upon them, and to recommend such action by Council as may be deemed necessary and expedient; and

22.3.2 consider and report upon all matters referred to them by Council.

22.4 Any business referred to a Standing Committee shall not be determined by Council until the Committee has reported on it, unless the Committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by Council to be reasonable.

22.5 Members may attend the meetings of a Standing Committee of which they are not a member and;

22.5.1 may participate in discussion on items on the Committee agenda upon being recognized by the Chair;

22.5.2 shall not be allowed to vote at the Committee meeting of which they are not a member.

The provisions of this Subsection do not apply to the Mayor or, in the Mayor's absence, the Acting Mayor.

23. MISCELLANEOUS PROVISIONS

23.1 All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.

23.2 If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

23.3 Any provision of this bylaw, excluding those governed by the *Local Government Act* and *Community Charter*, may be waived by a majority of the Council members present.

24. REPEAL OF PREVIOUS BYLAWS

24.1 "Procedure Bylaw 1995, No. 1159" and any amendments thereto is hereby repealed.

25. CITATION

25.1 This bylaw may be cited for all purposes as "Council Procedure Bylaw 2008, No. 1666".

READ A FIRST TIME on the	day of	, 2008
READ A SECOND TIME on the	day of	, 2008
READ A THIRD TIME on the	day of	, 2008
ADOPTED on the	day of	, 2008

Mayor

90 _____
Corporate Officer



Town of Ladysmith
STAFF REPORT

To: Government Services Committee
 From: Ruth Malli, City Manager
 Date: January 4, 2009
 File No:

Re: ANNUAL FIVE YEAR FINANCIAL PLAN REVIEW

RECOMMENDATION:

That the Government Services Committee confirm the annual Five Year Financial Plan review schedule as outlined in the City Manager memo dated January 4, 2009.

LEGISLATIVE:

See attached policy.

TIMELINE:

October 08-January 09	Council-staff strategic discussions
December 08-February 09	Department review of 5 year financial plan, with amendments to the Finance Department due by Feb 28
March 1-20, 2009	Finance Department completes prior year-end and prepares budget packages for Council consideration
March 30, 2009	*Budget meeting 4-6pm
April 6,14, 20, 2009	*Budget meetings as required including formal public budget meeting (Mondays-4-6pm) (Note – April 14 th is a Tuesday)
April 27, 2009	Completion of all discussions on budget, including finalization of tax rates and tax policy
April 27-May 1, 2009	Finance Dept completes drafting of bylaws
May 4, 2009	Bylaws read a 1, 2 and 3 rd time
May 11, 2009	Bylaws adopted

ATTACHMENTS:

Five Year Financial Plan Policy

*Note – all budget meetings are public meetings

TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL

TOPIC:	FIVE YEAR FINANCIAL PLAN POLICY		
APPROVED BY:	Council	DATE:	March 19, 2007
RESOLUTION #:	2007-148		
<i>(Amended)</i>			
 Definition: A budget or Financial Plan is the financial reflection of the Town's operating and capital plans, including those items contained in the Strategic Plan. The document outlines the work and projects that the Town intends to complete over the next five years. The operations portion of the budget outlines the approved resources for each department to execute their overall mandate.			
 Background: Section 165 of the <i>Community Charter</i> requires the Town to prepare a five year financial plan annually prior to adoption of the annual property tax bylaw. As per Section 197 of the <i>Community Charter</i> , the annual property tax bylaw must be adopted after the financial plan bylaw but prior to May 15 th of the year. Section 166 of the <i>Community Charter</i> also requires that Council undertake a public consultation process prior to adoption of the financial plan bylaw. This public consultation process must be advertised in accordance with Section 94 of the <i>Community Charter</i> .			
<p>Council prepares a Strategic Plan. This plan outlines the strategic focus for the organization for the next five years, the Financial Plan is the financial reflection of the tasks to be completed in accordance with the Strategic Plan. The development of the Strategic Plan and the Financial Plan should include opportunities for the public, Town committees, Council and all staff to bring forward ideas and suggestions. It is the responsibility of management to ensure that a process exists for all staff to provide input into the Town's plans. It is the responsibility of Council to ensure that a process exists for the public and committee members to provide input into the Town's plans. Council makes the final decision on the directions, projects and initiatives included in both the Strategic Plan and the Financial Plan.</p>			

05 – 1700 - A

TOPIC: FIVE YEAR FINANCIAL PLAN POLICY	
APPROVED BY: Council	DATE: March 19, 2007
RESOLUTION #: 2007-148	
<i>(Amended from)</i>	
Financial Planning Process: The financial planning process shall be as follows:	
1) Prior to the end of the fiscal year, the Director of Financial Services will meet with all department managers individually to review their year to date actual numbers in comparison to the budgeted numbers for the year. The managers will determine what capital projects will need to be deferred to the following budget year. Any issues will be identified and if necessary a request to Council for a budget amendment should be done. A Budget Change Form should be completed for each project deferred to the following year.	
2) If a project was budgeted for in the current year and was to be funded from general taxes, and the project is being deferred to the following year, these funds should be put aside in a reserve to be used for the project in the following year.	
3) Any capital projects deferred to the following year that were to be funded from reserves, surplus or other revenue, should be included in the new financial plan under the following year, with the appropriate expenditures and funding indicated.	
4) Department managers will also determine if there are any new projects that they want to complete in the next five years. Managers will be responsible for getting estimates of the cost of the projects and will work closely with the Finance department to determine funding options. A complete listing of the capital projects will be provided to the Director of Financial Services by the end of November each year. Project Request forms should be completed for each capital project outlining the priority, estimated costs, funding sources, reason for the project, expected start and end dates and anticipated benefits.	
5) Department managers will also be responsible for determining what changes they anticipate to their operating revenue and expenses for the next five years. The Finance department will assume a cost of living increase only unless a change request is received from the department manager. Department managers will complete a budget change request for any changes to operations over the next five years.	

TOPIC: FIVE YEAR FINANCIAL PLAN POLICY	
APPROVED BY: Council	DATE: March 19, 2007
RESOLUTION #: 2007-148	
<i>(Amended from)</i>	
<p>Examples would be for special courses, additional employees or special project work. The Budget Change request will show the amount of the change, accounts affected the reason for the request and the anticipated benefits.</p> <ol style="list-style-type: none"> 6) Upon receipt of the information from the department managers, the Director of Finance will compile a five year financial plan that includes all of the items recommended by the managers. This financial plan will be distributed to all managers for review. 7) The management team will then hold a meeting to determine what budget cuts need to be made in order to have a good first draft for Council and public consideration. 8) The first draft of the financial plan will then be presented to the Budget Committee to receive recommendations for amendments. Each department manager will be given the option of making a presentation to the Committee regarding any projects they have included in the financial plan. Any amendments recommended by the Committee will be completed prior to the public consultation session. 9) Once the second draft of the financial plan is complete, notice of the public consultation meeting to be held to receive public input will be published. At this public meeting, the draft financial plan will be presented and any ideas or suggestions from the public will be received. A summary of the suggestions received from the public will be prepared by the Director of Financial Services and presented to the Budget Committee. The Committee will review the items and determine whether they should be included in the financial plan. 10) After receiving all amendment requests from the Budget Committee, the Director of Financial Services will prepare a five year financial plan that includes all the amendments. This financial plan will be published in the newspaper, with an invitation for submissions from the public, and the bylaw will be presented to Council for approval. 	

05 - 1700 - A

TOPIC:	FIVE YEAR FINANCIAL PLAN POLICY		
APPROVED BY:	Council	DATE:	March 19, 2007
RESOLUTION #:	2007-148		
<i>(Amended from)</i>			
11) Upon approval, the final budget numbers will be entered into the accounting software and budget reports will be distributed to the department managers.			
Minimum Requirements for Financial Plan (As Per Section 165 of the <i>Community Charter</i>):			
The financial plan must set out the following for each year of the planning period:			
(a) the proposed expenditures by the municipality;			
(b) the proposed funding sources;			
(c) the proposed transfers to or between funds.			
The total of the proposed expenditures and transfers to other funds for a year must not exceed the total of the proposed funding sources and transfers from other funds for the year.			
The proposed expenditures must set out separate amounts for each of the following as applicable:			
(a) the amount required to pay interest and principal on municipal debt;			
(b) the amount required for capital purposes;			
(c) the amount required for a deficiency referred to in subsection (9);			
(d) the amount required for other municipal purposes.			
The proposed funding sources must set out separate amounts for each of the following as applicable:			
(a) revenue from property value taxes;			
(b) revenue from parcel taxes;			
(c) revenue from fees;			
(d) revenue from other sources;			
(e) proceeds from borrowing, other than borrowing under section 177 [revenue anticipation borrowing].			
The proposed transfers to or between funds must set out separate amounts for			
(a) each reserve fund under Division 4 of this Part, and			
(b) accumulated surplus.			

05 – 1700 - A



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Ruth Malli, City Manager
Date: January 15, 2009
File No: 2380-20

Re: **AUTHORIZATION TO EXTEND LEASE AND OPERATING AGREEMENT FOR LADYSMITH VISITOR INFORMATION CENTRE**

RECOMMENDATION:

That Council authorize the extension of the existing lease and operating agreement with the Ladysmith Chamber of Commerce for the operation of the Visitor Information Centre, for the period January 1, 2009 to December 31, 2009.

SUMMARY OF KEY POINTS:

Council has contracted with the Ladysmith Chamber of Commerce in its delivery of information services to visitors because tourism is a key part of the Town's Economic Development Strategy. In 2008, this support included an operating grant, support for moving the Information Centre, and payment for the leased premises at 626 First Avenue. After the fire in that building, the Town relocated the Chamber of Commerce to 224 High Street.

The current contract agreement with the Ladysmith Chamber of Commerce expired on December 31, 2008. It is important to ensure that the contract is in place before the start of the 2009 tourism season so that the Chamber is able to provide superior visitor services to all those who visit Ladysmith.

ATTACHMENTS:

Chamber of Commerce Agreement for Ladysmith Visitor Information Centre Operations, January 1 to December 31, 2008

THIS AGREEMENT made the th20 day of December, 2007

BETWEEN: TOWN OF LADYSMITH, Box 220, 410 Esplanade, Ladysmith, British Columbia, V9G 1A2 (hereinafter called the "Town")

AND: LADYSMITH CHAMBER OF COMMERCE, Box 598 Ladysmith, British Columbia, V9G 1A4 (hereinafter called the "Chamber")

In consideration of the mutual promises hereinafter appearing, the parties hereto covenant and agree each with the other as follows:

1. The Chamber shall during all business hours from January 1, 2008 to December 31, 2008 (the "Term") operate and maintain a Visitor Information Centre at 132-C Roberts Street Ladysmith BC V9G 1A4 or such other location as the Town may decide, and provide therein visitor information on Ladysmith including without limitation:
 - a) Responding to drop-in, telephone and website inquiries as well as mailing out information as appropriate;
 - b) Maintaining an adequate supply of current, relevant information and publications for visitor information;
 - c) Ensuring that a community calendar of events is kept current on the Chamber's website, is easily linked to other community websites and is available for use by all groups in the community;
 - d) Reporting to the Town from time to time as required by Town Council and staff;
 - e) Maintaining and cleaning the visitor information office, including washrooms, to a standard reasonably required by the Town; and
 - f) Prior to the expiry of the Term, removing all of its belongings from the visitor information office and returning the office to the Town in a neat and tidy condition.
2. In consideration for the Chamber supplying the aforementioned services, the Town shall pay to the Chamber an annual sum of \$35,000.00 paid in equal quarterly installments on the first business day following: January 1, April 1, July 1, October 1, 2008.
3. The Town may terminate this Agreement if the Chamber is in breach of any obligations herein and does not remedy such breach within 15 days written notice by the Town to the Chamber in respect of such breach.
4. Time is of the essence with this Agreement. This Agreement constitutes the entire agreement between the parties hereto in respect of the Visitor Information Centre and the services described herein. This Agreement may not be amended by the parties hereto other than by written agreement mutually agreed to by both parties.

IN WITNESS WHEREOF each of the parties hereto has executed this Agreement under the hands of their proper officers duly authorized in that behalf.

LADYSMITH AND DISTRICT
CHAMBER OF COMMERCE

Authorized Signatory

[Signature]
BEN BAUCROFT

Authorized Signatory

[Signature]
P-MOORE

THE TOWN OF LADYSMITH
seal was affixed in the presence of:

[Signature]
Mayor

[Signature]
City Manager

RUTH MALLI

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Administration provided
by UBCM

Funding provided by:
Province of B.C.



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Program Services

LGPS Secretariate

Municipal House
545 Superior St
Victoria BC V8V 1T7

Phone: 250 356-5134
Fax: 250 356-5119

Local Government Program Services

...programs to address provincial-local government shared priorities

December 3, 2008

DEC 10 2008

Mayor Hutchins and Council
Town of Ladysmith
PO Box 220 Stn Main
Ladysmith, British Columbia, V9G 1A2

Dear Mayor and Council:

RE: COMMUNITY TOURISM PROGRAM (PHASE 2)

I am pleased to advise that your application for funding through Phase 2 of the Community Tourism granting program for the above-noted project is now approved in the amount of \$ 53,356.48.

With the amount set aside for this project, there is no available funding remaining in your allocation for future Phase 2 programming.

A cheque for \$ 40,017.36, representing 75% of the approved grant amount, will follow. Acceptance of this grant indicates agreement to the terms and conditions of the Program, as per section 6.0 of the Program and Application Guide.

The balance will be forwarded on receipt of a satisfactory final report. UBCM is administering this program, and funding has been provided by the Province of British Columbia.

Reporting must be completed before final payment is provided by UBCM, and the reporting must demonstrate that the funding was used to improve tourism activity in the community. This report may contain but not be limited to the following:

- A description of the completed project;
- Statistical data around number of visits or anticipated visitor traffic based on enhanced services or available activities;
- Projected revenues;
- Quantity of products produced; and
- Anecdotal information or media clippings.

A progress report is due 12 months after funding is received if project is not complete.

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In addition, a statement from the Chief Financial Officer, verifying the total cost of the project is also required. Where applicable, this statement should also identify other contributions such as "in-kind", matching funding, or other revenue sources required to complete this project. The balance of funding will be paid on receipt of a satisfactory reporting package.

If you have any questions or concerns, or wish to vary your project in any way, please contact Sue Clark, Program Officer, at 250 356-5134.

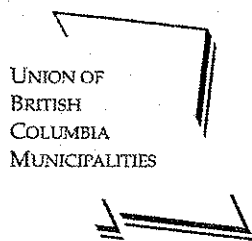
We wish you every success with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Clark", written in a cursive style.

Sue Clark
Program Officer

Cc: Felicity Adams, Manager of Development Services



Local Government Program Services

General Funding Terms & Conditions

The purpose of these Terms and Conditions is to provide basic information on the administration of Local Government Program Services grants. For specific information regarding the terms and conditions of each funding program, please refer to the Program Guide.

1. Definitions

- **Approved Applicant** - In general, Local Government Program Services grants are awarded to local governments (regional districts and municipalities). However, under some programs, other organizations, such as First Nations and Aboriginal organizations or boards of education, can be the approved applicant. The approved applicant is the primary contact for UBCM and is responsible for overall grant management.
- **Approved Partner(s)** - Approved partners are organizations that contribute directly to the approved project, are identified in the application and are approved by UBCM. Possible partners include, but are not limited to, boards of education, health authorities, First Nations or Aboriginal organizations, non-profit organizations and local governments (other than the applicant).
- **Approved Project** - The approved project is the activity or activities described in the application and approved by UBCM.
- **Cash Expenditures** - Cash expenditures are direct costs properly and reasonably incurred and paid for with money by the approved applicant or approved project partners for the development or implementation of the approved project. For example, venue rentals, catering and consultant fees can be cash expenditures.
- **In-Kind Expenditures** - An in-kind contribution is one that uses resources of the approved applicant or approved project partner for the development or implementation of the approved project. For example, staff time or the use of meeting rooms can be in-kind expenditures.
- **Program Guides** - Program Guides are the application and program materials prepared by UBCM to describe the program and assist applicants in completing and submitting an application. All Program Guides are available at www.civicnet.bc.ca under - 'Programs and Services' - 'Local Government Program Services.'

2. Eligible & Ineligible Costs

Eligible costs, including cash and in-kind expenditures, are direct costs properly and reasonably incurred by the approved applicant or approved partners in the development or implementation of the approved project. To be eligible, these costs must be outlined in the detailed budget submitted by the approved applicant as part of the application process and be approved by UBCM. Requests to change to the budget must be made to UBCM, in writing, by the approved applicant (see below). Please see the Program Guide for specific notes regarding eligible and ineligible costs.

3. Post-Approval Terms

Notice of Approval

UBCM will inform approved applicants by letter and a specified percentage of the approved grant amount will be forwarded upon approval. The balance will be paid on satisfactory completion of the project and receipt of all final reporting requirements.

Applicant Responsibilities

Please note: Local Government Program Service grants are awarded to approved applicants. When collaborative projects are undertaken with community partners, the approved applicant remains the primary organization responsible for the grant. Due to this approved applicants are the primary contact for UBCM and are responsible for:

- Ensuring that approved activities are undertaken as outlined in the approved application,
- Providing proper fiscal management of the grant and approved project (see below), and
- Submitting progress and/or final reports, using UBCM forms where available, as required by the Program Guide (see below).

Accounting Records

Acceptable accounting records must be kept that clearly disclose the nature and amounts of cash and in-kind expenditures incurred during the development or implementation of the approved project. Financial summaries are required to be submitted as part of the final report and must be signed by a representative of the approved applicant (or as required in the Program Guide).

Changes to or Cancellation of Approved Project

Approved applicants need to advise UBCM, in writing, of any significant variation from the approved project as described in the approved application, including any major changes to:

- Start or end dates
- Cash and in-kind expenditures or matching funds (when required)
- Project purpose, goals, outcomes or milestones
- Project partners

UBCM's approval may be required in advance for such changes.

If an approved project is cancelled, the approved applicant is responsible for ensuring any grant monies that have been advanced are returned to UBCM within 30 days, or as outlined in the Program Guide.

4. Reporting Requirements

Approved applicants are required to submit progress and final reports as outlined in the Program Guide. When UBCM forms are available, they are required to be used.

Please note the following when submitting a report:

- When completing a UBCM report form please ensure that each question is answered and that all attachments are complete. Follow any sample templates that UBCM provides.
- When a report form is not required, please ensure that each required component, as outlined in the Program Guide, is addressed in your report and that all attachments are complete.
- When you are ready to submit your report, please e-mail it directly to the e-mail address identified in the Program Guide or mail/fax it to Municipal House:

545 Superior Street
Victoria, BC, V8V 1T7
Fax: (250) 356-5119

- When submitting electronically, submit all documents as Word or PDF files.
- All digital photos or images should be submitted, by e-mail or on CD, as JPEG files.



BRITISH
COLUMBIA

DEC - 8 2008

Ref: 129520

December 4, 2008

His Worship Mayor Robert R. Hutchins
and Members of Council
Town of Ladysmith
PO Box 220 Stn Main
Ladysmith, BC V9G 1A2

Dear Mayor Hutchins and Councillors:

On September 25, 2008, Honourable Gordon Campbell, Premier, announced a new province-wide initiative to help you manage and enhance your urban forests.

The Trees for Tomorrow initiative is an exciting five-year, \$13 million program aimed at planting four million trees in schoolyards, hospital grounds, civic parks and other public spaces throughout British Columbia. Evergreen, a not-for-profit organization, is assisting in the delivery of this initiative.

Through the Trees for Tomorrow initiative, local governments, regional districts, institutions and First Nations can apply for funding to plant trees in parks, boulevards and parking lots, hospital grounds, school grounds and post secondary campuses. In addition to funding, the Trees for Tomorrow initiative provides you with an opportunity to learn about your urban forest through educational workshops held across the province.

Urban forests are an intrinsic part of every city, town, village, regional district and community, and a valuable part of the community infrastructure. Urban forests create safer, more liveable communities. They are good for business, attracting tourists and shoppers. They reduce noise and energy bills while increasing property values. They provide air to breathe, improve water quality, support biodiversity, provide recreational opportunities and beautify your community.

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His Worship Mayor Robert R. Hutchins
and Members of Council
Page 2

I strongly encourage you to visit the website at: www.treesfortomorrow.gov.bc.ca to learn more about the Trees for Tomorrow initiative and apply for funding to support your urban forest. The first application intake deadline is January 16, 2009. To discuss your application, please call the toll free telephone line at: 1 866-T4T-9034 (1 866 848-9034).

Sincerely,



Blair Lekstrom
Minister

pc: Mr. Geoffery Cape
Executive Director
Evergreen



DEC - 8 2008

**ASSOCIATION OF VANCOUVER ISLAND
AND COASTAL COMMUNITIES**
545 Superior Street, Victoria, B.C. V8V 1T7

Telephone: (250) 356-5133
Fax: (250) 356.5119

Email: efraser@civicnet.bc.ca
Website: www.avicc.ca

TO: AVICC MEMBERS
FROM: Eydie Fraser, Executive Coordinator
RE: **2009 RESOLUTIONS - ANNUAL GENERAL MEETING**
DATE: December 5, 2008

DEADLINE FOR RESOLUTIONS

All resolutions must be received in the AVICC office by:

FEBRUARY 13, 2009

SUBMISSION REQUIREMENTS

Resolutions submitted to the AVICC for consideration shall be submitted as follows:

- one copy of the resolution;
- the resolution should not contain more than two "whereas" clauses;
- background documentation must accompany each resolution submitted.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

LATE RESOLUTIONS

- a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late Resolutions" and shall comply with all other submission requirements to the AVICC by the Wednesday noon (April 4) preceding the date of the Annual General Meeting.
- b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions have been debated.

- c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
- d. In the event that a late resolution is recommended to be admitted for discussion AVICC shall produce sufficient copies for distribution to the Convention.

MODEL RESOLUTION

SHORT TITLE _____

Sponsor's Name

WHEREAS _____

AND WHEREAS _____

THEREFORE BE IT RESOLVED that _____

(Note: A second resolve clause if it is absolutely required should start as follows:)

AND BE IT FURTHER RESOLVED that _____

DEC - 8 2008



**ASSOCIATION OF VANCOUVER ISLAND
AND COASTAL COMMUNITIES**
545 Superior Street, Victoria, B.C. V8V 1T7

Telephone: (250) 356-5133
Fax: (250) 356.5119

Email: efraser@civicnet.bc.ca
Website: www.avicc.ca

TO: AVICC MEMBERS
FROM: President Barry Janyk
DATE: December 5, 2008
RE: RESOLUTION PROCESS

The Executive of AVICC would like to offer some suggestions with regard to the Resolution process in an effort to improve the quality of the resolutions submitted.

We would also encourage members and staff to check the UBCM Resolutions Database at www.civicnet.bc.ca and click on Resolutions at the top of the page. Then search the Resolution Database to see if there has been resolution in the past on the topic and what the provincial response was. We are currently seeing many resolutions coming back year after year on the same topic.

The Resolution Process is as follows:

1. Members submit their resolutions to Area Association for debate.
2. Endorsed resolutions of provincial interest are then submitted to UBCM by the Area Association.
3. The UBCM Resolution Committee then reviews the resolutions for submission to the UBCM Convention.
4. Endorsed resolutions at the UBCM convention are then submitted to the appropriate level of government for responses.
5. Once the provincial responses have been conveyed to the UBCM they are then forwarded to the sponsor for their review.

Below are guidelines to be used in the preparation of a resolution.

The Construction of a Resolution

All resolutions contain a preamble and enactment clause. The preamble describes *the issue and* the enactment clause outlines *the action being requested*. A resolution should answer the following three questions:

- What is the problem?
- What is causing the problem?
- What is the best way to solve the problem?

Preamble:

The preamble commences with a recital, or "WHEREAS", clause. This is a concise paragraph about the nature of the problem or the reason for the request. It should clearly and briefly outline the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. If explaining the problem requires more than two preliminary clauses, then provide supporting documents to describe the problem more fully. Do not add extra clauses.

Enactment clause:

The enactment clause begins with the words "THEREFORE BE IT RESOLVED". It must convey the resolution's intent, and should propose a specific action by AVICC and UBCM.

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

How to Draft a Resolution

1 *Address one specific subject in the text of the resolution.*

Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if the issues it addresses are too complex for them to understand quickly.

2 *Use simple, action-oriented language and avoid ambiguous terms.*

Explain the background briefly and state the desired action clearly. Delegates can then consider the resolution without having to parse complicated text or vague concepts.

3 *Provide factual background information.*

Even a carefully constructed resolution may not clearly indicate the problem or the action being requested. Where possible, provide factual background information to ensure that the "intent" of the resolution is understood.

Two types of background information help to clarify the "intent" of a resolution:

i *Supplementary Memo:*

A brief, one-page memo from the author, which outlines the background that led to the presentation and adoption of the resolution by the local government.

ii *Council/Board Report:*

A report on the subject matter, presented to council or board in conjunction with the resolution. If it is not possible to send the entire report, then extract the essential background information and submit it with the resolution.

Resolutions submitted without adequate background information will not be considered until the sponsor has been consulted and has provided documentation outlining the intent of the resolution.

4 *Construct a brief, descriptive title.*

A title assists to identify the intent of the resolution and eliminates the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution.

For ease of printing in the Annual Report and Resolutions Book and for clarity of intent, a title should be no more than three or four words.

5 *Check legislative references for accuracy.*

Where necessary, identify:

- the correct jurisdictional responsibility (e.g., ministry or department within the provincial or federal government)
- the correct legislation, including the name of the Act

6 *Focus on issues that are province-wide.*

The issue identified in the resolution should be relevant to other local governments across the province. This will support proper debate on the issue and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts.

GOLD STAR AND HONOURABLE MENTION RESOLUTIONS

The Gold Star and Honourable Mention resolution recognition initiative was launched at the 2003 Convention, and is intended to encourage excellence in resolutions drafting and to assist UBCM members in refining their resolutions in preparation for submission to the annual UBCM Convention.

To be awarded Gold Star or Honourable Mention recognition, a resolution must meet the standards of excellence established in the following Gold Star Resolutions Criteria, which are based on the resolution Drafting and Submission Guidelines.

Gold Star Resolutions Criteria

- 1 Resolution must be properly titled.
- 2 Resolution must employ clear, simple language.
- 3 Resolution must clearly identify problem, reason and solution.
- 4 Resolution must have two or fewer recital (WHEREAS) clauses.
- 5 Resolution must have a short, clear, stand-alone enactment (THEREFORE) clause.
- 6 Resolution must focus on a single subject, must be of local government concern province-wide and must address an issue that constitutes new policy for UBCM.
- 7 Resolution must include appropriate references to policy, legislation and regulation.
- 8 Resolution must be submitted to relevant Area Association prior to UBCM.

The AVICC Executive has adopted the Gold Star criteria and in the 2009 Annual Report and Resolutions Book the resolutions will be divided into two sections. Section A will deal with Gold Star Resolutions with emphasis on #6 of the criteria.

If you have any questions, please contact Eydie Fraser at efraser@civicnet.bc.ca or (250) 356-5133.