



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, APRIL 15, 2013
7:00 p.m.

A G E N D A

Page

CALL TO ORDER 6:15 P.M.

In order to retire immediately into Executive (Closed) Session

1. EXECUTIVE (CLOSED) SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- 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

2. ARISE AND REPORT

3. AGENDA APPROVAL

4. MINUTES

- 4.1. Minutes of the Regular Meeting of Council held April 2, 2013
- 4.2. Minutes of the Special Meeting of Council held April 8, 2013

5-10
11-14

5. DELEGATIONS

None

6. PROCLAMATIONS

- 6.1. Mayor Hutchins has proclaimed April 28, 2013 as "National Day of Mourning for Workers Killed and Injured on the Job" in the Town of Ladysmith, in remembrance of those workers who have lost their lives and their health due to workplace injuries.

7. 2013 – 2017 FINANCIAL PLAN DELIBERATIONS

- 7.1. Ladysmith Resources Centre Association – Additional Information Regarding Program Access by Ladysmith Residents (as requested by Council)
- 7.2. Review and Discussions Continued
- 7.3. Public Questions and Input

15

8. STAFF REPORTS

- 8.1. Amendments to Building Permit Fees** 16-20

9. BYLAWS

- 9.1. Town of Ladysmith Water Parcel Tax Bylaw 2013, No. 1823** 21
May be adopted.

The purpose of Bylaw 1823 is to set the water tax rate on property parcels for 2013, to help meet the costs of water system services and improvements.

- 9.2. Town of Ladysmith Sewer Parcel Tax Bylaw 2013, No. 1824** 22
May be adopted.

The purpose of Bylaw 1824 is to set the sewer tax rate on property parcels for 2013, to help meet the costs of the sewer system services and improvements.

- 9.3. Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1825** 23-24
May be read a first, second and third time.

Bylaw 1825 is the subject of a staff report under Item 8.1. The purpose of this Bylaw is to amend the building permit fees as previously directed by Council.

10. CORRESPONDENCE

- 10.1. Adam Seymour, Margaret Seymour, Stz'uminus Canoe Festival** 25
Request for Town sponsorship of Stz'uminus Canoe Festival, July 20 to 21, 2013

Council will recall that the Town provided a one-time grant-in-aid of \$1,000 to the Stz'uminus Canoe Festival in 2012, after the Financial Plan had been adopted.

Staff Recommendation

That Council consider whether it wishes to provide a financial contribution to the Stz'uminus Canoe Festival as requested by Margaret and Adam Seymour in their correspondence dated March 26, 2013, and if so, the amount of the contribution.

- 10.2. Hon. Terry Lake, Minister of the Environment** 26-28
Ministerial approval of Town of Ladysmith Liquid Waste Management Plan

Staff Recommendation

That the letter from the Hon. Terry Lake, Minister of the Environment, granting Ministerial approval of the Town of Ladysmith Liquid Waste Management Plan, be received.

11. NEW BUSINESS

12. UNFINISHED BUSINESS

12.1. Open and *In Camera* (Closed) Council Meetings

29-32

Council will recall that it rose and reported from the April 2, 2013 Executive (Closed) Session of Council after consideration of correspondence from the Town's solicitor that the correspondence should be referred to the April 15, 2013 Regular Meeting of Council.

13. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
TUESDAY, APRIL 2, 2013 - 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Bill Drysdale
Councillor Glenda Patterson

Councillor Steve Arnett
Councillor Gord Horth

Councillor Jillian Dashwood
Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli
Erin Anderson

Sandy Bowden
John Manson

Felicity Adams
Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 6:18 p.m. in order to retire into Executive (Closed) Session.

EXECUTIVE SESSION

CS 2013-95

It was moved, seconded and carried that Council retire into Executive (Closed) Session at 6:18 p.m. in order to consider the following items:

- 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
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

RISE AND REPORT

Council arose from Executive (Closed) Session with a report on the following:

- that the correspondence from the Town's solicitor regarding public and *in camera* (closed) meetings was referred to the April 15, 2013 Regular Meeting of Council.

Mayor Hutchins reconvened the Regular Meeting of Council at 7:00 p.m.

AGENDA APPROVAL

CS 2013-96

It was moved, seconded and carried that the agenda for the Regular Council Meeting of April 2, 2013 be adopted as amended by the following items:

Delete item 4.1

Add item 4.1 – Allen McDermid, President of Ladysmith Search and Rescue – Request for Donation of Retired Fire/Rescue Vehicle (10.1 on the original agenda).

Add item 12.1 – Association of Vancouver Island and Coastal Communities Convention Resolutions

MINUTES

CS 2013-97 It was moved, seconded and carried that the minutes of the Regular Council meeting held March 18, 2013 be approved as amended to record that Councillor Horth was opposed to Resolution CS 2013-75 (purchase of carbon offset credits from Cowichan Energy Alternatives).

CS 2013-98 It was moved, seconded and carried that the minutes of the Special Meeting of Council held March 25, 2013 be approved as circulated.

DELEGATION

Councillor Drysdale declared a conflict of interest with the following agenda item and excused himself from the meeting.

Allen McDermid, President, Ladysmith Search and Rescue

A. McDermid addressed Council in support of correspondence from Ladysmith Search and Rescue, requesting the donation of a Ladysmith Fire/Rescue vehicle that will be retired. Council expressed their appreciation for the efforts of Ladysmith Search and Rescue in serving the community.

CS 2013-99 It was moved, seconded and carried that the purchasing policy be waived and that the 1986 Ladysmith Fire/Rescue Ford Rescue Truck be donated to Ladysmith Search and Rescue for use as a command post and rescue vehicle.

Councillor Drysdale returned to the meeting.

PROCLAMATIONS

Mayor Hutchins proclaimed the week of May 19th to 25th, 2013 as “National Public Works Week” in the Town of Ladysmith, in recognition of the importance of public works in community life and the efforts of all the men and women in North America, including in the Town of Ladysmith, who provide and maintain civil infrastructure and services.

2013 TO 2017 FINANCIAL PLAN DELIBERATIONS

Review and Ongoing Discussions

The Director of Financial Services reviewed Council's previous direction with respect to reducing expenses and increasing revenues, and provided options for Council's consideration

Council gave the following direction to staff:

Revenues

- Report back to Council with a recommendation regarding full

cost-recovery for the use of lights at the Town's playing fields.

- Increase building permit fees to be in line with other local governments in the area
- Increase tax certificate fees from \$15 to \$20 per certificate
- Review cemetery fees and bring a recommendation to Council regarding options

Expenses

- Remove \$10,000 budgeted for a citizen survey and determine other cost-effective ways of communicating with and engaging citizens
- Reduce the snow and ice removal materials and supplies budget by \$5,000 to \$15,000
- Provide Council with information about cost savings and the potential implications of eliminating one, two or three Parks Department summer staff
- Report back to Council with respect to cost savings through a possible extension of the shut-down period at the Frank Jameson Community Centre

The Capital budget will be reviewed at a Special Meeting of Council on April 8, 2013.

CS 2013-100

It was moved, seconded and carried that staff be authorized to commence renovations to the Public Works Department offices to a maximum amount of \$15,000.

Staff were requested to circulate copies of the budget presentation materials to Council to assist in deliberations.

Public Questions and Input

There were no questions or input from the members of the public present.

DEVELOPMENT APPLICATIONS

Councillor G. Patterson declared a conflict of interest with the following agenda item and excused herself from the meeting.

Development Variance Permit – 948 Malone Road (Lot 19, District Lot 96, Oyster District, Plan VIP57370)

CS 2013-101

It was moved, seconded and carried that staff be directed to proceed with the statutory notice for Development Variance Permit application 3090-13-01 for Lot 19, District Lot 96, Oyster District, Plan VIP57370 (948 Malone Road) to permit an addition to an existing dwelling.

OPPOSED: COUNCILLOR DASHWOOD

Councillor Patterson returned to the meeting.

COUNCIL COMMITTEE **Cowichan Valley Regional District 2013 Budget**
REPORTS Mayor Hutchins provided Council with a summary of the final budget for 2013 approved by the Cowichan Valley Regional District. The effect in Ladysmith is an annual increase of approximately \$.25 for the average residential property in Ladysmith.

Council members reported on activities of their respective Commissions and community committees.

STAFF REPORTS Mayor Hutchins declared a conflict of interest with the following agenda item and excused himself from the meeting. Deputy Mayor Dashwood assumed the Chair.

CS 2013-102 **Special Occasion Licence – Ladysmith Maritime Society Seafood Festival**
It was moved, seconded and carried that the request for a Special Occasion Licence from the Ladysmith Maritime Society for the Ladysmith Seafood Festival event to be held on Sunday May 19, 2013 at the Transfer Beach Amphitheatre be approved.

Mayor Hutchins returned to the meeting and resumed the Chair.

CS 2013-103 **Crown Land Referrals 1413402 and 1413408 – District Lots 651, 17G and 16G**
It was moved, seconded and carried that the following comments be provided to the Province of British Columbia regarding Crown land referrals 1413402 and 1413408:

- The Town has an interest in the clean-up of the Ladysmith Harbour to its original natural state.
- In November 2012, the Province and the Town released a report on the environmental conditions of the Ladysmith waterfront outlining the extent of the contamination and a range of costs for alternatives to address remediation. These costs are significant.
- Consideration of a Crown grant or Crown lease should be subject to the applicant's financial commitment to appropriately addressing the environmental condition of the land consistent with Ladysmith's land use vision.
- The Town has a lease over Lot 2016 (home of the Ladysmith Maritime Society Community Marina) which is adjacent to Lot 651.
- The Town has an interest in the development of Lot 651 for an expanded marina in partnership with the Stz'uminus First Nation.
- The Town has undertaken an award-winning Community

Sustainability Visioning Initiative which includes a Vision for the Waterfront.

- Enhanced marina development and public access to the foreshore is desirable.
- The Town intends to update the 1997 Waterfront Area Plan commencing in 2013. This proposal is not consistent with the current Waterfront Area Plan.
- The Town will be reconsidering its land use policy (Waterfront Area Plan) prior to any consideration of such a proposal. In summary, the consideration of a rezoning proposal for these lands would require submission of a proposed land use plan to address all land use considerations, design concept, commercial land absorption study, financial feasibility study, and confirmation that the site meets the standards of the *Environmental Management Act*. A context statement as to how the proposal responds to the Community Sustainability Visioning Initiative would also be required.
- The Town would be seeking payment of the outstanding taxes on these lands.

CORRESPONDENCE

CS 2013-104

Richard Morencie, Ladysmith Chamber of Commerce Dunsmuir Railway Car

It was moved, seconded and carried that the Ladysmith Chamber of Commerce be advised that the Town is in full support of acquiring the Dunsmuir Railway Car, and of progress to date in this regard, in response to the correspondence from the Chamber of Commerce dated March 14, 2013.

BYLAWS

CS 2013-105

Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1820

It was moved, seconded and carried that Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1820 be adopted.

CS 2013-106

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821 be adopted.

CS 2013-107

Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822

It was moved, seconded and carried that Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822 be adopted.

NEW BUSINESS

Association of Vancouver Island and Coastal Communities Resolutions

Councillor Arnett encouraged Council members attending the annual convention of the Association of Vancouver Island and Coastal Communities to consider supporting resolutions concerning abandoned and derelict vessels and membership amendments that would permit First Nations to become members of the Association.

QUESTION PERIOD

John Douglas was advised that the Town does have influence over proposed development on Crown waterfront lands through the rezoning process and Official Community Plan.

Ed Shirley was advised that the Cowichan Valley Regional District Grant-in-Aid to the Island Corridor Foundation will not be advanced unless the organization reaches an agreement with VIA Rail to Vancouver Island passenger rail service.

ADJOURNMENT

CS 2013-108

It was moved, seconded and carried that this meeting of Council be adjourned at 8:44 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, APRIL 8, 2013 - 5:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

| | | |
|---|--------------------------|-----------------------------|
| Mayor Rob Hutchins | Councillor Steve Arnett | Councillor Bill Drysdale |
| Councillor Gord Horth | Councillor Duck Paterson | Councillor Glenda Patterson |
| Councillor Jillian Dashwood (entered later) | | |

STAFF PRESENT:

| | | |
|---------------|---------------|-------------|
| Ruth Malli | Erin Anderson | John Manson |
| Joanna Winter | | |

CALL TO ORDER

Mayor Hutchins called the meeting to order at 5:00 p.m.

AGENDA APPROVAL

CS 2013-109

It was moved, seconded and carried that the agenda for the Special Council Meeting of April 8, 2013 be adopted.

**2013 TO 2017
FINANCIAL PLAN
DELIBERATIONS**

Capital Budget

The Director of Financial Services reviewed Council's previously confirmed priorities and its overall direction of community resilience. Council reviewed the proposed capital expenditures for the 2013 to 2017 Financial Plan.

Council gave the following direction to staff for the 2013 capital budget:

Administration

- Report back to Council with a recommendation for establishing a City Hall Replacement Reserve Fund and estimates for reconfiguring some City Hall work spaces
- Include \$20,000 for upgrades to the Town's information technology platform to support the VADIM accounting system
- Include \$40,000 for Information Technology Strategy Implementation approved, including new telephone system, with an additional \$30,000 from previous year's funds
- Include \$7,500 for developing a policy to guide requests for extension of Town services

Development Services

- Include \$11,500 for downtown parking signage, with partial funding from reserves
- Include \$89,500 for zoning Bylaw update, with funds to come from grants

- Include \$150,000 for Waterfront Area Plan updates, with funds to come from grants
- Include \$20,000 for work on the Northern Gateway (Christie Road) Town-owned property, with funds to come from reserves
- Include \$250,000 for possible boundary expansion, with funds to come from the proponents

Fire Department

- Include \$10,000 for firefighters' turn-out gear, in accordance with the annual replacement schedule
- Report back to Council with a recommendation as to whether the expenditure on Hale fire pumps and confined space communication equipment can be deferred to 2014

Parks, Recreation and Culture

- Report back to Council regarding the costs of repairing or full replacement of the Aggie Hall roof, and whether this work can be deferred to 2014
- Determine whether the Town's \$2,500 contribution to a grant for solar lights at Frank Jameson Community Centre can come from Gas Tax Funds
- Include \$4,500 for interpretive signs at the Holland Creek Trail Kinsmen Gazebo on Sixth Avenue, with funding from the previous year
- Investigate whether a service club could take on repairs to the Sportsmen's Shelter at Transfer Beach

Infrastructure Services

- Include \$25,000 for Geographic Information System implementation, with \$10,000 coming from grants, and \$15,000 from property taxation
- Include \$10,000 for Holland Creek Trail Bridge Replacement. Council expressed appreciation to community members who are donating time, equipment and supplies to support this project
- Report back to Council with additional information on the proposed Pavement Management Strategy initiative, including information from other communities who have used the same approach to development a strategy
- Include \$14,000 for the purchase of a shop vehicle lift
- Provide additional information regarding options for safety upgrades on First Avenue, including the installation of bollards, and ways to make crosswalks more visible
- Include \$50,000 for development of a Master Transportation Plan, to be funded from reserves
- Include \$195,000 for replacement of Town equipment, to be funded from reserves

- Include grant funding of up to \$4,000 towards the purchase of an electric vehicle
- Include \$27,141 for Transfer Beach Spray Park resurfacing , to be funded from grants (\$12, 141) and prior year revenues (\$15,000)
- Include consideration of a secondary access road to the Ladysmith Maritime Society Community Marina in the update of the Waterfront Area Plan

RCMP Detachment

- Provide additional information regarding sharing the cost to purchase an emergency generator for the Ladysmith RCMP detachment with the provincial government, the type of equipment in place at other RCMP detachments, and the capacity of the generator at the Fire Hall to meet the needs of the RCMP and Public Works buildings.
- Provide information from Shared Services B.C. regarding cost-sharing opportunities for addressing building deficiencies at the Ladysmith RCMP detachment

Infrastructure Investment

- Continue to set aside approximately one percent of property taxes for investment in infrastructure.

Council made the following resolutions concerning the 2013 to 2017 Financial Plan:

| | |
|--------------------|--|
| CS 2013-110 | It was moved, seconded and carried that the budget previously allocated to electronic agendas be reduced from \$15,000 to \$5,000 and staff be requested to report back to Council with recommendations for a sound system for Council Chambers. |
| CS 2013-111 | It was moved, seconded and carried that \$5,000 in funding for completion of the Sustainability Implementation Plan in 2013 be budgeted from the Gas Tax Fund. |
| CS 2013-112 | It was moved, seconded and carried the budget for the installation of street lights on Second Avenue in the vicinity of the Community Services Centre be increased to \$15,000. |
| CS 2013-113 | It was moved, seconded and carried to defer the purchase of closed circuit video equipment for the Ladysmith RCMP detachment to a future year, pending the receipt of additional information about cost-sharing opportunities with the provincial government, and the approach taken by other communities. |
| CS 2013-114 | It was moved, seconded and carried that \$60,000 be included in |

the Financial Plan for 2013 for replacement of the Ladysmith Golf Course culvert, to be funded through gas tax funds.

CS 2013-115

It was moved, seconded and carried that the following items be included in the Financial Plan for 2013, and that they be funded from funds set aside for infrastructure investment:

- Perimeter drainage for the Car Shop on Oyster Bay Drive (\$4,500)
- Holland Creek and Stocking Lake Trail improvements (\$8,500)
- Spirit Square irrigation controller upgrade (\$5,000)
- Wayfinding signage (\$15,000)
- Streetlights (\$15,000)
- Annual sidewalk repairs (balance of funds)

BYLAWS

CS 2013-116

Town of Ladysmith Water Parcel Tax Bylaw 1 2013, No. 1823

It was moved, seconded and carried that Town of Ladysmith Water Parcel Tax Bylaw 2013, No. 1823 be adopted.

CS 2013-117

Town of Ladysmith Sewer Parcel Tax Bylaw 2013, No. 1824

It was moved, seconded and carried that Town of Ladysmith Sewer Parcel Tax Bylaw 2013, No. 18214 be adopted.

**PUBLIC ENQUIRIES AND
INPUT**

R. Johnson suggested council consider developing an interpretive “Generals’ Walk” to explain the origin of some street names in downtown Ladysmith

R. Shirley suggested Council consider using ‘noise-less’ paving product when repaving roads.

ADJOURNMENT

CS 2013-118

It was moved, seconded and carried that this meeting of Council be adjourned at 6:50 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

**E-MAIL CORRESPONDENCE RECEIVED FROM LADYSMITH RESOURCES CENTRE
ASSOCIATION IN RESPONSE TO COUNCIL DIRECTION**

From: Dennis Lait, Executive Director
Sent: April 8, 2013 4:53 PM
To: Erin Anderson
Subject: Re: Breakdown of programs

Hello Erin

As per our telephone conversation the other day here is what we have been able to pull together in such a sort time:

With respect of the number of Ladysmith residents and the numbers from other jurisdictions we do not track that type of information. If City Hall wishes that info we can start doing from this point forward . The first place we looked into was the reception desk and the numbers there. In 2012 we had 4528 phone calls and 7112 people stop into the office requesting information or looking for a staff/program person. This totals some 11,640 contacts. As for the actual programs what I have found is 15% of the age group 0 - 6 attend the Born Healthy Program and Mother Goose aged 0 - 4 years has a participation rate of 37.19%. The numbers for Adventures in Early literacy are not completed but it is estimated those numbers are very similar to Mother Goose. We are not able to capture the numbers for the Youth programs due to staff being on holidays however those can be obtained later if so desired. There has been 4.3 % of the population access the counseling program between the ages of 20 and 64. 5.05 % of the population access the Food Bank while over 13 % access the tax program. Project Reel Life has had 12 % of the youth 12-19 years access it. Victim Service has 5.53 % of the population receive service.

These calculations again are based on a population of 7921 which is the latest we have for the Town of Ladysmith

Erin I hope this helps.

Dennis

----- Original Message -----

From: Erin Anderson
To: dennis@lrca.bc.ca
Sent: Thursday, March 28, 2013 11:26 AM
Subject: Breakdown of programs

Hi Dennis,

Thank you for the information regarding the budget and government funding for the LRCA. Council has requested some further information. What percent of Ladysmith residents utilize the programs at LRCA? Could you please provide a breakdown by program of the number of Ladysmith residence accessing LRCA programs as a percent of all the patron usage?

Thank you,

Erin

~~~~~

**Erin Anderson, BA, DipT, CMA**

Director of Financial Services  
Town of Ladysmith  
PO Box 220  
Ladysmith BC V9G 1A2

Tel: 250-245-6402  
Fax: 250-245-6411



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: John Manson, PEng, Director of Infrastructure Services  
Date: April 10, 2013  
File No:

Re: REVIEW OF BUILDING PERMIT FEES

RECOMMENDATION(S):

That Council direct staff to process the proposed increases in building permit fees and proceed with first three readings of Bylaw No. 1825.

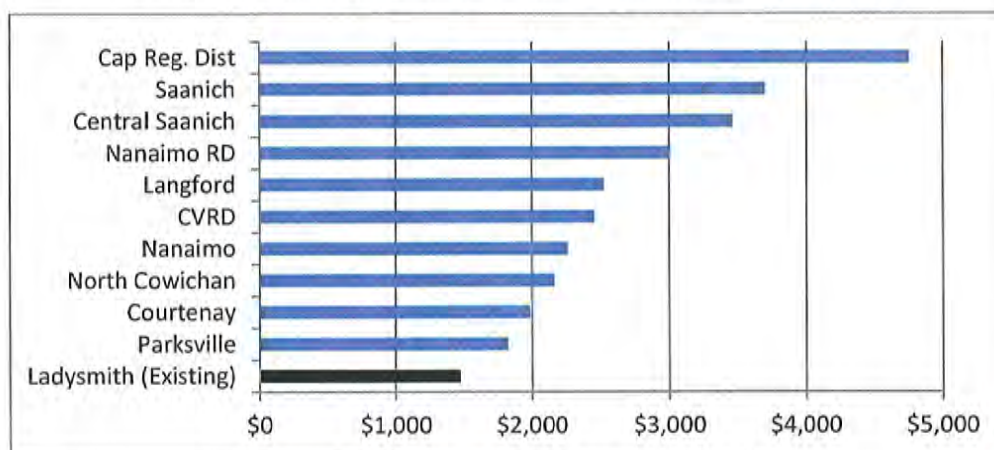
PURPOSE:

To amend the Building and Plumbing Bylaw to reflect the current costs of processing building permits.

INTRODUCTION/BACKGROUND:

As part of the periodic rate and fee reviews undertaken in conjunction with the budget process, staff have reviewed the current fees charged for residential building permits. Using data recently compiled by CVRD, for an average sized residential house (2,750 sq ft), Ladysmith's current building permit fees (\$1,473) are currently less than most, if not all of our neighboring Municipalities (see chart below:)

Chart One  
Comparison of Existing Building Permit Fees with other Municipalities



Under the current Bylaw, Building Permit fees are based on a calculated construction value. The construction value is split out for standard building components such as main floor, garage, upstairs, basement, etc. Staff is recommending the adjustment of construction costs as follows:

| <b>1. Construction Values (\$/sq foot)</b> | <b>old</b> | <b>new</b>     |
|--------------------------------------------|------------|----------------|
| Main Floor                                 | \$100.00   | \$100.00       |
| Additional Floor                           | \$50.00    | \$50.00        |
| Garage                                     | \$20.00    | <b>\$30.00</b> |
| Carport                                    | \$13.00    | <b>\$20.00</b> |
| Sundeck                                    | \$10.00    | <b>\$20.00</b> |
| Basement                                   | \$23.00    | <b>\$40.00</b> |

The existing Bylaw sets the Building Permit Fee based on a sliding scale of construction costs, and staff are recommending that this be changed to a fixed percentage of construction, as follows:

| <b>2. Building Permit Fees<br/>(Existing, by Construction Value)</b> |         |                        |
|----------------------------------------------------------------------|---------|------------------------|
| a) 0-\$5,000                                                         | \$50.00 | base fee               |
| b) \$5,001-\$100,000                                                 | \$8.00  | additional /1,000 sq f |
| c) \$100,001+                                                        | \$5.00  | additional /1,000 sq f |
| <b>3. Building Permit Fees<br/>(Proposed, by Construction Value)</b> |         |                        |
| all values                                                           | 1.10%   | of construction value  |

Staff are also recommending some minor amendments to the costs of building relocation (\$200 to \$300), and the fee for mobile homes (\$200 flat rate to \$300 flat rate).

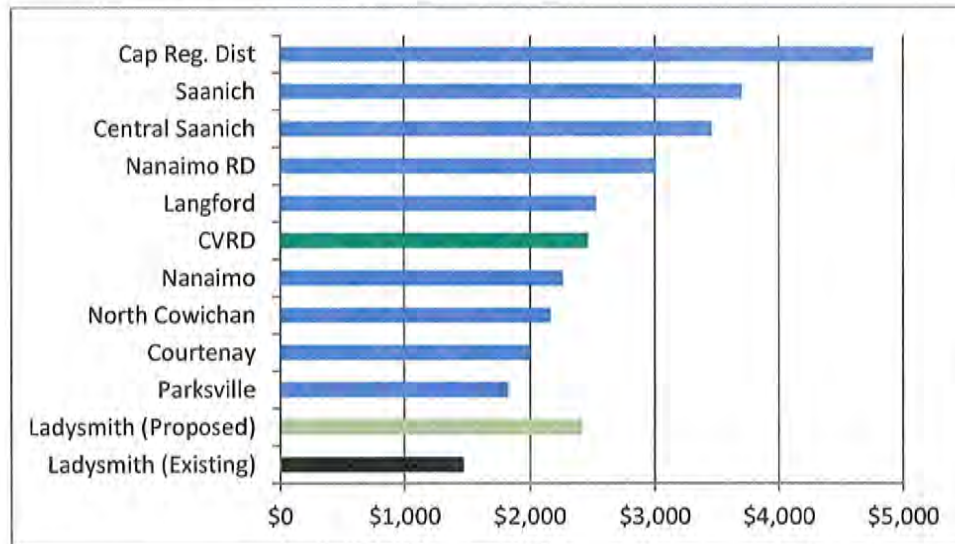
The above changes to the Bylaw would result in the following amended fees, based on a range of building configurations (See Appendix "A" for the detailed fee calculation):

| Total Building Sq Footage    | 1,500      | 2,000      | 2,400      | 3,000      | 2,750*            | 4,000      | 4,400      |
|------------------------------|------------|------------|------------|------------|-------------------|------------|------------|
| Existing Building Permit Fee | \$1,040.50 | \$1,228.00 | \$1,268.00 | \$1,603.00 | <b>\$1,473.00</b> | \$2,098.00 | \$2,138.00 |
| Proposed Building Permit Fee | \$1,405.50 | \$1,818.00 | \$1,950.00 | \$2,643.00 | <b>\$2,406.50</b> | \$3,588.00 | \$3,720.00 |
| Increase, Percent            | 35.1%      | 48.0%      | 53.8%      | 64.9%      | <b>63.4%</b>      | 71.0%      | 74.0%      |

\* Configuration used for Municipal Comparison

Should the fees be increased as recommended, the adjusted fees for the 2,750 sq ft. house configuration as noted above would be \$2,406, and is shown in red as follows in Chart Two:

**Chart Two**  
**Comparison of Proposed Building Permit Fees with other Municipalities**



This will bring the revised building permit fee more in line with our neighboring municipalities.

The staffing and related costs of our Building Inspection Department are approximately \$125,000 per year. In 2012, the Town received approximately \$80,000 in building permit revenues, for a tax subsidy of approximately \$50,000. The fee increase proposed will serve to reduce this subsidy.

#### SCOPE OF WORK:

The bylaw changes would apply to all new building permits issued by the Town.

#### ALTERNATIVES:

Council could keep the building permit rates at their present values.

#### FINANCIAL IMPLICATIONS:

The Town has issued 6 residential building permits in the first 3 months of 2013, and issued 38 permits in 2012, and 46 in 2011. Assuming 20 new permits to be issued in the remainder of 2013, we estimate an increase of building permit revenue of approximately \$15,000-\$20,000, and \$30,000-\$40,000 in future years, should Council adopt the new rates at this time.

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The amended rates will increase the cost of new residential construction by approximately 0.25%

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

RESOURCE IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Bringing the fees into alignment with our costs contributes to a healthy economy.

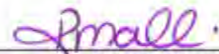
ALIGNMENT WITH STRATEGIC PRIORITIES:

Bringing the fees into alignment with our costs contributes to wise financial management.

SUMMARY:

Staff is recommending changes to building permit fees and charges to bring our rates in line with other Municipalities, and provide additional cost recovery of our building inspection service.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Appendix "A"

## Appendix "A"

### Calculation of Proposed Building Permits Fees based on Typical House Configurations

| Fee Calculation using Example Building Sizes     |                   |                   |                   |                   |                   |                   |                   |
|--------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
|                                                  | 1                 | 2                 | 3                 | 4                 | 5*                | 6                 | 7                 |
| Main Square Footage                              | 750               | 1,000             | 1,000             | 1,500             | 1,500             | 2,000             | 2,000             |
| Upstairs Sq Footage                              | 750               | 1,000             | 1,000             | 1,500             | 800               | 2,000             | 2,000             |
| Garage Sq Footage                                | 0                 | 0                 | 400               | 0                 | 450               | 0                 | 400               |
| <b>Total Building Sq Footage</b>                 | <b>1,500</b>      | <b>2,000</b>      | <b>2,400</b>      | <b>3,000</b>      | <b>2,750</b>      | <b>4,000</b>      | <b>4,400</b>      |
| Plumbing Fixtures                                | 14                | 14                | 14                | 14                | 14                | 24                | 24                |
| Construction Value                               |                   |                   |                   |                   |                   |                   |                   |
| main                                             | \$75,000          | \$100,000         | \$100,000         | \$150,000         | \$150,000         | \$200,000         | \$200,000         |
| up                                               | \$37,500          | \$50,000          | \$50,000          | \$75,000          | \$40,000          | \$100,000         | \$100,000         |
| Garage (Existing Bylaw)                          | \$0               | \$0               | \$8,000           | \$0               | \$9,000           | \$0               | \$8,000           |
| Garage (New Bylaw)                               | \$0               | \$0               | \$12,000          | \$0               | \$13,500          | \$0               | \$12,000          |
| <b>Total Construction Value (Existing Bylaw)</b> | <b>\$112,500</b>  | <b>\$150,000</b>  | <b>\$158,000</b>  | <b>\$225,000</b>  | <b>\$199,000</b>  | <b>\$300,000</b>  | <b>\$308,000</b>  |
| <b>Total Construction Value (New Bylaw)</b>      | <b>\$112,500</b>  | <b>\$150,000</b>  | <b>\$162,000</b>  | <b>\$225,000</b>  | <b>\$203,500</b>  | <b>\$300,000</b>  | <b>\$312,000</b>  |
| Existing Permit Fees                             |                   |                   |                   |                   |                   |                   |                   |
| BP Fee - a) \$0-5k                               | \$50.00           | \$50.00           | \$50.00           | \$50.00           | \$50.00           | \$50.00           | \$50.00           |
| BP Fee - b) \$5-100k                             | \$760.00          | \$760.00          | \$760.00          | \$760.00          | \$760.00          | \$760.00          | \$760.00          |
| BP Fee - c) > 100k                               | \$62.50           | \$250.00          | \$290.00          | \$625.00          | \$495.00          | \$1,000.00        | \$1,040.00        |
| Plumbing Fee - a) 1-2 FU                         | \$24.00           | \$24.00           | \$24.00           | \$24.00           | \$24.00           | \$24.00           | \$24.00           |
| Plumbing Fee - b > 2 FU)                         | \$144.00          | \$144.00          | \$144.00          | \$144.00          | \$144.00          | \$264.00          | \$264.00          |
| <b>Total Building and Plumbing Fee</b>           | <b>\$1,040.50</b> | <b>\$1,228.00</b> | <b>\$1,268.00</b> | <b>\$1,603.00</b> | <b>\$1,473.00</b> | <b>\$2,098.00</b> | <b>\$2,138.00</b> |
| Proposed Permit Fee                              |                   |                   |                   |                   |                   |                   |                   |
| Percentage of Construction                       | 1.10%             | 1.10%             | 1.10%             | 1.10%             | 1.10%             | 1.10%             | 1.10%             |
| BP Fee                                           | \$1,237.50        | \$1,650.00        | \$1,782.00        | \$2,475.00        | \$2,238.50        | \$3,300.00        | \$3,432.00        |
| Plumbing Fee (no change)                         | \$168.00          | \$168.00          | \$168.00          | \$168.00          | \$168.00          | \$288.00          | \$288.00          |
| <b>Total Building and Plumbing Fee</b>           | <b>\$1,405.50</b> | <b>\$1,818.00</b> | <b>\$1,950.00</b> | <b>\$2,643.00</b> | <b>\$2,406.50</b> | <b>\$3,588.00</b> | <b>\$3,720.00</b> |
| <b>Increase, Percent</b>                         | <b>35.1%</b>      | <b>48.0%</b>      | <b>53.8%</b>      | <b>64.9%</b>      | <b>63.4%</b>      | <b>71.0%</b>      | <b>74.0%</b>      |

\* Building Configuration used for Municipal Comparison

**TOWN OF LADYSMITH  
BYLAW NO. 1823**

A bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith pursuant to the provisions of the *Community Charter*.

**WHEREAS** the Council of the Town of Ladysmith is empowered by Section 200 of the *Community Charter* to impose and levy a water parcel tax to meet the cost of works and services that benefit land within the Municipality; and

**WHEREAS** certain costs have been or are to be incurred by the Town of Ladysmith in constructing and improving the water system of the Town; and

**WHEREAS** it is deemed essential and expedient to impose and levy a water parcel tax on land benefiting from such improvements to meet such costs;

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

1. In this Bylaw, unless the context otherwise requires,

"**Parcel**" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2013 Revised Assessment Roll and all amendments thereto.

"**Group of Parcels**" means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

2. A water parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of One Hundred and Ten Dollars (\$110.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the water parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The water parcel tax shall have the same rights and remedies as other real property taxes.
5. Every water parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. The provisions of this Bylaw shall become effective and be in force as of the 1st day of January for the year 2013.
7. **Repeal**  
"Water Parcel Tax Bylaw, 2012, No. 1796" is hereby repealed.
8. **Citation**  
This bylaw may be cited as "Water Parcel Tax Bylaw 2013, No. 1823".

**READ A FIRST TIME**                      on the                      8<sup>th</sup>                      day of                      April, 2013

**READ A SECOND TIME**                      on the                      8<sup>th</sup>                      day of                      April, 2013

**READ A THIRD TIME**                      on the                      8<sup>th</sup>                      day of                      April, 2013

**ADOPTED**                                      on the                                      day of                                      , 2012

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH  
BYLAW NO. 1824**

A bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith, pursuant to the provisions of the *Community Charter*.

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**WHEREAS** the Council of the Town of Ladysmith is empowered by Section 200 of the *Community Charter* to impose and levy a sewer parcel tax to meet the cost of works and services that benefit land within the Municipality; and

**WHEREAS** certain costs have or will be incurred by the Town of Ladysmith in constructing and improving the sewer system of the Town; and

**WHEREAS** it is deemed essential and expedient to impose and levy a sewer parcel tax on land benefitting from such improvements to meet such costs;

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

1. In this bylaw, unless the context otherwise requires,

"**Parcel**" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2013 Revised Assessment Roll and all amendments thereto.

"**Group of Parcels**" means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly;

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Two Hundred Sixty-nine Dollars (\$269.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
5. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. **Repeal**  
"Sewer Parcel Tax Bylaw 2012, No. 1797" is hereby repealed.
7. The provisions of this bylaw shall become effective and be in force as of the 1st day of January for the year 2013.
9. **Citation**  
This bylaw may be cited as "Sewer Parcel Tax Bylaw 2013, No. 1824".

|                           |        |                 |        |             |
|---------------------------|--------|-----------------|--------|-------------|
| <b>READ A FIRST TIME</b>  | on the | 8 <sup>th</sup> | day of | April, 2013 |
| <b>READ A SECOND TIME</b> | on the | 8 <sup>th</sup> | day of | April, 2013 |
| <b>READ A THIRD TIME</b>  | on the | 8 <sup>th</sup> | day of | April, 2013 |
| <b>ADOPTED</b>            | on the |                 | day of | , 2013      |

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH  
BYLAW NO. 1825**

A bylaw to amend "Building and Plumbing Bylaw 1994, No. 1119"

**WHEREAS** the *Community Charter* empowers the Municipal Council to amend the Building and Plumbing Bylaw;

**AND WHEREAS** the Town of Ladysmith has adopted and wishes to amend the "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119";

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

1. "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119", as amended, is hereby further amended by deleting Schedule J and replacing it with the following Schedule J:

|                                                                                                                                                                                                                                                                                                                                                                                   |                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b><u>BUILDING PERMITS</u></b>                                                                                                                                                                                                                                                                                                                                                    |                 |
| <b><u>Building Valuation:</u></b> For single and two family dwellings, factory built homes, mobile homes and moved buildings, and buildings accessory thereto, the value of construction used to determine the permit fee shall be calculated based on the values as specified in the table. All other building types, based on Engineer's Estimate of the value of construction. |                 |
| 1. Main Floor .....                                                                                                                                                                                                                                                                                                                                                               | \$100/sq.ft.    |
| 2. Additional Floor(s) .....                                                                                                                                                                                                                                                                                                                                                      | \$50/sq.ft.     |
| 3. Garage .....                                                                                                                                                                                                                                                                                                                                                                   | \$30/sq.ft.     |
| 4. Carport .....                                                                                                                                                                                                                                                                                                                                                                  | \$20/sq.ft.     |
| 5. Sundeck .....                                                                                                                                                                                                                                                                                                                                                                  | \$20/sq.ft.     |
| 6. Basement .....                                                                                                                                                                                                                                                                                                                                                                 | \$40/sq.ft.     |
| 7. Secondary Suite .....                                                                                                                                                                                                                                                                                                                                                          | \$23/sq.ft.     |
| <b><u>Building Permit Fees and Inspection Charges:</u></b>                                                                                                                                                                                                                                                                                                                        |                 |
| All except Mobile Home/Manufactured Home: Percent of building valuation calculated above: .....                                                                                                                                                                                                                                                                                   | 1.10%           |
| Mobile Home/Manufactured Home Flat Rate: .....                                                                                                                                                                                                                                                                                                                                    | \$300           |
| <b><u>Driveway Access Permit Fee</u></b> .....                                                                                                                                                                                                                                                                                                                                    | \$25            |
| <b><u>Plumbing Permit Fee:</u></b> Minimum # of fixtures - 1 or 2 .....                                                                                                                                                                                                                                                                                                           | \$24            |
| 3 or more fixtures .....                                                                                                                                                                                                                                                                                                                                                          | \$12/fixture    |
| Water Service Inspection Fee .....                                                                                                                                                                                                                                                                                                                                                | \$25            |
| Sanitary Sewer Inspection Fee .....                                                                                                                                                                                                                                                                                                                                               | \$25            |
| Storm Drain Inspection Fee .....                                                                                                                                                                                                                                                                                                                                                  | \$25            |
| <b><u>Permit Fee to Wreck or Demolish a Building</u></b>                                                                                                                                                                                                                                                                                                                          |                 |
| - building floor area of 186.0 sq.m. (2,000 sq.ft.) or less .....                                                                                                                                                                                                                                                                                                                 | \$50            |
| - building floor area larger than 186 sq.m. ....                                                                                                                                                                                                                                                                                                                                  | \$100           |
| <b><u>Double Fee:</u></b> If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.                                                                                                                                                                                                                            |                 |
| <b><u>Re-Inspection Fee:</u></b> For building or plumbing inspection required as a result of a call back where work was incomplete or improperly done .....                                                                                                                                                                                                                       |                 |
| .....                                                                                                                                                                                                                                                                                                                                                                             | \$30            |
| <b><u>Permit Fee to Move a Building (within the municipality)</u></b> .....                                                                                                                                                                                                                                                                                                       | \$300           |
| For building inspections prior to a move:                                                                                                                                                                                                                                                                                                                                         |                 |
| - building floor area of 93.0 sq.m. or less .....                                                                                                                                                                                                                                                                                                                                 | \$50            |
| - building floor area or larger than 93.0 sq.m. (1000 sq.ft.) .....                                                                                                                                                                                                                                                                                                               | \$100           |
| Note: This fee is in addition to permit fee required for the moved building and the construction undertaken at the new site.                                                                                                                                                                                                                                                      |                 |
| <b><u>Permit Fee to Move a Mobile Home Located Within Ladysmith to Another Site</u></b>                                                                                                                                                                                                                                                                                           |                 |
| Within Ladysmith .....                                                                                                                                                                                                                                                                                                                                                            | \$25            |
| <b><u>Other Fees:</u></b> File review fees .....                                                                                                                                                                                                                                                                                                                                  |                 |
| Survey certificate, file review .....                                                                                                                                                                                                                                                                                                                                             | \$42/hr         |
| Mobile home parks .....                                                                                                                                                                                                                                                                                                                                                           | \$42            |
| Sprinkler systems - First head .....                                                                                                                                                                                                                                                                                                                                              | \$50/site       |
| Sprinkler systems - 2-50 head .....                                                                                                                                                                                                                                                                                                                                               | \$30            |
| Sprinkler systems - Each additional head .....                                                                                                                                                                                                                                                                                                                                    | \$1.00 per head |
| Damage deposit (non-interest bearing) .....                                                                                                                                                                                                                                                                                                                                       | \$0.30 per head |
| Building Envelope Remediation Administration Fee .....                                                                                                                                                                                                                                                                                                                            | \$1000          |
| .....                                                                                                                                                                                                                                                                                                                                                                             | \$50            |
| <b><u>Fee Reduction: Professional Design</u></b>                                                                                                                                                                                                                                                                                                                                  |                 |
| Where professional design and field review are required, the building permit fee shall be reduced by that portion of value of the work which is subject to professional design, multiplied by the value of the permit fees.                                                                                                                                                       |                 |
| Effective September 19, 2011 to September 19, 2016 only:                                                                                                                                                                                                                                                                                                                          |                 |
| Permit Fee for construction requiring a building permit in a secondary suite that existed prior to September 19, 2011 within a single family dwelling .....                                                                                                                                                                                                                       | \$0             |

2. **CITATION**

This bylaw may be cited for all purposes as "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1825".

**READ A FIRST TIME**      on the                      day of                      , 2013

**READ A SECOND TIME**      on the                      day of                      , 2013

**READ A THIRD TIME**      on the                      day of                      , 2013

**ADOPTED**                      on the                      day of                      , 2013

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Mayor (R. Hutchins)

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Director of Corporate Services (S. Bowden)



Adam Seymour, Margaret Seymour

Co-Coordiators

PO Box 1527 Ladysmith, BC V9G-1B1

250-619-0659 or 250 619 0726

RECEIVED  
MAR 25 2013

March 26, 2013

Rob Hutchins

410 Esplanade, PO Box 220  
Ladysmith, British Columbia  
V9G 1A2

Dear Mr. Hutchins

As a competitive canoe paddler, wanting to represent our Stz' uminus community we are pleased to announce that we will be hosting a canoe race July 20-21, 2013 at Kulleet Bay water front. This event promotes an active lifestyle and is also a drug and alcohol free event. The expected attendance for this event is three to five hundred from other nations.

Hosting this event is at a cost of about thirteen thousand dollars. This could not be possible without your generous sponsorship support from Town of Ladysmith. As a reminder we were requesting a multiyear commitment from last year's letter. A successful water festival requires rental fees, food, cash prizes, and subsidized travel monies for the eleven man canoes.

Sponsors of this race will be put in our canoe race schedule and acknowledgement will be announced by the emcee throughout the two day event. The management team and their family of corporate sponsors will have a free entry to the event; a business card will need to be presented at the time of entry in order to get in free.

If I can provide additional information to encourage consideration of our request, please feel free to contact Adam's cell at 250 619 0659 or Margaret's cell 250-619 0726 we would also be happy to meet with your committee to present this proposal.

Traditionally yours,

  
Adam Seymour

3/26/2013

Co-Coordinator Stz' uminus Canoe festival



Reference: 190428

**APR 02 2013**

His Worship Mayor Robert Hutchins  
and Councillors  
Town of Ladysmith  
PO Box 220  
Ladysmith BC V9G 1A2

Dear Mayor Hutchins and Council:

Thank you for your letter of March 22, 2013, with the attached Liquid Waste Management Plan ("the Plan") dated January 2013. I am pleased with the level of commitment in the Plan.

The Plan was developed over several years and included opportunities for public review and consultation including contributions from the consultation process focusing on a community vision *Ladysmith Community Vision for a Sustainable West Coast Town* that is linked to the Official Community Plan.

I acknowledge the Town of Ladysmith's success in creating the Plan, which is supported by senior government infrastructure funding for upgrading the Wastewater Treatment Plant (WWTP) from primary to secondary discharge standards. The Plan also includes initiatives for beneficial use of biosolids, wastewater reclamation and drafting of bylaws to address source control, wastewater volume reduction and storm water management.

It is my understanding that an Environmental Impact Study (Stage 2) will be carried out after completion of upgrades at the WWTP in order to evaluate the need for advanced treatment and/or extension of the outfall beyond the embayed area of Ladysmith Harbour. A pilot study will also be carried out to evaluate the effectiveness of ultraviolet disinfection of the wastewater discharge in protecting the adjacent shellfish harvesting areas, which are recognized as having significant economic, recreational and First Nations cultural importance.

I would like to recognize the Town of Ladysmith's contribution to the development of a Conditional Management Plan in partnership with federal government agencies and our ministry to provide for enhanced management of shellfish harvesting waters adjacent to the WWTP.

...2

It is encouraging to note that the Plan addresses future development within the Town of Ladysmith's boundaries by promoting wastewater reclamation plants and taking steps to secure a new WWTP site. I appreciate the Town of Ladysmith's foresight in liquid waste planning by considering additional service areas in Saltair, the Diamond Improvement District and First Nations lands.

I concur with the Town of Ladysmith's direction to invite members of the Joint Advisory Committee to sit on the Plan Monitoring Committee. This is the appropriate first step to succeed in Plan implementation. I also request that in moving forward with implementing the Plan, Town of Ladysmith continues to work with Environmental Protection Division staff in the Nanaimo regional office in the areas of biosolids management, master drainage planning, and bylaw and operational certificate development. I agree with the Town of Ladysmith's commitment to complete annual reviews of the Plan up to the year 2017 and to evaluate revisions and updates once every five years thereafter.

The Ministry appreciates the leadership and effort by Town of Ladysmith staff in completing their Plan and recognizes the community's attention to sustainable development that incorporates designs, integrated resource recovery, planning and management for the protection of public health and the environment. Town of Ladysmith is encouraged to pursue its community vision by working with ministry staff to develop and enhance sustainable strategies under the Plan amendment process that will lead to long and short term protection of the community's waterfront and watersheds.

I am satisfied that the directions and commitments in the Plan are supportable and the public and First Nations review and consultation process meet Ministry requirements. Pursuant to Section 24(5) of the *Environmental Management Act*, I hereby approve Town of Ladysmith, Liquid Waste Management Plan, Stage 3 dated January 2013.

Approval of the Plan does not authorize entry upon, crossing over or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility of obtaining such authority shall rest with the local government. This Plan is approved pursuant to the provisions of the *Environmental Management Act*, which asserts it is an offence to discharge waste without proper authorization. It is also the Town of Ladysmith's responsibility to ensure that all activities conducted under this Plan are carried out with regard to the rights of third parties and comply with other applicable legislation that may be in force.

...3

- 3 -

Thank you again for your submission.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Lake", written in a cursive style.

Terry Lake  
Minister of Environment

cc: Office of the Regional Director, West Coast, Environmental Protection Division,  
Ministry of Environment  
Environment Canada



## Email Transmission

March 8, 2013

File No.: 173 002

Email: [sbowden@ladysmith.ca](mailto:sbowden@ladysmith.ca)

### **PRIVILEGED AND CONFIDENTIAL**

Ms. Sandy Bowden  
Director of Corporate Services  
Town of Ladysmith  
410 Esplanade Street  
P.O. Box 220  
Ladysmith, B.C. V9G 1A2

Dear Ms. Bowden:

### **RE: Open Meetings and In Camera Meetings**

You have asked for a formal legal opinion regarding the circumstances in which a gathering of council members may be considered to be a "meeting" for the purposes of the *Community Charter*, and, in particular, so as to trigger the requirements to give notice of the meeting, to conduct the meeting in open session and to take minutes.

Unfortunately the courts have not yet been able to provide a completely clear articulation of when a meeting or gathering of a number of council members would be considered to be a "council meeting" under the *Community Charter* or the *Local Government Act*, and neither Act contains an actual definition of meeting.

The courts have, however, found that a bylaw can be invalidated when it is enacted as a result of decisions made in an unauthorized closed meetings, as in *RSJ Holdings Inc. v. London (City)* 2007 SCC 29, 2007 CarswellOnt 3919. In that case, the Supreme Court of Canada cited from the Legislative Assembly of Ontario, *Official Report of Debates (Hansard)*, No. 162, November 28, 1994, at page 7978, the reasons for the change to the legislation which brought in the open meeting rule, at paragraph 19:

"...The open meeting requirement was intended to increase public confidence in the integrity of local government, by ensuring the open and transparent exercise of municipal power."

### **Definition of a Meeting**

In *Re, Economic Development Committee of Hamilton-Wentworth*, 1988, 40 MPLR 1, the court cited the definition of meeting from Black's Law Dictionary as:

“... an assembling of a number of persons for the purpose of discussing and acting upon such matter or matters in which they have a common interest”

There has been some case law which has considered the definition of a meeting. One of the leading cases is an Ontario Divisional Court decision, *Southam Inc. v. Ottawa (City)* (1991) 10 MPLR (2<sup>nd</sup>) 76.

In that case, the court ruled that a “retreat” held by members of Ottawa City Council constituted a “meeting” and accordingly concluded that the Council had no authority to hold such a meeting closed to the public. In that case, Council decided to meet at the retreat to consider the terms of reference of the Economic Development Committee and to consider directions for the future. This was to be held as an in-camera retreat.

The court rejected an argument that there was earlier case authority that would allow a committee, bound to hold meetings in public, to convert a scheduled meeting into “an informal discussion” and thereby avoid the necessity of public disclosure.

In the *Hamilton-Wentworth* case, the Court of Appeal had stated the following:

“There is no doubt that members of a committee, meeting informally, can discuss questions within the jurisdiction of the committee privately, but when all members are summoned to a regularly scheduled meeting and they attempt to proceed in-camera, they are defeating the intent and purpose of council’s bylaw which governs their procedure.”

In my opinion, the same could be said where attendance of a meeting is by a quorum of council, rather than a necessity that all members of council be present.

In *Southam*, the court dismissed an argument that the gathering could not be a meeting because it was not a “regularly scheduled meeting” and stated as follows:

“Clearly, it is not a question of whether all or any of the ritual trappings of a formal meeting of council are observed: for example, the prayer to commence the meeting or the seating of councillors at a u-shaped table. Neither should it depend entirely on whether the meeting takes place commencing at 2:30 p.m. on the first and third Wednesday of the month or in substitution for such a Wednesday meeting. **The key would appear to be whether the councillors are requested to (or do in fact attend without summons) attend a function at which matters which would ordinarily form the basis of council’s business are dealt with in such a way as to move them materially along the way in the overall spectrum of a council decision.** In other words, is the public being deprived the opportunity to observe a material part of the decision making process?” (my emphasis)

council members were to attend a meeting with selected members of the community, and if the meeting were to become a meeting that involved discussions intended to find solutions and move forward on a Council project, this would be a concern.

At one end of the spectrum, one could imagine a large community meeting attended by many people, including members of council, at which there is an exchange of information, informational presentations, and individual questions that may be directed at individual members of council or the mayor. It would be very unlikely that a meeting of that nature would be construed as a meeting that is subject to section 90 of the *Community Charter*.

On the other hand, it is also possible to envisage a focused meeting of a smaller number of members of the community with council, at which the discussion focuses on a specific problem or problems and the tools and policies that might be adopted by council to address those concerns. It is not difficult to envisage situations where the discussions could be characterized as advancing council as a body materially forward in relation to a municipal policy, enterprise, legislative project or other action of Council to respond to a community issue. That is the issue which the public meeting rules of the *Community Charter* are intended to address.

Therefore, whenever there is a proposal for a meeting to include members of council, thought should be given to the nature of the meeting, the format of the meeting, and the topics that are likely to be the subject of discussion. While it is not impossible to envisage situations where a majority of council may be able to attend a community meeting, the more likely it is that the focus of the meeting is going to move from an airing of or exchange of information on general community concerns to direction toward specific decision on matters involving municipal interests, municipal policies, programs and bylaws, the more risk there is that this will be construed to be a meeting to which the statutory rules regarding notice and open meetings are applicable.

Where there is doubt and where the focus group is relatively narrow and wishes to discuss a plan or formulate a tentative direction for the Town Council, the prudent approach would be to limit Council member participation to a level below quorum.

Yours truly,

**STEWART McDANNOLD STUART**



Per:

Colin Stewart \*

CS/slw

\*Law Corporation

However, in another fairly recent case, *3714683 Canada Inc. v. Parry Sound (Town)*, 4 MPLR (4<sup>th</sup>) 197, the Ontario Superior Court of Justice considered whether meetings held in-camera by a developer violated Ontario's *Municipal Act*, section 239. This section requires that all meetings be open to the public, similar to section 90 of the *Community Charter* (British Columbia). In that case, a gathering of council was held not to be a meeting. In that case, the court distinguished the case *Economic Development Committee of Hamilton-Wentworth (Regional Municipality), Re*, on the basis that while there was an in-camera meeting held between a developer and council, it did not deal with "the heart of the matter". On the question of such meetings with developers generally, the court stated the following:

"The Town of Parry Sound, and other municipalities, seem to have developed a practice of holding in camera sessions with interested parties. This practice may be criticized but there are situations where a developer may attempt to determine whether a potential project may be of interest to council. Where there is merely an exchange of information and where the matter is discussed in generalities, such a practice is helpful, not only to the developer, but also to Council."

While the court was prepared to be somewhat lenient in the *Parry Sound* case, as an Ontario decision of a single judge of the Superior Court of Justice, it does not overrule the *Hamilton-Wentworth* or *Southam* decisions and is not binding on a court in British Columbia. In B.C., we would be reluctant to recommend that councils run the risk of holding such meetings in-camera on the basis of the argument that there is "merely an exchange of information" as it is all too easy in any given situation for the matter under discussion to proceed beyond a mere "exchange of information" and into a real matter of discussion, debate, negotiation, and refinement. Our view is consistent with that of Bill Buholzer. In *Local Government under the Charter* (3rd Edition), at page 158 he states:

"The rule applies to all occasions on which decisions are made that advance the business of the municipality in a material way. Thus, for example, an informal caucus of a majority of council members before a regularly scheduled meeting at which members come to agreement among themselves as to voting on matters on the formal meeting agenda, would be covered by the rule. There is always going to be a risk that a meeting of a quorum of members of council in any given circumstance may become more than a mere informal gathering for an exchange of information. Where such meetings deal with substantive matters involving council's business, they are much more likely to be characterized as "meetings"."

We would distinguish these situations from situations where there are genuine educational gatherings involving members of council for educational purposes.

With respect to attendance at community meetings by members of council, ordinarily attendance by members of council at a community meeting would not, in and of itself, transform the community meeting into a council meeting. The focus, in my opinion, would be on the purpose of the meeting and the nature of the discussions. However, if a majority of