



TOWN OF LADYSMITH

A SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, APRIL 10, 2017

Call to Order and Closed Meeting

5:00 p.m.

Special Open Meeting

6:30 p.m.

A G E N D A

CALL TO ORDER (5:00 P.M.)

1. CLOSED SESSION

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

- the acquisition, disposition or expropriation of land or improvements – Section 90 (1) (e)
- provision of a municipal service - Section 90 (1) (k)

OPEN MEETING (6:30 P.M.)

2. AGENDA APPROVAL

3. RISE AND REPORT – Items from Closed Meeting

4. PROCLAMATIONS - None

5. DEVELOPMENT APPLICATIONS - None

6. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING) - None

7. REPORTS

7.1. Ryan Place and Vicinity – Tree Management 1 - 11

Staff Recommendation:

That Council direct staff to:

1. Engage a certified arborist to complete an inventory and assessment of the linear park (between Ryan Place/Bertram Place/Arbutus Crescent), which would include providing a management plan for the area;
2. Send a letter to all the residents whose properties border the linear park (between Ryan Place/Bertram Place/Arbutus Crescent) advising of the

assessment to be completed and that the Town will continue to manage the trees ensuring the health of trees per the management plan;

3. Refer the arborist management plan to Parks, Recreation and Culture Advisory Committee and Invasive Species Advisory Committee;
4. Include as part of the 2018-2022 Financial Plan a tree management program for Town-owned properties which are currently not included in the existing parks maintenance program budget.

8. CORRESPONDENCE

- 8.1. **Mary Desprez, on behalf of Ladysmith Arts Council
Request to Support a Grant Application to Raise Funds to Acquire an Air Conditioning System for the Waterfront Gallery12**

Staff Recommendation:

That Council:

1. Advise the Ladysmith Arts Council that it supports a proposed partnership between the Town of Ladysmith and the Arts Council, as outlined in letter dated April 4, 2017, for the sole purpose of securing grant funding through the Nanaimo Foundation to acquire an air conditioning system for the Ladysmith Waterfront Gallery; and
2. Direct staff to work with the Arts Council to establish the details of this arrangement.

9. NEW BUSINESS

10. UNFINISHED BUSINESS

- 10.1. **Shared Recreation Database Agreement 13 - 39**

Staff Recommendation:

That Council:

1. Approve the proposed *Shared Recreation Database Agreement* between the Town of Ladysmith, Cowichan Valley Regional District and the Corporation of the District of North Cowichan; and
2. Authorize the Mayor and Corporate Officer to execute the agreement.

11. BYLAWS

- 11.1. **Town of Ladysmith Financial Plan Bylaw 2017, No. 1926 40 - 44**

The purpose of Bylaw 1926 is to adopt a five-year Financial Plan for the Town of Ladysmith, as required by the *Community Charter*.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Financial Plan Bylaw 2017, No. 1926.

11.2. Town of Ladysmith Tax Rates Bylaw 2017, No. 1929 45 - 46

The purpose of Bylaw 1929 is to set the property tax rates for 2017 in accordance with the 2017 to 2021 Financial Plan.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Tax Rates Bylaw 2017, No. 1929.

11.3. Town of Ladysmith Water Parcel Tax Bylaw 2017, No. 192847 - 48

The purpose of Bylaw 1928 is to establish a water parcel tax rate for property parcels in the Town of Ladysmith.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Water Parcel Tax Bylaw 2017, No. 1928.

11.4. Town of Ladysmith Sewer Parcel Tax Bylaw 2017, No. 192749 - 50

The purpose of Bylaw 1927 is to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Sewer Parcel Tax Bylaw 2017, No. 1927.

12. 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

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: April 3, 2017
File No:

RE: RYAN PLACE GREENWAY TREE TOPPING REQUEST

RECOMMENDATION(S)

That Council direct staff to:

1. Engage a certified arborist to complete an inventory and assessment of the linear park (between Ryan Place/Bertram Place/Arbutus Crescent), which would include providing a management plan for the area;
2. Send a letter to all the residents whose properties border the linear park (between Ryan Place/Bertram Place/Arbutus Crescent) advising of the assessment to be completed and that the Town will continue to manage the trees ensuring the health of trees per the management plan;
3. Refer the arborist management plan to Parks, Recreation and Culture Advisory Committee and Invasive Species Committee;
4. Include as part of the 2018-2022 Financial Plan a tree management program for Town-owned properties which are currently not included in the existing parks maintenance program budget.

PURPOSE

The purpose of this report is to seek Council's direction relating to the management of trees within the Town's linear park between Ryan Place, Bertram Place and Arbutus Crescent (Appendix A) and future management of trees on Town land bordering residential properties.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

October 17, 2016 CS 2016-342 That Council direct staff to investigate options to protect views and prevent fire hazards between Ryan Place and Arbutus Crescent as requested by David Burrows in correspondence dated September 30, 2016, and report back to Council.

INTRODUCTION/BACKGROUND

Over the years there have been various agreements relating to maintaining a viewscape for residents on Ryan Place. The trees in front of the homes are in a Town linear park.

In 2006 a *local area service* was established "for the purpose of providing tree

maintenance and trimming for the benefit of the owners of real property on Ryan Place included in the local service area". A parcel tax bylaw was also established to authorize the Town to collect funds from the residents benefiting from the tree trimming program, which was \$166.66 at that time. The parcel tax bylaw was in effect from 2006 to 2008.

It was brought to the Town's attention sometime in 2009/10 that the program terminated and should be re-established, upon request of a limited number of the residents. Rather than establishing another *local service area/parcel tax program*, the Town of Ladysmith delivered letters in 2010 to determine if the 10 residents residing in area homes wished to continue the program. Some were in favour and some were not or did not respond.

Following this in 2010, the trees were trimmed again with the cost associated to this work being charged to the residents who were in favor or did not have a concern with the request. The payments were spread over 3 years (2010-2013). The last payment received from homeowners was in 2013 for the work completed in 2010. Only four homeowners participated in this program in 2010, though the entire corridor was maintained, resulting in the Town absorbing the additional costs.

At this time there is no agreement in place to continue the service. In order to continue the service, we would be required to follow the same process as was done in 2010 and have the residents advise if they are in agreement with the Town providing this service and that the residents pay for all associated costs. If a homeowner does not wish to participate, the Town will still be required to maintain the trees to ensure that the trees do not become a hazard.

Since 2013 we have only received communication from two residents regarding the matter of trees topped to maintain their viewscape and in some cases, the residents have changed since the previous agreements were in place.

A factor that has been communicated to Parks staff, which needs to be considered is that the residents below (north) of the linear park have indicated their wish to preserve their privacy by not having trees removed.

Staff had an arborist assess the site and provide a report (Appendix B) on the state of the trees. The report indicates that due to the fact the trees have been topped in the past, the trees are in poor condition and that maintaining the trees at the existing height is critical because in many cases trees left unmaintained become hazardous. The arborist recommendation is to complete an inventory of the trees in this area and identify the following:

- pruning cycle to retain the height;
- trees requiring pruning;
- trees to be removed and recommendation of trees to replant which will not grow above specified height; and
- areas requiring the removal of invasive species.

A recent update to this park is that it is planned to be a connecting trailway to the future Holland Creek Development (Appendix C). Additional improvements along this greenspace will occur once the Holland Creek Development gets to a stage where access is required.

Currently we have resources for managed Town areas such as Holland Creek Trail and Transfer Beach Park; however, the areas which are not currently being utilized or Town-owned properties that are not classified as parks require a management plan. It is also important to recognize that the Town should maintain trees in these Town-owned properties to ensure safety of the citizens and health of trees, whereas viewscales have not typically been the objective of management practices.

Additional Town-owned properties which have trees requiring maintenance include (see Appendix D):

- Resolution Place
- 2nd Avenue (between Symonds and Buller Streets)
- South side of Sanderson Road and Swettenham Place

SCOPE OF WORK

Parks staff will engage a certified arborist to review the trees within the Town-owned area located between Ryan Place / Bertram Place / Arbutus Crescent. Once assessment is complete, a management plan will be created for the area.

ALTERNATIVES

Council may choose to direct staff to continue monitoring areas where Town-owned property is located in close proximity to homes and manage on a one-off basis.

FINANCIAL IMPLICATIONS

To complete an assessment of the area located between Ryan Place/Bertram Place/Arbutus Crescent, the cost would be between \$2,000 and \$3,000.

Estimates on topping the trees and tree removal in this park are approximately \$10,000, with the provision of a management plan that would outline how this expense may be spread over multiple years and budgeted accordingly.

LEGAL IMPLICATIONS

The Town is responsible for maintaining trees on Town-owned properties including parks, ensuring trees do not become a hazard or a safety risk.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Keeping the neighbours of the area informed of existing plans and future management strategies is critical to ensure they understand the process and how the Town will continue to safely manage the greenspace bordering their homes.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Parks staff will be responsible for maintaining the management plan and communicating with residents as required.

RESOURCE IMPLICATIONS

Staff regularly monitor, assess and manage trees within parks and on Town-owned properties. These assessments are not part of a management plan, which can cause resource challenges.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

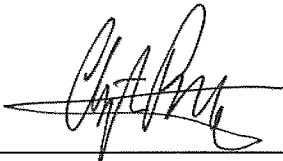
Healthy Community

ALIGNMENT WITH STRATEGIC PRIORITIES

Natural and Built Infrastructure – maintain, renew and expand both natural and built infrastructure.

SUMMARY

Staff have provided options for Council’s consideration resulting from correspondence dated September 30, 2016 regarding the Town linear park bordering Ryan Place, Bertram Place, and Arbutus Crescent.

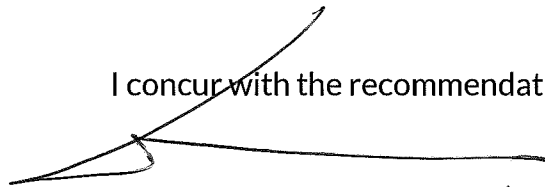


Clayton Postings
Director of Parks, Recreation & Culture

April 5, 2017

Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

- Appendix A: Map of Linear Park
- Appendix B: Arborist Report
- Appendix C: Holland Creek Development railway access map
- Appendix D: Map of other Town-owned properties

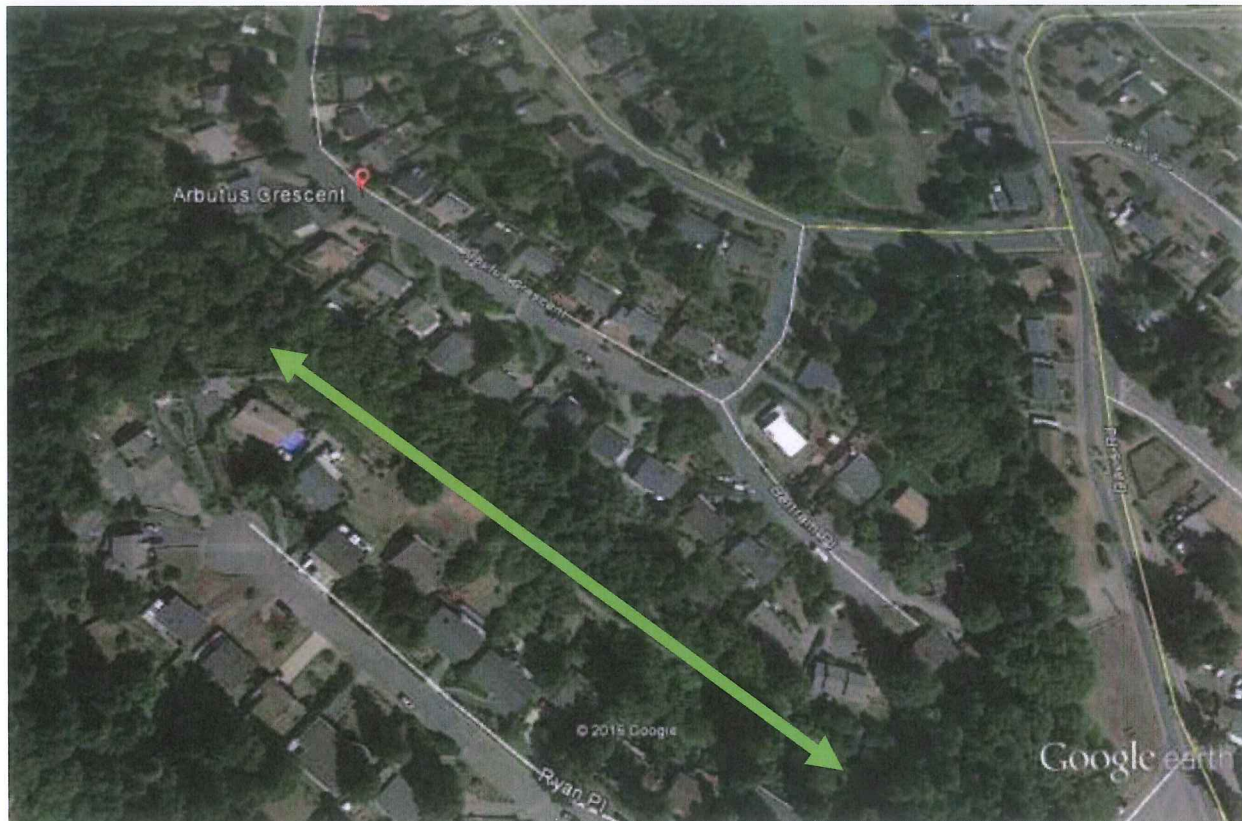
APPENDIX A – RYAN PLACE, ARBUTUS CRESCENT, BERTRAM PLACE



Assignment:

For over thirty years, the trees located in the green space between Arbutus Crescent, Bertram Place and Ryan Place have been managed to provide the homeowners on Ryan Place a view of the water and provide privacy for the residents located along Arbutus and Bertram. See Picture 1.

The City has requested a preliminary report providing a tree management plan for the Ryan Place greenspace.



Picture 1

Observations:

The green space is 250 meters long with an average width of 15 meters. There are roughly one hundred trees in the green space composed of Douglas fir, western red cedar, alders and big leaf maple. There is one arbutus and four planted Leylandii cypress.

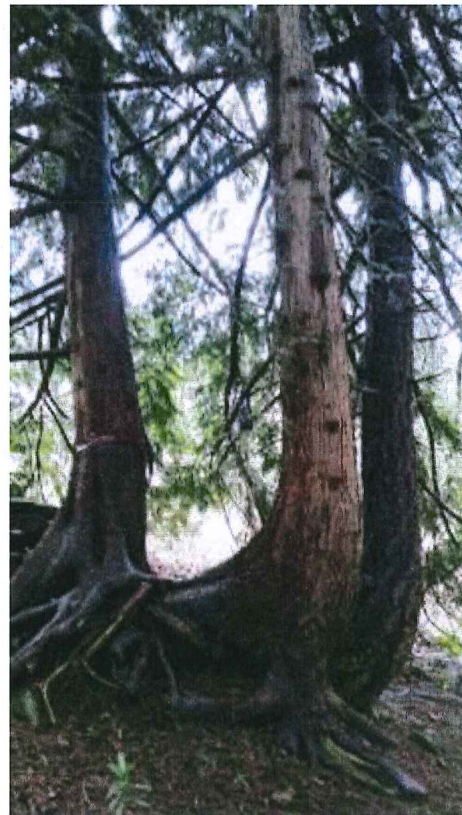
Tree height has been maintained to as low as 9 meters with an average of 12 to 14 meters; depending on the location along the green space. Conifers diameters range from 40 to 75 centimeters, the alders and maples are smaller in diameter.

Cedars make up the higher population of the trees, Douglas fir next then the deciduous trees.



Picture 2

Picture 2 shows the dense canopy of the lower branches.
Picture 3 is an example of the average size of conifer.

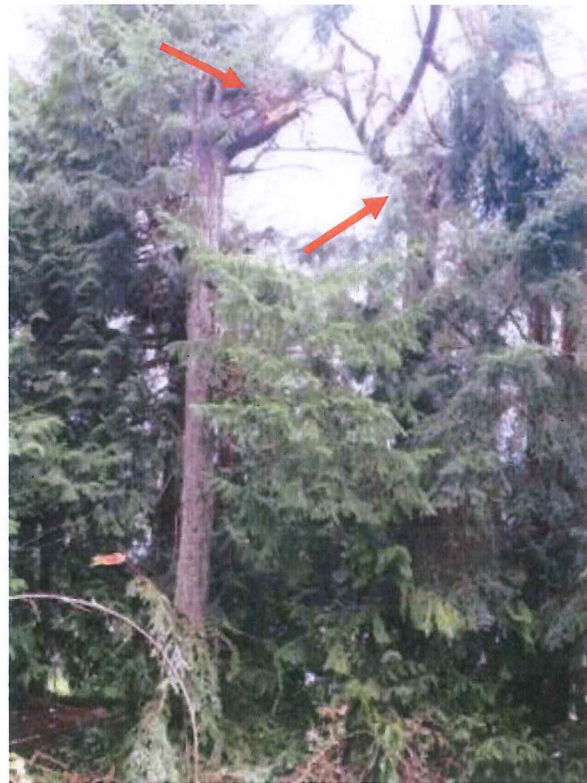


Picture 3

The red arrows in Pictures 4 and 5 indicate areas of the poor structural condition of the Douglas fir trees. Most have large decay cavities at the topping cuts and few branches.



Picture 4



Picture 5

Trees have been repeatedly topped every three or four years for over thirty years resulting in some of the trees are in poor health and structural form.

Discussion:

To retain the area as a green space the longevity of the trees has to be foremost. My preliminary assessment found most of the Douglas firs in poor condition and literally falling apart. Many of the cedars have decay cavities at the topping cuts.

It is not an option to stop maintaining the heights of the trees. If the trees are left to regrow from the topping cuts, the new branches will be weakly attached and break off in high wind events or cause complete tree failure. Continuing to maintain the trees at a certain height for view is required.

I recommend each tree in the green space be assessed for health and structural stability. This would be done by inventorying each tree and map out their location. The arborist will determine:

- a. trees to remove (e.g. Douglas firs),
- b. trees to prune,
- c. areas to plant hedging plant material,
- d. areas to remove invasive plants and
- e. determine pruning cycle to retain the heights.

This inventory and assessment will provide the Parks manager the data needed to put a tree management program together.

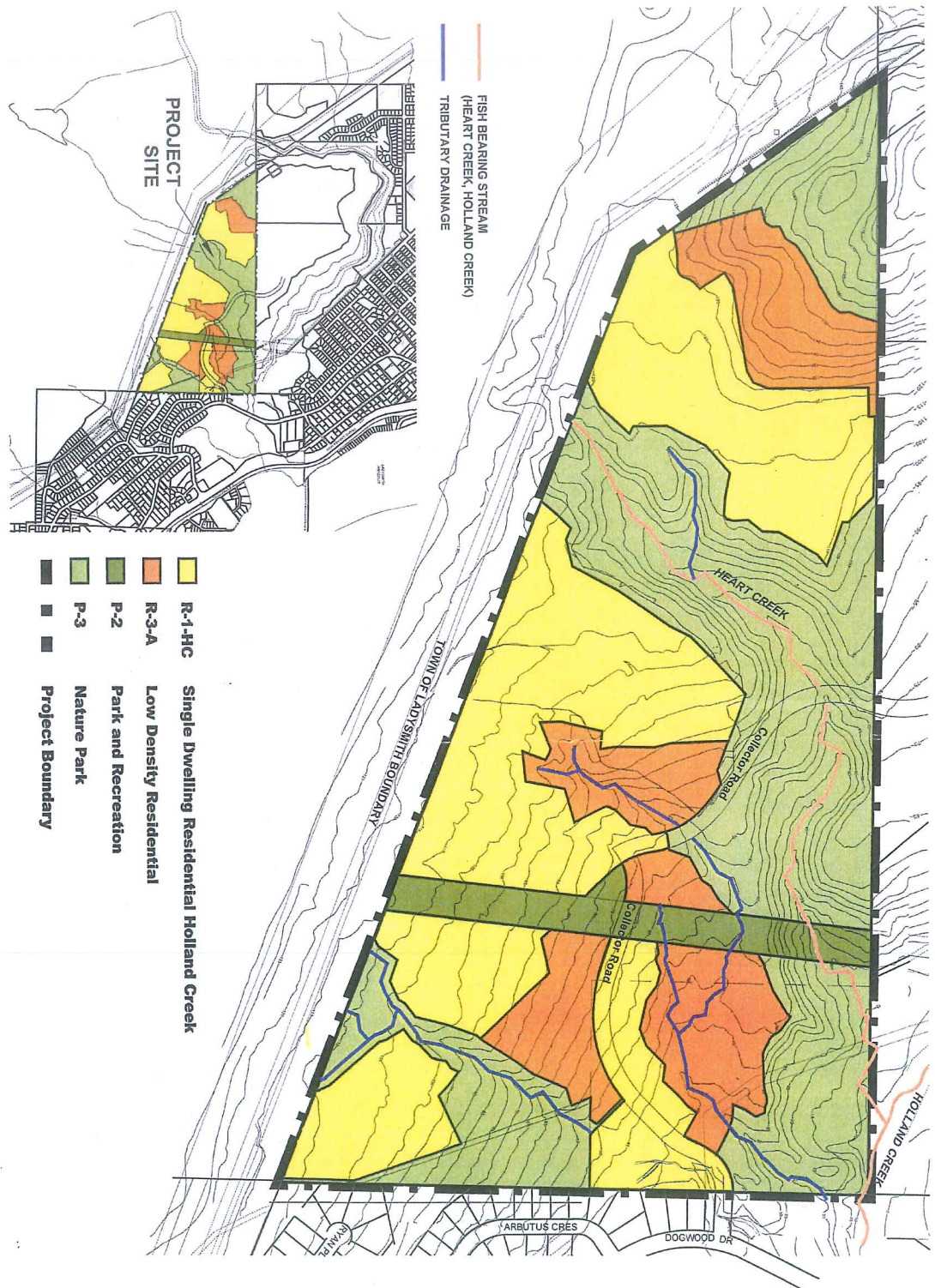
Conclusion:

Should the trees be left to regrow from their topping cuts, they may turn into hazard trees. Complete an inventory and assessment of the trees to better determine the management plan. The greenspace can be retained for years to come with planning for tree care, planting and maintenance.

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

I certify that all statements of fact in this report are true, complete and correct to the best of my knowledge and belief, and that this report is made in good faith.



Holland Creek Development

Proposed Zoning Districts

Ladysmith, British Columbia





WATERFRONT GALLERY

610 Oyster Bay Drive (on the way to Transfer Beach), Ladysmith
Open Tuesday to Sunday | noon to 4pm
PO Box 2370 Ladysmith BC V9G 1B8 | 250.245.1252
www.ladysmithwaterfrontgallery.com

April 4, 2017

Mayor and Council
Town of Ladysmith
410 Esplanade
Ladysmith, BC

Dear Mayor and Council,

I am writing to request support for an Arts Council application to the Nanaimo Foundation. The ACLD is a not-for-profit society but, as of yet, has not secured the Charitable Status under the CRA.

As such, we are required to have a partner on the application - this would be for the sole purpose of raising funds to acquire an air conditioning system for the Ladysmith Waterfront Gallery. The Nanaimo Foundation has suggested that the Town of Ladysmith would be a perfect partner for this purpose.

The "Chill at the Gallery" project will be of enormous benefit to the operations. Given the flat, black roof of the building and the windows only on one side (preventing any cross breeze), the Gallery space often heats up to over 90 degrees in the summer months. It gets to the point that the Gallery must be closed on hot days as it is not safe, nor comfortable, for the volunteers (mostly elderly) and visitors to be in the space. If the application is successful, the Nanaimo Foundation funding would allow this capital project to take place prior to the upcoming summer months.

To move the process forward, we would need to be added to the Agenda of the Special Council Meeting on April 10th and receive a motion approving the Town partnership. Beyond this approval and a contact name from the Town, there are no additional work requirements as I would be submitting the on-line grant application from the ACLD and the Township prior to the deadline of April 14th.

Thank you for your consideration of this request. Please contact me should you require further information.

Best,

Mary Desprez
Executive Director

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: April 10, 2017
File No:

RE: Shared Recreation Database Agreement

RECOMMENDATION(S)

That Council:

1. Approve the proposed *Shared Recreation Database Agreement* between the Town of Ladysmith, Cowichan Regional District and the Corporation of the District of North Cowichan; and
2. Authorize the Mayor and Corporate Officer to execute the agreement.

PURPOSE

The purpose of this report is to present to Council a recommendation regarding an agreement with local governments.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

September 28, 2015

CS 2015-311 Memorandum of Understanding – Cowichan Valley Local Government Recreation Management Software Procurement

Moved and seconded:

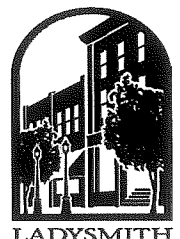
That Council approve the proposed Memorandum of Understanding for Cowichan Valley Local Governments to develop requirements and procure new recreation management software; and authorize the Mayor and Corporate Officer to Execute the Agreement.

Motion carried.

INTRODUCTION/BACKGROUND

The Cowichan Valley Local Governments working group (Town of Ladysmith, Cowichan Valley Regional District and the Corporation of the District of North Cowichan) was formed in October 2015 prior to selecting a recreation software provider and subsequent agreements between the working group and Legend Recreation Software. During this process it was concluded that there is significant advantages for area residents if a region-wide shared database was established.

The expected benefits of a shared database include participants having access to all recreation programming in the CVRD through one access point (in person, on phone, or online); residents will have one account to monitor their family's transactions, passes,



programs and schedules, which is a more efficient use of resources and meets the needs of the regional community. Recreation facilities and programs offered by the Local Governments will be assessed and coordinated, where possible, to reduce overlap and to ensure a wide variety of programs are available creating higher satisfaction amongst users.

SCOPE OF WORK

Staff will continue to work with the regional partners to maintain the agreement.

ALTERNATIVES

Council may choose to not enter into this agreement.

FINANCIAL IMPLICATIONS

Financial Services have been involved in all decisions relating to this agreement as such there are no financial implications identified.

LEGAL IMPLICATIONS

The Local Governments will comply with the terms set out in the Privacy Impact Assessment, which was approved by the Office of Information and Privacy Commissioner.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The shared database will create a more efficient and positive experience for the end user.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

There is no interdepartmental involvement or implications identified.

RESOURCE IMPLICATIONS

There are no resource implications identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

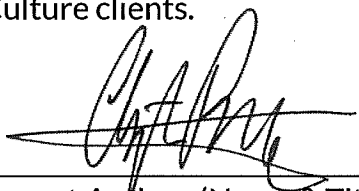
Healthy Community

ALIGNMENT WITH STRATEGIC PRIORITIES

Communications and Engagement

SUMMARY

It is recommended that Council approve the shared database for Parks, Recreation and Culture clients.

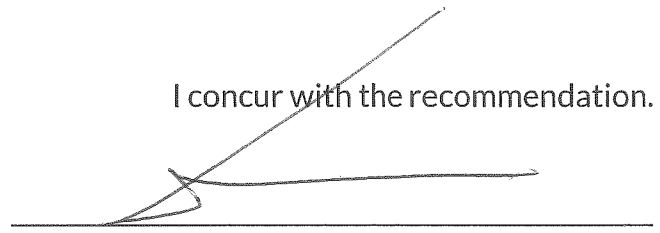


Report Author (Name & Title)

April 5, 2017

Date Signed

I concur with the recommendation.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Guillermo Ferrero, City Manager

ATTACHMENT(S)
Shared Recreation Database Agreement

Shared Recreation Database Agreement

This Agreement is dated this ___ day of _____, 2017

BETWEEN:

The Corporation of the District of North Cowichan

7030 Trans-Canada Highway, PO Box 278
Duncan, British Columbia V9L 3X4

("North Cowichan")

AND

Cowichan Valley Regional District

175 Ingram Street
Duncan, British Columbia V9L 1N8

("CVRD")

AND

Town of Ladysmith

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

("Ladysmith")

(collectively the "Local Governments")

WHEREAS the Local Governments have completed Privacy Impact Assessments for the common purchase, administration, and operation of Legend Recreation Software Inc.'s recreation client management software ("Legend");

AND WHEREAS section 12 of the *Freedom of Information and Protection of Privacy Regulation*, BC Reg 155/2012, sets out what must be included in a written agreement for a common or integrated program or activity;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Local Governments agree as follows:

Services Provided

1. Legend software provides a single database for recreation user or client information, registerable programs, facility admission, event ticket sales, and facility booking information at or through facilities operated by the Local Governments ("the database"). Legend software manages visitors, registrations, E-POS sales, memberships, bookings, courses, customer retention, sales, stock control and income control.

Types of Personal Information Collected, Used and Disclosed

2. The personal information collected from recreation clients is limited to what is required to administer the particular recreation program, memberships, activities and/or facility bookings, by the Local Governments at various facilities. The personal information collected from recreation clients includes:
 - a) full name,
 - b) date of birth,
 - c) contact phone number (work/home/cell),
 - d) mailing and street address,
 - e) email (privacy option for marketing purposes),
 - f) residency identifier,
 - g) recreation program participation and facility attendance information,
 - h) payment information (encrypted),
 - i) emergency contact information (including name, relationship, phone number) for recreation programs involving children, such as camps,
 - j) health information, if applicable (i.e. if the child requires medication to be administered by program leaders),
 - k) custody information, if applicable (i.e. if a parent of the child has restrictions on access to a child and this is required knowledge of program leaders), and
 - l) in order to ensure the safe and efficient operation of recreation facilities, it is expected that the following information will also be collected:
 - (i) records of conversations with the client with respect to financial interactions and modifications on their accounts (i.e. adjustments for registration or withdrawal corrections, missed monthly payments, credit owed to the client),
 - (ii) a history of unsafe conduct where this has resulted in the client being banned from the facility, or police involvement; and
 - (iii) notification from the Attorney General, a Court Official, or the RCMP identifying that a client has been restricted, limited or denied access to any or all Local Government facilities.

Purposes, Key Objectives and Expected Benefits or Outcomes

3. The purposes, key objectives and expected benefits or outcomes of a shared recreation database include more efficient use of tax payer resources to meet the needs of the regional community. Recreation facilities and programs offered by the Local Governments are coordinated, where possible, to reduce overlap in offerings and currently clients are registered separately in the Local Government databases. The shared recreation database initiative is expected to reduce this duplication and provide clients with a more efficient process for registering for recreation services offered by the Local Governments at their recreation facilities.

Roles and Responsibilities of Local Governments

4. (1) All parties must
 - a) collect client information according to the terms of this agreement.
 - b) accept payment for services regardless of the Local Government the service is being delivered within, unless specifically identified within the service being delivered,
 - c) reconcile accounts payable and receivable by each Local Government, on a quarterly or monthly basis.
- (2) For online transactions,
 - a) the CVRD must reconcile online transactions for the Local Governments on a quarterly or monthly basis, and present the reconciliation to the other parties at the earliest opportunity,
 - b) North Cowichan and Ladysmith must review the reconciliation provided and present any disputes to the CVRD within 30 days, and
 - c) the CVRD must assess fee for service based upon actual time on task and direct and/or related costs incurred.
- (3) The representatives of the Local Governments, as set out in section 5, must on a quarterly or more frequent basis, conduct operational reviews of the current use of the database, procedures, and policies to
 - a) identify opportunities for improvement and better collaboration,
 - b) ensure compliance with this Agreement,
 - c) ensure compliance with Payment Card Industry Data Security Standard (PCI DSS), and
 - d) determine if any amendments to the roles and responsibilities set out in this section 4 are required.

Operational Modifications and Agreement Disputes

5. The Local Governments assign as authorized representatives for the purposes of this Agreement, the individuals in the following, or equivalent, positions:
 - a) North Cowichan Deputy Director Parks and Recreation
 - b) CVRD General Manager, Community Services
 - c) Ladysmith Director of Parks, Recreation and Culture
6. The representatives may amend section 4 [Roles and Responsibilities of Local Governments] through unanimous written agreement, signed and dated by each of the representatives, for the duration of this Agreement.
7. Any unresolved disputes must be forwarded, in writing, for resolution to the person(s) designated as the head of the Local Governments under section 77 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

Start Date

8. The start date of this Agreement is the date first written above.

End Date

9. The shared recreation database end date is not known at this time. This Agreement will continue in full force and effect from the start date until one or more Local Governments provide notice of termination in accordance with section 10 of this Agreement.

Termination

10. Any or all of the Local Governments may terminate their participation in this Agreement by giving at least 180 days written notice to all parties.

Signed by the head of each of the Local Governments, pursuant to section 12(a)(i) of the *Freedom of Information and Protection of Privacy Regulation BC Reg. 155/2012*:

**The Corporation of the District of
North Cowichan**

Mark O. Ruttan
Acting CAO

Cowichan Valley Regional District

Name:
Title:

Name:
Title:

Town of Ladysmith

Name:
Title:

Name:
Title:



Privacy Impact Assessment for Non-Ministry Public Bodies

Shared Recreation Database

0120-10 17.01

Why do I need to do a PIA?

Section 69(5.3) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires the head of a public body to conduct a privacy impact assessment (PIA) in accordance with the directions of the minister responsible for FOIPPA. Public bodies should contact the privacy officer for their public body to determine internal policies for review and sign-off of the PIA. Public bodies may submit PIAs to the Office of the Information and Privacy Commissioner for BC (OIPC) for review and comment.

If you have any questions about this PIA template or FOIPPA generally, you may contact the Office of the Chief Information Officer (OCIO) at the Privacy and Access Helpline (250 356-1851). Please see our [PIA Guidelines](#) for question-specific guidance on completing a PIA.

What if my initiative does not include personal information?

Public bodies still need to complete Part 1 of the PIA and submit it along with the signatures pages to their privacy officer even if it is thought that no personal information is involved. This ensures that the initiative has been accurately assessed.

Part 1 – General

Name of Department/Branch:	Municipality of North Cowichan, Recreation Department Also involved: Cowichan Valley Regional District, and Town of Ladysmith		
PIA Drafter:	Alyssa Meiner, North Cowichan Deputy Director of Corporate Services		
Email:	alyssa.meiner@northcowichan.ca	Phone:	250-746-3116
Program Manager:	Don Stewart, North Cowichan Deputy Director of Parks & Recreation		
Email:	don.stewart@northcowichan.ca	Phone:	250-746-3313

1. Description of the Initiative

The recreation departments of the Municipality of North Cowichan (“North Cowichan”), the Cowichan Valley Regional District (“CVRD”), and the Town of Ladysmith (“TOL”) (collectively, the “Local Governments”) have purchased recreation management software from Legend Recreation Software Inc. and intend to share in the administration and operation of a shared recreation database.

Legend software, in essence, provides a single database for recreation user or client information, registerable programs, facility admission, event ticket sales, and facility booking information at or through facilities operated by the Local Governments (“the database”). Legend software manages



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visitors, registrations, E-POS sales, memberships, bookings, courses, customer retention, sales, stock control and income control.

The personal information (“PI”) collected from clients is limited to what is required to administer the particular recreation program, or facility, by the Local Governments. The current recreation facilities include aquatic & fitness centres, ice arenas, rooms for recreation classes and camp use, and use of outdoor fields, parks and open spaces.

A limited number of designated staff from each of the Local Governments will be able to access the shared database in order to administer and carryout program activities. Storage of the database information is on Legend’s servers located in Ottawa and Toronto, Canada.

The three Local Governments expect the shared recreation database will most efficiently utilize limited tax payer resources and meet the needs of the regional community. Many of the recreation facilities and programs offered by the Local Governments are coordinated to reduce overlap in offerings and many clients are currently registered separately in the Local Government databases. The shared recreation database initiative is expected to reduce this duplication and provide clients with a more efficient process for registering in recreation programs offered by the Local Governments.

2. Scope of this PIA

This PIA follows the purchase of Legend software by the Local Governments and relates primarily to the shared database.

3. Related Privacy Impact Assessments

A Shared Recreation Database PIA 0120-20 15.03 (OIPC File F15-63509) was submitted to the OIPC for review on August 10, 2015 with comments provided by the OIPC on November 10, 2015.

4. Elements of Information or Data

The personal information currently, and expected to be, collected from Clients includes:

Full name, date of birth, contact phone number (work/home/cell), mailing and street address, email (privacy option on this), residency identifier, recreation program participation and facility attendance information, and payment information (encrypted).

For recreation programs involving children, such as camps, the following is also collected: emergency contact information (including name, relationship, phone number), health



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information, as applicable (i.e. if the child requires medication to be administered by program leaders), and custody information, as applicable.

In order to ensure the safe and efficient operation of recreation facilities, it is expected that the following information will also be collected: records of conversations with the Client with respect to financial interactions and modifications on their accounts (i.e. adjustments for registration or withdrawal corrections, missed monthly payments, credit owed to Client), and a history of unsafe conduct where this has resulted in the Client being banned from the facility, or police involvement.

If personal information is involved in your initiative, please continue to the next page to complete your PIA.

If no personal information is involved, please submit Parts 1, 6, and 7 to your privacy officer. They will guide you through the completion of your PIA.



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Part 2 – Protection of Personal Information

5. Storage or Access outside Canada

Storage and access of Client personal information will be within Canada, as the database information is stored on Legend’s servers located in Ottawa and Toronto, Canada. Access to personal information will be limited to authorized users within each of the Local Governments.

Legend Recreation Software Inc. has entered into a Privacy Protection Agreement as part of their July 15, 2016 Software Licence, Service and Support Agreement with North Cowichan that specifies “unless the Public Body otherwise directs in writing, the Contractor must not store personal information outside Canada or permit access to personal information from outside Canada” (see s. 13 of Schedule A to this PIA). Legend has indicated it may require limited access to the database to carry out technical support functions from outside Canada (disclosure in accordance with section 33.1 (1) (p) of FOIPPA).

Data-linking Initiative*

<p>In FOIPPA, "data linking" and "data-linking initiative" are strictly defined. Answer the following questions to determine whether your initiative qualifies as a "data-linking initiative" under the Act. If you answer "yes" to all 3 questions, your initiative may be a data linking initiative and you must comply with specific requirements under the Act related to data-linking initiatives.</p>	
<p>1. Personal information from one database is linked or combined with personal information from another database;</p>	no
<p>2. The purpose for the linkage is different from those for which the personal information in each database was originally obtained or compiled;</p>	no
<p>3. The data linking is occurring between either (1) two or more public bodies or (2) one or more public bodies and one or more agencies.</p>	no
<p>If you have answered "yes" to all three questions, please contact your privacy office(r) to discuss the requirements of a data-linking initiative.</p>	



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6. Common or Integrated Program or Activity*

<p>In FOIPPA, “common or integrated program or activity” is strictly defined. Answer the following questions to determine whether your initiative qualifies as “a common or integrated program or activity” under the Act. If you answer “yes” to all 3 of these questions, you must comply with requirements under the Act for common or integrated programs and activities.</p>	
1. This initiative involves a program or activity that provides a service (or services);	yes
2. Those services are provided through: (a) a public body and at least one other public body or agency working collaboratively to provide that service; or (b) one public body working on behalf of one or more other public bodies or agencies;	yes
3. The common or integrated program/activity is confirmed by written documentation that meets the requirements set out in the FOIPP regulation.	yes
Please check this box if this program involves a common or integrated program or activity based on your answers to the three questions above.	yes

***Note: public bodies are required to notify the OIPC of a “data-linking initiative” or a “common or integrated program or activity” in the early stages of developing the initiative, program or activity.**



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7. Personal Information Flow Diagram and/or Personal Information Flow Table

The following diagram and table shows how the initiative will collect, use, and/or disclose personal information, and the relevant authority for this under FOIPPA.

See Flow Diagram attached as Schedule B to this PIA.

Personal Information Flow Table

Personal Information Flow Table			
	Description/Purpose	Type	FOIPPA Authority
1.	Client provides information (including PI) to register in recreation program(s) offered by, or access recreation facilities at, any of the Local Governments. Collection may be online, in person at recreation facilities, by phone or email to appropriate Local Government Staff.	Collection	26(c)
2.	Staff asks, email or phones Client requesting more information, as applicable. For example, if a required field is missing, or if existing information must be verified as is the case when the Client has not accessed a program for over 90 days.	Disclosure & Collection	33.1(7) 26(c)
3.	Staff from each of the Local Governments have access to the database in order to administer recreation programs, process facility admissions at their facilities, etc. For example, swim or day camp instructors will have access to class lists and other collected information, including emergency contact information, for use as required.	Disclosure & Use	33.2(c), 33.2(d), 32(a)



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8. Risk Mitigation Table

The following table sets out the potential privacy risks associated with the initiative, mitigation strategies that will be implemented, the likelihood of this risk occurring, and the degree of impact it would have on individuals if it occurred:

Risk Mitigation Table				
	Risk	Mitigation Strategy	Likelihood	Impact
1.	<i>Request may not actually be from Client (i.e. their email address may be compromised, they may be requesting information that is about another individual)</i>	<i>Implementation of identification verification procedures</i>	<i>Low</i>	<i>High</i>
2.	<i>Client's personal information is compromised when entered online into the database</i>	<i>Transmission is encrypted and over a secure line</i>	<i>Low</i>	<i>High</i>
3.	<i>Employees inadvertently modify or disclose Client personal information contrary to identification verification procedures</i>	<i>Training on proper use of software and need to protect and safeguard personal information; training on privacy breach policy</i>	<i>Med</i>	<i>Low-High, depends on context</i>
4.	<i>Employees/staff access personal information and use or disclose it for personal purposes</i>	<i>Oath of Employment; contractual terms, software security settings to prevent unneeded access, etc.</i>	<i>Low</i>	<i>High</i>
5.	<i>Inherent risks in sending personal information to a client via email (i.e. confirmation of registration)</i>	<i>Policy developed to inform clients of risk and ask if they would like the information via a different medium, such as through the mail or access online through their login/password.</i>	<i>Medium</i>	<i>Medium</i>
6.	<i>Client's personal information is compromised when provided to, or by, the staff member carrying out the recreation program</i>	<i>Transmission is encrypted and over a secure line; any physical copies are securely stored and securely disposed of after use.</i>	<i>Low</i>	<i>High</i>



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9. Collection Notice

The proposed notice is worded as follows:

“Personal information is collected by the Municipality of North Cowichan, the Cowichan Valley Regional District, and the Town of Ladysmith under the authority of section 26(c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering recreation programs and recreation facilities. Should you have any questions about the collection of this personal information please contact:

Deputy Director of Corporate Services, Municipality of North Cowichan
250-746-3100; Box 278, 7030 Trans Canada Hwy, Duncan, BC V9L 3X4”

The above contact information will be modified to reflect the Information & Privacy Coordinator for the applicable Local Government.

This notice will be included at the bottom of all forms used to collect Client registration information. If registration is permitted directly via web-access, this notice will be included on the web platform for view at point of collection. If registration is taken verbally in person or via telephone, this notice may be verbally relayed and/or may also be included in the receipt provided.

Part 3 – Security of Personal Information

If this PIA involves an information system, or if it is otherwise deemed necessary to do so, please consult with your public body’s privacy officer and/or security personnel when filling out this section. They will also be able to tell you whether you will need to complete a separate security assessment for this initiative.

10. Please describe the physical security measures related to the initiative (if applicable).

Locked cabinets, securely stored laptops, personal password access to computers and to software, key card access to buildings in some facilities.

11. Please describe the technical security measures related to the initiative (if applicable).

Use of firewalls, document encryption, user access profiles assigned on a need-to-know basis.

12. Does your branch/department rely on any security policies?

N/A. Please contact Jason Birch, Manager of Information Services, jason.birch@northcowichan.ca



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13. Please describe any access controls and/or ways in which you will limit or restrict unauthorized changes (such as additions or deletions) to personal information.

Role-based access to database, and password protected access. Training on appropriate use of the database, particularly with respect to protection and access of personal information of Clients.

14. Please describe how you track who has access to the personal information.

Audit logs. The exact auditing capabilities of the recreation software are unknown at this time, however, we would like to see an alert for suspicious activities (i.e. 100 views per day).

Periodic checking of audit log is also required.

Part 4 – Accuracy/Correction/Retention of Personal Information

15. How is an individual's information updated or corrected? If information is not updated or corrected (for physical, procedural or other reasons) please explain how it will be annotated? If personal information will be disclosed to others, how will the public body notify them of the update, correction or annotation?

Clients provide their current information, including personal information, at time of registration. If an update or correction is required, Clients may inform appropriate staff who will, upon verification, update or annotate the client-database.

Alternatively, clients will have web access to their account and the ability to modify, change, correct their information on an as needed basis.

The Local Governments will not notify the Clients of an update, correction or annotation, except where explicitly requested to do so by the Client.

16. Does your initiative use personal information to make decisions that directly affect an individual(s)? If yes, please explain.

Yes. Client registration information will be used to place Clients in appropriate recreation classes, assess appropriate facility or event admission fees, grant access to facilities, issue refunds, etc. Information about individuals may also be provided by the Local Governments with respect to inappropriate use of facilities.



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- 17. If you answered “yes” to question 16, please explain the efforts that will be made to ensure that the personal information is accurate and complete.**

Check to see that the information was obtained from a reputable source such as another government agency. Procedure to identify the source of the information in the annotation.

- 18. If you answered “yes” to question 16, do you have a records retention and/or disposition schedule that will ensure that personal information is kept for at least one year after it is used in making a decision directly affecting an individual?**

Yes. The information will be retained for current year plus one year in active format.

There is a six-year inactive retention period associated with program registration records. Given records management capabilities associated with the software, the information may remain in the database for a longer period of time, unless removal is specifically requested by the Client or identified by staff as appropriate for manual removal.

Part 5 – Further Information

- 19. Does the initiative involve systematic disclosures of personal information? If yes, please explain.**

Information, including personal information of Clients, will be collected and accessible for use by authorized personnel from the Local Governments, in order to provide recreation services to Clients. There will be no systematic disclosure of personal information, other than to employees as required to administer recreation services.

For compliance with section 12 of the FOIPPA Regulation, the Local Governments will be entering into a Shared Recreation Database Agreement.

Please check this box if the related Information Sharing Agreement (ISA) is attached. If you require assistance completing an ISA, please contact your privacy officer.

N/A



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20. Does the program involve access to personally identifiable information for research or statistical purposes? If yes, please explain.

The Local Governments will likely want to derive metrics or statistical information from the Database in order to evaluate program participation and this may or may not require access to the PI, depending on the reporting features offered by the software. For example, the CVRD may want to determine the number of participants from Area E during a particular timeframe, or a Local Government may want to determine how many individuals between the ages of 13-16 participated in a particular program. If access to PI is involved for research or statistical purposes, this will be limited to trained staff and all PI will be removed prior to reporting.

Please check this box if the related Research Agreement (RA) is attached. If you require assistance completing an RA please contact your privacy officer.

N/A

21. Will a personal information bank (PIB) result from this initiative? If yes, please list the legislatively required descriptors listed in section 69 (6) of FOIPPA. Under this same section, this information is required to be published in a public directory.

Yes, a PIB for North Cowichan* with approximate wording will result from this initiative:

Title & Location: Legend Recreation Database – is an electronic database of recreation program and user information that resides on Legend Recreation Software Inc.'s servers located in Ontario. This recreation database is shared by the Municipality of North Cowichan, the Cowichan Valley Regional District, and the Town of Ladysmith.

Description: The database contains recreation user name, age, address, jurisdiction, phone number, email, program participation or facility attendance information, as well as emergency contact information, and in limited cases, health and/or custody information.

Authority: Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).

Purposes: The personal information is compiled and used for operating recreation facilities and administration of recreation programs offered to the public by the Municipality of North Cowichan, the Cowichan Valley Regional District and the Town of Ladysmith.

Use: North Cowichan Parks & Recreation Department, authorized staff.

***Note:** Each Local Government is responsible for creating and maintaining their own PIB directory.



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Part 6 – Privacy Officer Comments

This PIA is based on a review of the material provided to the Privacy Officer as of the date below. If, in future any substantive changes are made to the scope of this PIA, the public body will have to complete a PIA Update and submit it to the Privacy Officer.

Privacy Officer

Signature

Date



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Part 7 – Program Area Signatures

_____ Program/Department Manager	_____ Signature	_____ Date
_____ Contact Responsible for Systems Maintenance and/or Security (Signature not required unless they have been involved in this PIA.)	_____ Signature	_____ Date
_____ Head of Public Body, or designate	_____ Signature	_____ Date

A final copy of this PIA (with all signatures) must be kept on record.

If you have any questions, please contact your public body's privacy officer or call the OCIO's Privacy and Access Helpline at 250 356-1851.



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SCHEDULE A

Privacy Protection Schedule

This Schedule forms part of the agreement between The Corporation of the District of North Cowichan (the "**Public Body**") and Legend Recreation Software Inc. (the "**Contractor**") respecting the Software, Service and Support Agreement dated July 15, 2016 (the "**Agreement**").

Definitions

1. In this Schedule,

"**access**" means disclosure by the provision of access;

"**Act**" means the *Freedom of Information and Protection of Privacy Act* (British Columbia), as amended from time to time;

"**contact information**" means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;

"**personal information**" means recorded information about an identifiable individual, other than contact information, collected or created by the Contractor as a result of the Agreement or any previous agreement between the Public Body and the Contractor dealing with the same subject matter as the Agreement but excluding any such information that, if this Schedule did not apply to it, would not be under the "control of a public body" within the meaning of the Act.

Purpose

2. The purpose of this Schedule is to:

- (a) enable the Public Body to comply with its statutory obligations under the Act with respect to personal information; and
- (b) ensure that, as a service provider, the Contractor is aware of and complies with its statutory obligations under the Act with respect to personal information.

Collection of personal information

3. Unless the Agreement otherwise specifies or the Public Body otherwise directs in writing, the Contractor may only collect or create personal information that is necessary for the performance of the Contractor's obligations, or the exercise of the Contractor's rights, under the Agreement.



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4. Unless the Agreement otherwise specifies or the Public Body otherwise directs in writing, the Contractor must collect personal information directly from the individual the information is about.
 5. Unless the Agreement otherwise specifies or the Public Body otherwise directs in writing, the Contractor must tell an individual from whom the Contractor collects personal information:
 - (a) the purpose for collecting it;
 - (b) the legal authority for collecting it; and
 - (c) the title, business address and business telephone number of the person designated by the Public Body to answer questions about the Contractor's collection of personal information.

Accuracy of personal information

6. The Contractor must make every reasonable effort to ensure the accuracy and completeness of any personal information to be used by the Contractor or the Public Body to make a decision that directly affects the individual the information is about.

Requests for access to personal information

7. If the Contractor receives a request for access to personal information from a person other than the Public Body, the Contractor must promptly advise the person to make the request to the Public Body unless the Agreement expressly requires the Contractor to provide such access and, if the Public Body has advised the Contractor of the name or title and contact information of an official of the Public Body to whom such requests are to be made, the Contractor must also promptly provide that official's name or title and contact information to the person making the request.

Correction of personal information

8. Within 5 business days of receiving a written direction from the Public Body to correct or annotate any personal information, the Contractor must annotate or correct the information in accordance with the direction.
9. When issuing a written direction under section 8, the Public Body must advise the Contractor of the date the correction request to which the direction relates was received by the Public Body in order that the Contractor may comply with section 10.
10. Within 5 business days of correcting or annotating any personal information under section 8, the Contractor must provide the corrected or annotated information to any party to whom, within one year prior to the date the correction request was made to the Public Body, the Contractor disclosed the information being corrected or annotated.
11. If the Contractor receives a request for correction of personal information from a person other than the Public Body, the Contractor must promptly advise the person to make the request to the



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Public Body and, if the Public Body has advised the Contractor of the name or title and contact information of an official of the Public Body to whom such requests are to be made, the Contractor must also promptly provide that official's name or title and contact information to the person making the request.

Protection of personal information

12. The Contractor must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal, including any expressly set out in the Agreement.

Storage and access to personal information

13. Unless the Public Body otherwise directs in writing, the Contractor must not store personal information outside Canada or permit access to personal information from outside Canada.

Retention of personal information

14. Unless the Agreement otherwise specifies, the Contractor must retain personal information until directed by the Public Body in writing to dispose of it or deliver it as specified in the direction.

Use of personal information

15. Unless the Public Body otherwise directs in writing, the Contractor may only use personal information if that use is for the performance of the Contractor's obligations, or the exercise of the Contractor's rights, under the Agreement.

Disclosure of personal information

16. Unless the Public Body otherwise directs in writing, the Contractor may only disclose personal information inside Canada to any person other than the Public Body if the disclosure is for the performance of the Contractor's obligations, or the exercise of the Contractor's rights, under the Agreement.
17. Unless the Agreement otherwise specifies or the Public Body otherwise directs in writing, the Contractor must not disclose personal information outside Canada.

Notice of foreign demands for disclosure

18. In addition to any obligation the Contractor may have to provide the notification contemplated by section 30.2 of the Act, if in relation to personal information in its custody or under its control the Contractor:
 - (a) receives a foreign demand for disclosure;
 - (b) receives a request to disclose, produce or provide access that the Contractor knows or has reason to suspect is for the purpose of responding to a foreign demand for disclosure; or



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- (c) has reason to suspect that an unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure

the Contractor must immediately notify the Public Body and, in so doing, provide the information described in section 30.2(3) of the Act. In this section, the phrases "foreign demand for disclosure" and "unauthorized disclosure of personal information" will bear the same meanings as in section 30.2 of the Act.

Notice of unauthorized disclosure

19. In addition to any obligation the Contractor may have to provide the notification contemplated by section 30.5 of the Act, if the Contractor knows that there has been an unauthorized disclosure of personal information in its custody or under its control, the Contractor must immediately notify the Public Body. In this section, the phrase "unauthorized disclosure of personal information" will bear the same meaning as in section 30.5 of the Act.

Inspection of personal information

20. In addition to any other rights of inspection the Public Body may have under the Agreement or under statute, the Public Body may, at any reasonable time and on reasonable notice to the Contractor, enter on the Contractor's premises to inspect any personal information in the possession of the Contractor or any of the Contractor's information management policies or practices relevant to its management of personal information or its compliance with this Schedule and the Contractor must permit, and provide reasonable assistance to, any such inspection.

Compliance with the Act and directions

21. The Contractor must in relation to personal information comply with:
- (a) the requirements of the Act applicable to the Contractor as a service provider, including any applicable order of the commissioner under the Act; and
 - (b) any direction given by the Public Body under this Schedule.
22. The Contractor acknowledges that it is familiar with the requirements of the Act governing personal information that are applicable to it as a service provider.

Notice of non-compliance

23. If for any reason the Contractor does not comply, or anticipates that it will be unable to comply, with a provision in this Schedule in any respect, the Contractor must promptly notify the Public Body of the particulars of the non-compliance or anticipated non-compliance and what steps it proposes to take to address, or prevent recurrence of, the non-compliance or anticipated non-compliance.



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Termination of Agreement

24. In addition to any other rights of termination which the Public Body may have under the Agreement or otherwise at law, the Public Body may, subject to any provisions in the Agreement establishing mandatory cure periods for defaults by the Contractor, terminate the Agreement by giving written notice of such termination to the Contractor, upon any failure of the Contractor to comply with this Schedule in a material respect.

Interpretation

25. In this Schedule, references to sections by number are to sections of this Schedule unless otherwise specified in this Schedule.
26. Any reference to the "Contractor" in this Schedule includes any subcontractor or agent retained by the Contractor to perform obligations under the Agreement and the Contractor must ensure that any such subcontractors and agents comply with this Schedule.
27. The obligations of the Contractor in this Schedule will survive the termination of the Agreement.
28. If a provision of the Agreement (including any direction given by the Public Body under this Schedule) conflicts with a requirement of the Act or an applicable order of the commissioner under the Act, the conflicting provision of the Agreement (or direction) will be inoperative to the extent of the conflict.
29. The Contractor must comply with the provisions of this Schedule despite any conflicting provision of this Agreement or, subject to section 30, the law of any jurisdiction outside Canada.
30. Nothing in this Schedule requires the Contractor to contravene the law of any jurisdiction outside Canada unless such contravention is required to comply with the Act.

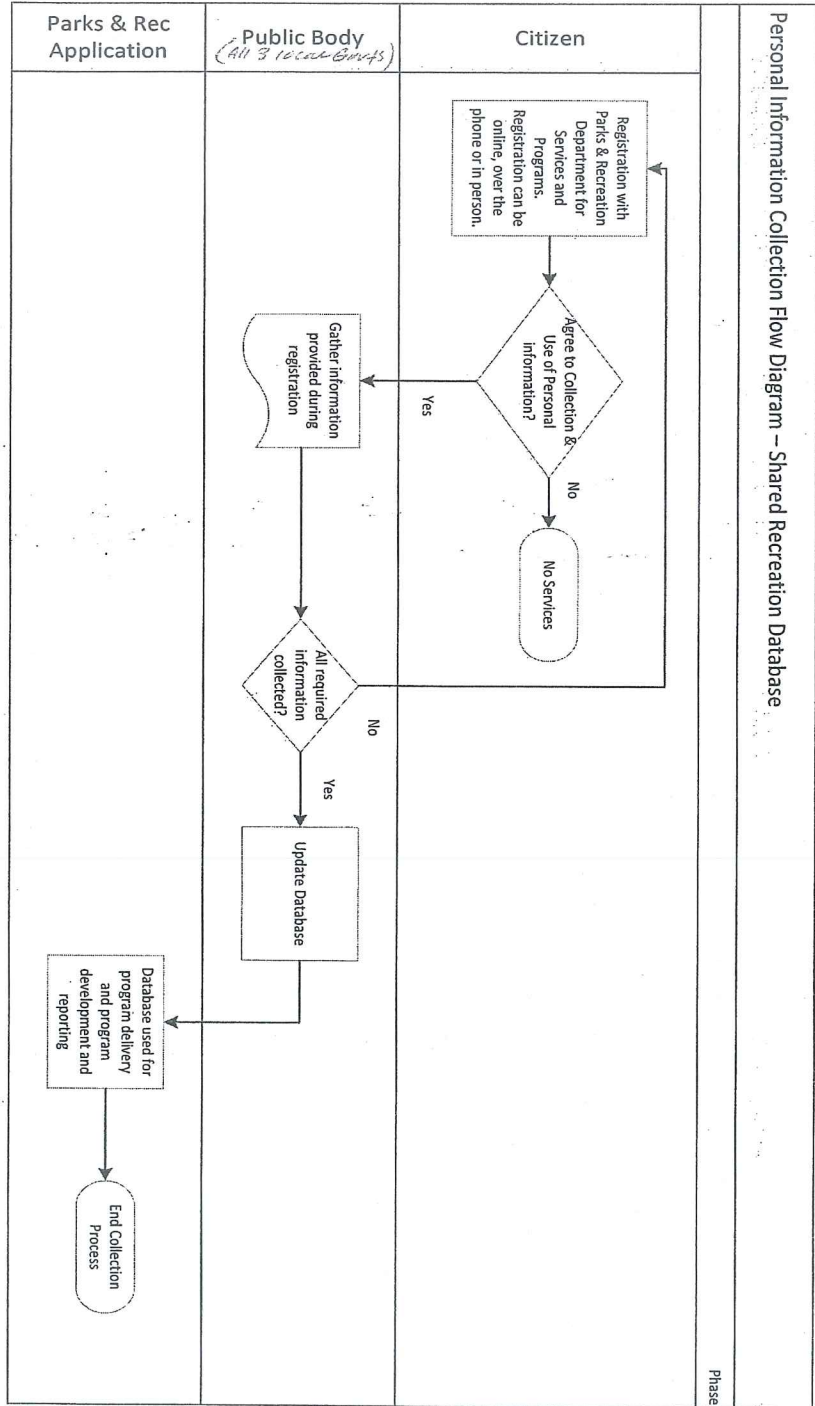


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Schedule B:
Personal Information
Flow Diagram



TOWN OF LADYSMITH

BYLAW NO. 1926

A bylaw establishing the Financial Plan for the years 2017-2021

WHEREAS the *Community Charter* requires Municipal Councils to prepare and adopt, by bylaw, a financial plan;

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

Administration

- (1) Schedule "A" attached hereto and made part of the bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending the 31st of December, 2021.
- (2) Schedule "B" attached hereto and made part of the bylaw is hereby adopted and shall be the statement of objectives and policies for the Town of Ladysmith for the five years ending the 31st of December 2021.

Repeal

- (3) The "Town of Ladysmith Financial Plan Bylaw 2016, No. 1908" is hereby repealed.

Citation

- (4) This bylaw may be cited for all purposes as: "*Town of Ladysmith Financial Plan Bylaw 2017, No. 1926*".

READ A FIRST TIME on the _____ day of _____

READ A SECOND TIME on the _____ day of _____

READ A THIRD TIME on the _____ day of _____

ADOPTED on the _____ day of _____

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule 'A' of Bylaw 1926

2017 – 2021 Financial Plan

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
REVENUES:					
Revenue From Property Tax Values	7,733,844	8,043,395	8,279,449	8,499,598	8,730,531
Revenue From Grants In Lieu	159,024	160,773	162,685	165,937	169,255
Revenue From Parcel Taxes	2,254,447	2,563,067	2,847,767	3,132,467	3,132,467
Revenue From Fees & Charges	3,830,817	3,925,800	4,024,372	4,103,512	4,223,327
Revenue From Other Sources	2,486,885	9,252,745	3,892,345	1,683,145	897,345
	<u>16,465,017</u>	<u>23,945,780</u>	<u>19,206,618</u>	<u>17,584,659</u>	<u>17,152,925</u>
EXPENSES:					
General Operating Expense	9,620,547	9,665,221	9,859,177	10,057,025	10,258,812
Sanitary Sewer Operating Expenses	1,473,481	1,147,758	1,174,235	1,201,237	1,228,777
Water Operating Expenses	958,775	1,061,344	1,396,571	1,424,498	1,452,985
Interest Payments	515,408	505,058	705,598	982,390	972,390
Amortization	2,875,406	2,932,915	2,991,573	3,051,406	3,112,434
	<u>1,021,400</u>	<u>8,633,484</u>	<u>3,079,464</u>	<u>868,103</u>	<u>127,527</u>
Annual Surplus/Deficit					
Add back:					
Amortization	2,875,406	2,932,915	2,991,573	3,051,406	3,112,434
Capital Expenditures					
General Capital	3,834,668	1,503,533	1,594,416	1,285,000	1,044,200
Sanitary Sewer Capital	3,642,987	470,000	335,000	320,000	580,000
Water Capital	7,290,200	9,132,000	6,756,000	7,115,000	400,000
Proceeds from New Debt	(6,635,000)	0	(2,980,000)	(4,985,675)	0
Principal Payments	1,089,927	1,089,099	1,172,272	1,231,772	1,396,772
Transfers from Reserves	(836,500)	(406,933)	(358,839)	(1,216,812)	(238,974)
Transfer to (from) Own Funds	(4,489,476)	(221,300)	(447,812)	170,224	57,963
	<u>Financial Plan Balance</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Schedule 'B' of Bylaw No. 1926

**Town of Ladysmith 2017 – 2021 Financial Plan
Statement of Objectives and Policies**

In accordance with Section 165(3.1) of the Community Charter, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the Community Charter;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2017. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source. Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis. These include services such as general administration, fire protection, police services, bylaw enforcement and street lighting.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services - these are charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

Objective

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.

Policies

- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.
- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. For 2017, a minimum of 8% prior year's municipal tax levy will be transferred to General Capital projects as well as setting aside a further 5% for asset replacement. For the years 2018-2021, a 10% prior year's municipal tax levy to General Capital projects.

Table 1: Sources of Revenue

<u>Revenue Source</u>	<u>2017</u>	<u>% total</u>
Property Taxes	7,733,844	26.46%
Grants in Lieu	159,024	0.54%
Parcel Taxes	2,254,447	7.71%
User fees & Charges	3,830,817	13.11%
Other Sources	262,300	0.90%
Borrowing	6,635,000	22.70%
Government Grants	2,224,585	7.61%
DCCs & Reserves	836,500	2.86%
Own Funds	5,288,095	18.09%

Distribution of Property Tax Rates

Table 2 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives

- The amount of taxes to be collected from each of the classes will be reviewed each year.

Policies

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community. Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

Table 2: Distribution of 2017 Property Tax Rates

Property Class	2017
	% of Total Property Taxation
Residential (1)	72.41%
Utilities (2)	0.38%
Supportive Housing (3)	0.00%
Major Industry (4)	11.95%
Light Industry (5)	0.78%
Business and Other (6)	14.19%
Managed Forest Land (7)	0.00%
Recreation/Non-profit (8)	0.28%
Farmland (9)	0.01%
Total	100%

Permissive Tax Exemptions

The Town provides permissive tax exemptions. The Permissive Tax Exemption Bylaw 2016, No.1915, adopted on October 17, 2016, contains a list of property exempt from taxation for 2016. Some of the eligibility criteria for permissive tax exemptions include the following:

- The tax exemption must demonstrate benefit to the community and residents of the Town by enhancing the quality of life (economically, socially and culturally) within the community.
- The goals, policies and principles of the organization receiving the exemption must not be inconsistent or in conflict with those of the Town.
- The organization receiving the exemption must be a registered non-profit society, as the support of the municipality will not be used for commercial and private gain.
- Permissive tax exemptions will be considered in conjunction with: (a) other assistance being provided by the Town; (b) the potential demands for Town services or infrastructure arising from the property; and (c) the amount of revenue that the Town will lose if the exemption is granted.

Objective

- The Town will continue to provide permissive tax exemptions to some non-profit societies. The Town has also expanded its offering of permissive tax exemptions to include revitalization tax exemptions. It also intends to offer permissive tax exemptions targeted at green development for the purposes of encouraging development that will meet our *Climate Action Charter* commitments.

Policies

- Expand the permissive tax exemption policy to include eligibility requirements for green revitalization tax exemptions.
- Develop a revitalization tax exemption program which details the kinds of green activities that the exemption program will target.

- Integrate the green revitalization tax exemption program into the Town's existing economic initiatives as a means of attracting retail and commercial businesses to further invest in the community.
- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

Table 3: Utilization of Reserves, Development Cost Charges and Surplus for 2017

Source	% of Total	Dollar Value
Development Cost Charges - Roads	3%	168,000
Reserve - Amphitheatre	0%	5,000
Gas Tax Funds	11%	663,500
Surplus	86%	5,288,095
Total		\$6,124,595

TOWN OF LADYSMITH

BYLAW NO. 1929

A bylaw for the levying of rates for Municipal, Hospital and Regional District purposes for the year 2017.

WHEREAS the Council of the Town of Ladysmith shall, pursuant to the *Community Charter*, in each year, adopt a bylaw to impose rates on taxable land and improvements according to their assessed value to provide the money required for purposes specified in the Charter;

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

Administration

1. The tax rates for the year 2017 shown on Schedule "A", attached to and forming part of this Bylaw, shall be imposed on the assessed value of all the land and improvements within the Town of Ladysmith for the following purposes of:
 - (a) The Town of Ladysmith General Municipal Purposes – Column 'A';
 - (b) The Cowichan Valley Regional District – Column 'B';
 - (c) The Cowichan Valley Regional District Hospital – Column 'C'.

Citation

2. This bylaw may be cited as the "Town of Ladysmith Tax Rates Bylaw 2017, No. 1929".

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

Mayor (A. Stone)

Corporate Officer (J. Winter)

**Town of Ladysmith Tax Rates Bylaw 2017, No.1929
Schedule "A"**

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

PROPERTY CLASS		<u>'A'</u> Municipal	<u>'B'</u> Cowichan Valley Regional District	<u>'C'</u> Cowichan Valley Regional Hospital District
1	Residential	4.9249	0.8404	0.5352
2	Utilities	34.6092	2.9414	1.8732
3	Supportive Housing	4.9249	0.8404	0.5352
4	Major Industry	103.1356	2.8574	1.8196
5	Light Industry	18.0763	2.8574	1.8196
6	Business/Other	13.8438	2.0590	1.3112
7	Managed Forest	35.4545	2.5212	1.6056
8	Rec Non Profit	3.0033	0.8404	0.5352
9	Farm	33.2277	0.8404	0.5352

**TOWN OF LADYSMITH
BYLAW NO. 1928**

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 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:

Definitions

1. In this Bylaw:

"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 2017 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.

Levy

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 Three Hundred and Nine Dollars (\$309.00) 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.
5. The water parcel tax shall have the same rights and remedies as other real property taxes.
6. 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*.

Repeal

7. "Water Parcel Tax Bylaw, 2016, No. 1906" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2017, No. 1928".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

READ A THIRD TIME on the day of

ADOPTED

on the

day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

**TOWN OF LADYSMITH
BYLAW NO. 1927**

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*.

WHEREAS the Council of the Town of Ladysmith is empowered 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:

Definitions

1. In this Bylaw:

"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 2017 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.

Levy

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 Ninety-Nine Dollars (\$299.00) 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.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
6. 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*.

Repeal

7. "Sewer Parcel Tax Bylaw 2016, No. 1907" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2017, No. 1927".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

READ A THIRD TIME on the day of

ADOPTED

on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)