

A SPECIAL MEETING OF THE COUNCIL OF THE TOWN OF LADYSMITH TO BE HELD IN COUNCIL CHAMBERS AT LADYSMITH CITY HALL ON TUESDAY, SEPTEMBER 4, 2018 5:00 P.M.

AGENDA

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

2. AGENDA APPROVAL

3. MINUTES

3.1. Minutes of the Special Meeting of Council held August 15, 2018 1 - 2

4. REPORTS

4.1. Purchase of 1260 Churchill Place..... 3 - 6

Staff Recommendation:

That Council:

- 1. Authorize up to \$1,000,000 to be borrowed, under Section 175 of the Community Charter, from the Municipal Finance Authority, for the purpose of purchasing the property located at 1260 Churchill Place, Ladysmith and construct an access road; and
2. Acknowledge that the loan be repaid within 5 years, with no rights of renewal; and
3. Amend the 2018-2022 Financial Plan accordingly.

4.2. Permissive Tax Exemptions for the 2019 Tax Year7 - 12

Staff Recommendation:

That Council direct staff:

- 1. To provide a Permissive Tax Exemption to all properties currently on the 2018 Permissive Tax Exemptions Bylaw 2017, No. 1935;
2. Not to charge the fully exempt properties the water parcel tax or sewer



- parcel tax; and
- 3. To prepare the Permissive Tax Exemption Bylaw for 2019.

5. BYLAWS

5.1. Holland Dam Loan Authorization Bylaw 2018, No. 1975 13 - 15

The purpose of Bylaw 1975 is to authorize staff to borrow \$2,500,000.00 in order to upgrade the Holland Dam, thereby increasing the water supply serving the Town of Ladysmith.

Staff Recommendation:

That Council give first, second and third readings to “Holland Dam Loan Authorization Bylaw 2018, No. 1975”.

5.2. Ladysmith Property Maintenance Bylaw 2018, No. 1970..... 16 - 18

The purpose of Bylaw 1970 is to update the Property Maintenance Bylaw.

Staff Recommendation:

That Council adopt “Ladysmith Property Maintenance Bylaw 2018, No. 1970”.

6. CORRESPONDENCE - None

7. UNFINISHED BUSINESS

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

**MINUTES OF A SPECIAL MEETING OF COUNCIL
WEDNESDAY, AUGUST 15, 2018
CALL TO ORDER 8:31 A.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Joe Friesenhan	Councillor Rob Hutchins	Councillor Duck Paterson

STAFF PRESENT:

Guillermo Ferrero	Felicity Adams	Erin Anderson
Geoff Goodall	Clayton Postings	Joanna Winter
Sue Bouma		

CALL TO ORDER Mayor Stone called this Special Meeting of Council to order at 8:31 a.m.

CLOSED SESSION *Moved and seconded:*
That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 8:32 a.m. in order to consider items related to the following:

CS 2018-284

- The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose 90 (1) (i);
- Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public - section 90 (1) (k)

Motion carried.

RISE AND REPORT Council rose from Closed Session at 9:17 a.m. without report.

ADJOURNMENT

CS 2018-285

Moved and seconded:
That this Special Meeting of Council adjourn at 9:18 a.m.
Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Meeting Date: September 4, 2018
File No:
RE: **Purchase of 1260 Churchill Place**

RECOMMENDATION:

That Council:

1. Authorize up to \$1,000,000 to be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of purchasing the property located at 1260 Churchill Place, Ladysmith and construct an access road; and
2. Acknowledge that the loan be repaid within 5 years, with no rights of renewal; and
3. Amend the 2018-2022 Financial Plan accordingly.

PURPOSE:

To seek Council approval to obtain funding to purchase 1260 Churchill Place for the purpose of obtaining an additional access road to a portion of the Town.

PREVIOUS COUNCIL DIRECTION

CE-2018-102

1260 Churchill Place – Offer to Purchase

That Council:

1. Approve the purchase agreement with Graham and Patricia Tanner for 1260 Churchill Place.
2. Authorize the Mayor and Corporate Officer to execute the agreement.

INTRODUCTION/BACKGROUND:

In the fall of 2017, the culvert on 4th Avenue spanning the Rocky Creek failed during a storm event. Staff made repairs to the area and restored full access. A second storm event occurred shortly after which resulted in the original repairs being compromised and the road required to be single alternating traffic. A culvert replacement was deemed necessary to restore full access and Council approved the project in the 2018-2022 Financial Plan. Design work commenced though the construction time was limited to the fisheries window of late summer/ fall of 2018.

Feedback from the engineer during the tender period indicates that maintaining single lane alternating traffic during construction may not be possible and will result in

signification cost and time increases to the project. Council and staff reviewed other transportation options, including accessing the logging road, and determined that a potential property on Churchill Place could be an adequate temporary connector during the construction and a permanent option in the future.

Staff began negotiations with the property owner to purchase the property. The property was assessed in 2017 at \$471,000, class 1, zoned R1 and has the potential for subdivision. The negotiations concluded at a purchase price of \$900,000. It is expected that the temporary road will cost \$100,000 for gravel, tree removal and fencing.

ALTERNATIVES:

Council can choose to:

- Work with local finance institutions to secure funding; or
- Reallocate reserve funds from other projects to fund this purchase; or
- Not to secure funding and in essence forfeit the purchase.

FINANCIAL IMPLICATIONS:

There will be a required tax increase to pay for the cost of borrowing.

The Town will borrow funds to purchase the property. Staff consulted the Municipal Finance Authority (MFA) to determine the feasibility of financing the purchase. A favourable rate was offered for a larger amount, with no penalty for early payment and the title of the property would remain with the Town (i.e., it is not a mortgage). Staff have received “approval in principle” from the MFA for up to \$1,000,000 of borrowing over 5 years. This is variable, short-term funding based on the Bank of Canada rate (current rate as of August 21, 2018 was 2.33%). If the Bank of Canada rate increases, the Town would be required to pay more interest. There are expectations that the Bank of Canada rate will increase over the next five years, resulting in additional costs to the Town.

Normally, borrowing beyond 5 years requires the approval of the electorate; borrowing for less than 5 years does not require approval. Ladysmith currently has 3 active long term loans and 1 pending loan (Water Filtration Plant) that require annual principal and interest payments. The Town also has additional obligations (leases) for fire vehicles and exercise equipment.

The total 2017 debt servicing (principal and interest payments) was \$2.148 million. Based on the Town’s 2017 financial per the Municipal Liabilities Regulation, the total amount of liability servicing cannot exceed \$3.578 million.

The debt on this purchase is estimated to cost ~ \$30k per year for interest plus principal payments, for a total of \$230,000 per year. Interest only payments are permitted though not recommended as the principal amount must be paid fully within 5 years. There are no opportunities to refinance this debt after the 5 years. This servicing costs represents approximately 2.8% tax increase. There are funds in the Reserves, though these monies

are committed to funding other projects. As Town properties sell or are subdivided, staff will seek Council's approval to allocated a portion of the sale funds to service this new debt.

Future Considerations

It is anticipated that additional borrowings will be required to fund other capital projects, such as:

- Raising Holland Dam
- Water interconnection between Holland and Stocking Lake
- Water supply main
- New City Hall
- Municipal portion of the Development Cost Charges program

LEGAL IMPLICATIONS:

Negotiations for the purchase of the property have concluded pending the removal of the subjects (such as financing).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Residents in the Forrest Field area may appreciate the access through Churchill during the construction.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works began the negotiations, Legislative Services and Finance will work together on the financing contract.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:


- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

To fund the purchase of the property at 1260 Churchill to provide an additional access to Forrest Field area. Council's approval is required to enter into an agreement with the Municipal Finance Authority to fund the purchase for \$1,000,000. This agreement would qualify for this type of financing under section 175 of the *Community Charter*.



Erin Anderson, Director of Financial Services

August 30, 2018

Date

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Meeting Date: September 10, 2018
File No: 1970-04

RE: Permissive Tax Exemptions for the 2019 Tax Year

RECOMMENDATION(S)

That Council direct staff:

1. To provide a Permissive Tax Exemption to all properties currently on the 2018 Permissive Tax Exemptions Bylaw 2017, No. 1935;
2. Not to charge the fully exempt properties for water parcel tax or sewer parcel tax; and
3. To prepare the Permissive Tax Exemption Bylaw for 2019.

PURPOSE

The purpose of the report is to confirm the properties that will be included in the 2019 Permissive Tax Exemption bylaw.

INTRODUCTION/BACKGROUND

Under Section 224 and 225 of the Community Charter, Permissive Exemptions are permitted to certain properties providing the property or property owner meets specific conditions. These conditions include ownership, such as not for profit organizations and charitable organizations and specific use, such as care homes and recreational organizations.

Many churches are already statutorily exempted for the building and footprint; the permissive tax exemption extends the exemption to the remaining portion of the property.

DISCUSSION

Each year, a bylaw is presented to Council for consideration. The bylaw and corresponding advertisement must be adopted prior to October 31 for the exemption to be in effect for the following taxation year.

The following properties are currently on the bylaw:

<i>224.2 (f) Building for Public Worship</i>	
Organization	Address
Trustees of the Ladysmith First United Church	232 High Street
Ladysmith Fellowship Baptist Church	381 Davis Rd
Bishop of Victoria (St. Mary's Catholic Church)	1135 4th Ave
Pentecostal Assemblies of Canada	1149 4th Ave
<i>224.2 (a) Non-Profit</i>	
Organization	Address
Ladysmith & District Historical Society	721 1st Ave
Canadian Legion Branch #171	621 1st Ave
Ladysmith Health Care Auxiliary	910 1st Ave
Ladysmith Golf Club Society	380 Davis Rd
Ladysmith & District Historical Society	614 Oyster Bay Dr
Ladysmith Maritime Society	616 Oyster Bay Dr
Ladysmith Maritime Society	Unit C, I & M - 610 Oyster Bay Dr
Ladysmith & District Historical Society	612 Oyster Bay Dr
Arts Council of Ladysmith & District	Units J, K & L - 610 Oyster Bay Rd
Eco-Tourism Building	200 Capt Dekonick Way
Ladysmith Senior Citizens Housing Society	207 Jamison Rd
Ladysmith Senior Citizens Housing Society	101 1st Ave
Ladysmith Resources Centre Association	314 Buller St
Ladysmith & District Historical Society	1115A - 1st Ave
Ladysmith Festival of Lights	1163 4th Ave
Ladysmith Maritime Society	611 Oyster Bay Dr
<i>225.2(a) Partnering Agreement</i>	
Organization	Address
St John's Masonic Temple	26 Gatacre St
Municipal Parking lot	17 Roberts St
Municipal Parking lot	25 Roberts St

The approximate value of 2018 taxes foregone for the proposed bylaw is:

	Municipal	Other	Total
Buildings for Public Worship	11,108	6,699	17,807
Non-Profit	73,066	42,728	115,794
Partnering Agreement	6,385	3,066	9,451
Parcel Tax			9,562
		Total	152,614

Below is a summary table from 2018 BC Assessment's Assessment Link BC that shows the number of taxable and exempt properties. The statutory folios include properties owned by the Town of Ladysmith, the Province and Federal Government as well as specific properties with unique circumstances. The permissive tax exempt includes revitalization exempt properties as well as all the properties currently on the 2018 Permissive Tax Exemption bylaw.

Summary	# Folios	Total Assessed Value
Fully Taxable Totals	12	4,598,300
Permissive Totals	36	18,200,000
Statutory Totals	167	106,945,578

SCOPE OF WORK

Once the Committee confirms the properties to be included on the list, staff will prepare the bylaw for first 3 readings at the next Council meeting. The adopted bylaws will be forwarded to BC Assessment to ensure the exemption to the assessments are put in-place for the tax year 2018.

ALTERNATIVES

Option 1: No Exemptions. There is no requirement for Council to provide tax exemptions.

Option 2: Grant cash-in-lieu of exemptions. Instead of creating a bylaw, Council can grant exemptions in the actual taxation year. Rather than just forgoing the municipal taxes which are just shifted to other property owners, the Town would lose the municipal portion of taxation revenue and be responsible for paying all taxing agency taxes, which would be significantly more money.

FINANCIAL IMPLICATIONS

For each exemption granted, the exemption tax burden is passed on to other property owners in the municipality. There is no property tax revenue lost; just a shifting of the taxation dollars from each property to all the other taxable properties. All other taxpayers pay for tax exemptions.

Many of the organizations that received a Permissive Tax Exemption also receive a Grant in Aid and/or reduced costs for rent.

Permissive Tax Exemptions are reviewed again during the Financial Plan process.

LEGAL IMPLICATIONS

The bylaw, in its entirety, is at risk if one of the properties on the bylaw is successfully challenged in the Courts.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Statutory notification will be published in the newspaper and the exemption notification will be forwarded to BC Assessment.

RESOURCE IMPLICATION

A thorough review, per policy, was completed in 2016. In the summer of 2018, property owners/organizations provided confirmation that the property was still used in accordance with the requirements set out in the *Community Charter*. Another thorough review will take place in the summer of 2019 for the tax year 2020.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Legislative Services and the Financial Services Department will work together to complete the bylaw and all the statutory requirements.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

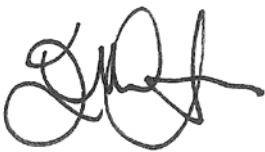
This aligns with the “Working Together” strategy.

ALIGNMENT WITH STRATEGIC PRIORITIES

This aligns with the strategic priority of Partnerships.

SUMMARY

Council has previously granted permissive tax exemptions to specific organizations or properties within the Town boundary. Staff is requesting the Committee approved the properties to be included in the permissive tax exemption bylaw for 2019 tax year.



Erin Anderson, Director of Financial Services

August 21, 2018

Date Signed

I concur with the recommendation.



Guillermo Ferrero, Chief Administrative Officer

ATTACHMENTS:

List of proposed Permissive Tax Exemption properties for tax year 2019 with estimated foregone taxes for 2018.

Organization/Purpose	Address	Legal Description	Municipal Revenue 2018 Estimate	Other Gov't Revenue 2018 Estimate	Total Revenue 2018 Estimate
Trustees of the Ladysmith First United Church	232 High Street	Lot A, Plan VIP63119, District Lot 56, Oyster Land District	1,232.32	710.34	1,942.67
Ladysmith Fellowship Baptist Church	381 Davis Rd	Lot 1, Plan VIP43316, District Lot 43, Oyster Land District, Except Plan VIP66137	1,172.93	633.55	1,806.49
Bishop of Victoria (St. Mary's Catholic Church)	1135 4th Ave	District Lot 145, Oyster Land District, Except Plan 33231 & VIP72186 (Specifically the area of land and buildings outlined in bold on Schedule 'B')	6,617.33	3,868.79	10,486.13
Pentecostal Assemblies of Canada	1149 4th Ave	Lot A, Plan VIP46331, District Lot 146, Oyster Land District (Specifically the area of land and buildings outlined in red on Schedule 'C')	2,085.15	1,486.51	3,571.66
Ladysmith & District Historical Society	721 1st Ave	Lot 11, Block 7, Plan VIP703, Oyster Land District	4,696.85	2,327.39	7,024.24
Canadian Legion Branch #171	621 1st Ave	Lot A, Block 8, Plan VIP703, District Lot 56, Oyster Land District, Portion (DD 65840N), Except Plan SLY 64 FT (except the section outline in bold on Schedule 'D')	230.71	298.34	529.06
Ladysmith Health Care Auxiliary	910 1st Ave	Lot 1, Block 30, Plan VIP703A, District Lot 24, Oyster Land District	5,991.64	3,078.16	9,069.80
Ladysmith Resources Centre Association	314 Buller St	Lot A, Block 76, Plan VIP703A, District Lot 56, Oyster Land District, Portion (DD 392367)	6,315.34	3,265.85	9,581.19
Ladysmith Golf Club Society	380 Davis Rd	District Lot 43, Oyster Land District, Except Plan 2478 4670 5873 7527 8922 12027 14051 15693 835R 34197 48247 & VIP57353, EXC E&N RLY R/W PCL A (DD 24403N) PCL C (DD 344431), VIP65242	3,388.26	2,907.18	6,295.45
Ladysmith & District Historical Society	614 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131 (PARENT FOLIO 445-1109-300) (Shown in Schedule E)	10,425.65	6,045.20	16,470.85
Ladysmith Maritime Society	616 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, THAT PART INCLUDED IN LEASE FROM TOWN OF LADYSMITH - CAR SHOP (PARENT FOLIO 445-1109-300)	2,032.82	1,178.71	3,211.53
Ladysmith Maritime Society	Unit C, I & M - 610 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 85, 11G, 24, 56, Oyster Land District, Except Plan VIP64405 VIP71943, THAT PART INCLUDED IN LEASE FROM TOWN OF LADYSMITH UNIT C, I & M LADYSMITH MARITIME SOCIETY	1,816.59	1,053.33	2,869.92
Ladysmith & District Historical Society	612 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, THAT PART INCLUDED IN LEASE FROM TOWN OF LADYSMITH	1,784.22	1,034.56	2,818.78

Arts Council of Ladysmith & District	Units J, K & L - 610 Oyster Bay Rd	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP2131, THAT PART INCLUDED IN LEASE FROM TOWN OF LADYSMITH UNIT J & K	1,946.07	1,128.41	3,074.48
Eco-Tourism Building	200 Capt Dekonick Way	Plan VIP36262, District Lot 56, Oyster Land District (Specifically the area of land and buildings outline in bold on Schedule 'F')	186.66	108.23	294.89
Ladysmith Senior Citizens Housing Society	207 Jamison Rd	Lot 1, Plan VIP21490, District Lot 56, Oyster Land District (Specifically the area of land surrounding the building footprint as shown on Schedule G)	6,383.87	4,031.20	10,415.07
Ladysmith Senior Citizens Housing Society	101 1st Ave	Lot 1, Plan VIP31443, District Lot 56, Oyster Land District	6,895.15	4,392.74	11,287.90
Ladysmith & District Historical Society	1115A - 1st Ave	Strata Lot 1, Plan VISS5873, District Lot 118, Oyster Land District, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE	3,651.95	1,721.52	5,373.47
Ladysmith Festival of Lights	1163 4th Ave	Lot A, Plan VIP34438, District Lot 146, Oyster Land District, Portion PART OF FOURTH AVE	7,014.52	3,671.27	10,685.79
Ladysmith Maritime Society	611 Oyster Bay Dr	Block C, District Lot 2016, Cowichan Land District, FORESHORE LEASE FOR COMMERCIAL MARINA PURPOSES, THAT PART INCLUDED IN AREA LEASED FROM TOWN OF LADYSMITH, Lease/Permit/Licence # 106431 (Shown on Schedule 'G', including the insert for the Visitors Centre	10,305.26	6,485.86	16,791.11
St John's Masonic Temple	26 Gatacre St	Lot 9, Block 9, Plan VIP703, Oyster Land District	2,130.24	1,391.51	3,521.75
Municipal Parking lot	17 Roberts St	Lot 8, Block 11, Plan VIP703, District Lot 56, Oyster Land District	2,456.86	1,028.55	3,485.42
Municipal Parking lot	25 Roberts St	Lot 9, Block 11, Plan VIP703, District Lot 56, Oyster Land District, Except Plan VIP52046	1,797.81	646.41	2,444.23

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Meeting Date: September 4, 2018
File No:
RE: **HOLLAND DAM BORROWING BYLAW**

RECOMMENDATION:

That Council give first, second and third readings to “Holland Dam Loan Authorization Bylaw 2018, No. 1975”.

PURPOSE:

Further to the Council decision to apply for the Holland Dam Upgrade Green Infrastructure grant, the Town’s portion of funding is made up of reserves and borrowing. This report accompanies the Holland Dam Borrowing Bylaw for the Town’s portion of the funding.

PREVIOUS COUNCIL DIRECTION

CS 2018-286 That Council:

1. Direct staff to submit an application for grant funding for Holland Dam Upgrade through the *ICIP – Green Infrastructure: Environmental Quality Sub-stream*; and that
2. Supports the project and commits to the Town’s share (\$3,400,000) of the project.

INTRODUCTION/BACKGROUND:

Staff have submitted a funding application for the *ICIP – Green Infrastructure: Environmental Quality Sub-stream* for the Holland Dam Upgrade. The Federal and Provincial Governments will fund up to 73.33% of the \$12.8 million dollar project.

The Town’s portion of the funding will come from reserves (\$1.32 million) and borrowing (up to \$2.5 million). A borrowing bylaw, at 3rd reading is a required document for the grant application.

ALTERNATIVES:

Council can choose to not proceed with the grant application or fund the full amount of the project.

FINANCIAL IMPLICATIONS:

Borrowing \$2.5 million will have an estimate financial impact of \$156k in debt payments over 25 years. It is anticipated that the Water Parcel Tax will increase to cover this

anticipated debt servicing.

LEGAL IMPLICATIONS:

Any long term borrowing requires the ascent of the electors. Proceeding to electoral approval will be determined pending funding decisions.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services and Finance worked to complete the grant application. Legislative Services will be involved in obtaining elector ascent as needed.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input checked="" type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

A borrowing bylaw for the Town’s portion of the Holland Dam upgrade is required as part of the grant application. Staff are requesting first three readings of the Holland Dam Upgrade Loan Authorization 2018 No.1975 on tonight’s agenda.



Erin Anderson, Director of Financial Services

August 29, 2018

Date

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

TOWN OF LADYSMITH

BYLAW NO. 1975

A bylaw to authorize the borrowing for the construction upgrade of Holland Dam Upgrade

WHEREAS it is deemed desirable and expedient to upgrade the Holland Dam to increase the water supply servicing the Town of Ladysmith.

AND WHEREAS the estimated cost of Holland Dam Upgrade including expenses incidental thereto is the sum of \$12,860,000.00 of which the sum of \$2,500,000.00 is the amount of debt intended to be borrowed by this bylaw;

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

1. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the upgrade of the Holland Dam for the water supply system generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) To borrow upon the credit of the Municipality a sum not exceeding \$2,500,000.00.
 - b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of the said improvements to the water supply system.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years.

Citation

3. This bylaw may be cited as "Holland Dam Loan Authorization Bylaw 2018, No. 1975".

READ A FIRST TIME on the _____ day of _____
 READ A SECOND TIME on the _____ day of _____
 READ A THIRD TIME on the _____ day of _____
 RECEIVED the approval of the Inspector of Municipalities on the _____ day of _____
 RECEIVED the approval of the electors of the Town of Ladysmith on the _____ day of _____
 RECONSIDERED AND FINALLY PASSED _____ day of _____
 AND ADOPTED

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

PROPERTY MAINTENANCE BYLAW NO. 1970

A Bylaw to establish required standards for the maintenance of Real Property within the Town.

WHEREAS pursuant to section 8(h) of the *Community Charter*, the Council of the Town of Ladysmith may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations as defined in section 64 of the *Community Charter*.

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

1.0 DEFINITIONS

1.1 In this Bylaw:

- (a) "**Graffiti**" means drawing, painting, etching, printing, writing or other graphic representation that:
- i. is scribbled, scratched, sprayed, painted, or similarly placed directly on a supporting surface; and
 - ii. if it is on private property that is not located on public real property, has been placed without the consent of the Owner of that private property,

and excludes:

- i. a sign for which permits have been issued under the *Sign and Canopy Bylaw 1995, No. 1176*, as amended or replaced from time to time; and
 - ii. a Mural for a purpose other than commercial advertising;
- (b) "**Mural**" means a painting:
- i. that is applied directly to the wall of a building or other structure with the consent of the Owner of that building or structure; and
 - ii. that does not include any text or logo other than the name of the artist;
- (c) "**Occupier**" means any person who occupies Real Property, or who is qualified to maintain an action for trespass in respect of the Real Property, or who is in possession of the Real Property under a lease, licence, agreement for sale or other agreement with the Owner of the Real Property;
- (d) "**Owner**" means any person in relation to the Real Property who is the registered Owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale.;
- (e) "**Real Property**" means any parcel of private land within the Town of Ladysmith;
- (f) "**Refuse**" includes, but is not limited to:
- i. food wastes;
 - ii. market wastes;
 - iii. combustibles like paper, cardboard, yard trimmings, leaves and brush, plastics, and leather;
 - iv. non-combustibles such as metal, cans, glass, dirt, ashes, and street sweepings;

- v. bulky wastes such as furniture, appliances, tires, stumps, recycling, and construction waste;
 - vi. unlicensed, unused, or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical parts, and metal parts; and
- (g) "Unsightly" means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, or Refuse on any Real Property, and includes Graffiti.

2.0 GRAFFITI PROHIBITED

- 2.1 A person must not place Graffiti on a wall, fence, or elsewhere on or adjacent to a public place.

3.0 REFUSE – UNSIGHTLY PROPERTY PROHIBITED

- 3.1 A person must not do any of the following activities:
- (a) cause or permit water, or Refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate on Real Property;
 - (b) deposit or throw bottles, broken glass, or other Refuse in any open place; or
 - (c) allow Real Property, of which that person is the Owner or Occupier, to become or remain Unsightly.

4.0 WEEDS PROHIBITED

- 4.1 The Owner or Occupier of Real Property must not allow to be present on that property weeds or other growths that:
- (a) because of their condition, are likely to spread or become a nuisance to other Real Property in the vicinity; or
 - (b) are so unkempt as to be Unsightly to nearby residents.

5.0 REMOVAL OF GRAFFITI, REFUSE, WEEDS, UNLICENSED VEHICLES

- 5.1 Every Occupier of Real Property, or its Owner if there is no Occupier, must remove from that property:
- (a) Graffiti;
 - (b) Refuse and other material described in section 3.1; and
 - (c) Weeds and other growths described in section 4.1.

6.0 INSPECTION TO DETERMINE WHETHER BYLAW IS BEING FOLLOWED

- 6.1 RCMP and Bylaw Officers at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 3.1, 4.1, and 5.1(a), (b) and (c) is being observed.
- 6.2 A Bylaw Officer at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 4.1 and 5.1(c) is being observed.

7.0 TOWN'S ACTION AT DEFAULTER'S EXPENSE

- 7.1 If an Owner or Occupier fails to take an action required under section 5.1, Council may issue a written order directing that the Owner or Occupier take that action, provided that, prior to Council making an order the Owner or Occupier has been provided an opportunity to be heard by Council in respect of the matter.
- 7.2 If an Owner or Occupier subject to an order under section 7.1 fails to comply with the order within 14 days after being served with the order, RCMP and Bylaw Officers or the Town's contractors, with respect to a matter under section 5.1(a) or (b) and Bylaw Officers

or the Town's contractors with respect to a matter under section 5.1(c), on behalf of the Town and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the Real Property owned or occupied by that person and take the action required by the order.

7.3 If the Town takes action under section 7.2 and the costs of the action are not paid on or before December 31 in the year in which they are incurred,

- (a) they may be recoverable from the person as a debt, or
- (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the Real Property on which the action was taken.

7.4 For the purposes of section 7.3(b), the costs are considered to be taxes in arrears.

8.0 OFFENCES AND PENALTIES

8.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$10,000.00 (TEN THOUSAND DOLLARS) and not less than \$200 (TWO HUNDRED DOLLARS), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter*, S.B.C. 2003, c. 26 or the *Offence Act*, R.S.B.C. 1996, c.338.

8.2 Section 8.1 shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".

8.3 Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

9.0 SEVERABILITY

9.1 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

10.0 REPEAL

10.1 *Ladysmith Property Maintenance Bylaw 2015 No. 1894* is hereby repealed.

11.0 CITATION

11.1 This Bylaw may be cited as the "*Ladysmith Property Maintenance Bylaw 2018, No. 1970*."

READ A FIRST TIME on the 20th day of August, 2018

READ A SECOND TIME on the 20th day of August, 2018

READ A THIRD TIME on the 20th day of August, 2018

ADOPTED on the _____ day of _____

Mayor (A. Stone)

Corporate Officer (J. Winter)