

# **Municipality of North Cowichan**

## **Special Council**

### **AGENDA**

Wednesday, April 29, 2020, 6:00 p.m.  
Electronically

**Pages**

**1. CALL TO ORDER**

**2. APPROVAL OF AGENDA**

Recommendation:

That Council approve the agenda as circulated [or as amended].

**3. ADOPTION OF MINUTES**

4 - 12

Recommendation:

That Council adopt the following minutes:

1. Regular Council meeting held March 18, 2020; and
2. Special Council meeting held April 15, 2020 (*correction made to the minutes on page 3*).

**4. MAYOR'S REPORT**

**5. PUBLIC INPUT**

Corporate Officer to read out any public submissions received regarding items on this agenda.

**6. BYLAWS**

**6.1 North Cowichan / Duncan Integrated RCMP Facility Loan Authorization No. 3787, 2020**

13 - 18

Purpose: To initiate the process for seeking approval of the electors to undertake long-term borrowing for the construction of a new Integrated RCMP Facility located on the corner of Drinkwater and Ford Road.

Recommendation:

THAT Council give first, second and third readings to North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020;

AND THAT staff be directed to forward Bylaw No. 3787 and supporting documentation to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch for review and approval by the Inspector of Municipalities.

**6.2 Council Remuneration Amendment Bylaw No. 3788, 2020** 19 - 21

Purpose: To consider the amendment to the Council Remuneration Bylaw to reduce Council compensation by 10 percent for six months.

Recommendation:

That Council give first, second and third readings to Council Remuneration Amendment Bylaw No. 3788, 2020.

Recommendation:

That Council adopt Council Remuneration Amendment Bylaw No. 3788, 2020.

**6.3 Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020** 22 - 25

Purpose: To consider adopting an Alternative Municipal Tax Collection Scheme to align the 2020 property tax due date with the Province's new due date for non-residential property classes of September 30, 2020.

Recommendation:

That Council give first, second and third readings to Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020.

Recommendation:

That Council adopt Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020.

**7. REPORTS**

**7.1 2020 Special Events** 26 - 28

Purpose: To provide Council with an update on the community events that have been cancelled as a result of the COVID-19 pandemic and social distancing measures put in place by the Province.

Recommendation:

That Council direct staff to continue monitoring the Provincial Health Officer's Order (the "Order") as it relates to the COVID-19 social gathering restrictions and inform organizers, as identified in Table 1 Current Applications of the April 21, 2020 report from the Director of Engineering and the General Manager of Community Services, of any substantive changes made by Council for the use of public parks and facilities or suspension of the Order.

**7.2 Resumption of Meetings and Regular Business** 29 - 39

Purpose: To consider the resumption of regular Council meetings and lifting the suspension on committee and other advisory body meetings.

Recommendation:

THAT Council resume their regular meetings electronically while the provincial physical distancing measures are in place to allow non-urgent business to proceed;

AND THAT the moratorium placed on delegations, public hearings, and Committee and Other Advisory Body meetings remain in place at this time;

AND THAT Council waive the limit for public input submissions and that staff be directed to circulate all Public Input emails received in advance to Council, at least 30 minutes prior to the meeting, and further that the Corporate Officer or Mayor acknowledge receipt of submissions and state the agenda item the public input is in relation to;

AND FURTHER THAT Council take a 10-minute recess just prior to the Question Period to allow the public to submit their questions via email to the address displayed on the screen

**8. NEW BUSINESS**

**8.1 Financial Hardship Property Tax Deferment Program Reinstatement**

40 - 40

Purpose: To consider passing a motion asking the Minister of Municipal Affairs and Housing to reinstate the financial hardship property tax deferment program.

Recommendation:

That the Mayor write the Minister of Municipal Affairs and Housing, with copies being sent to Vancouver Island municipalities, to request the reinstatement of the financial hardship property tax deferment program to provide support to property owners facing hardships from COVID-19, who are not eligible for the existing property tax deferment programs.

**9. ADJOURNMENT**

Recommendation:

That Council adjourn the meeting at \_\_\_\_ p.m.

# **Municipality of North Cowichan Regular Council MINUTES**

**March 18, 2020, 1:30 p.m.  
Municipal Hall - Council Chambers**

Members Present	Mayor Al Siebring Councillor Rob Douglas (attended electronically) Councillor Christopher Justice (attended electronically) Councillor Tek Manhas Councillor Rosalie Sawrie (attended electronically) Councillor Debra Toporowski (attended electronically)
Members Absent	Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Mark Frame, General Manager, Financial and Protective Services Sarah Nixon, General Manager, Corporate Services Megan Jordan, Acting, Manager, Communications and Public Engagement Michelle Martineau, Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

## **2. APPROVAL OF AGENDA**

The following items were added or removed from the agenda:

1. Items 5.1, 10.1, 10.2 and 11.2 were removed from the agenda;
2. A discussion re: future meetings was added to the agenda under New Business as item 11.3; and
3. A discussion whether to postpone public engagement processes that are underway was added to the agenda under New Business as item 11.4.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

**CARRIED**

## **3. ADOPTION OF MINUTES**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the meeting held March 4, 2020.

**CARRIED**

**4. MAYOR'S REPORT**

The Mayor read out a statement in relation to the measures undertaken by the municipality in response to the COVID-19 pandemic, identifying how members of the public can reach staff during the facility closures, the provision of essential services to the community, and outlined requests made to the Minister of Municipal Affairs regarding extensions to the budget and tax remittance deadlines.

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 Cowichan Green Community**

This item was removed from the agenda.

**6. PUBLIC INPUT**

Council received brief public input regarding agenda item 11.1. from one speaker. One written submission was received in advance of the meeting, however, the item that it referred to was removed from the agenda, therefore the submission was not read out.

**7. BYLAWS**

**7.1 Bylaw 3781 - "MTI System Amendment Bylaw, 2020"**

IT WAS MOVED AND SECONDED:

That Council adopt "Municipal Ticket Information System Amendment Bylaw, 2020", No. 3781.

**CARRIED**

**8. REPORTS**

**8.1 2020 Garbage Rate Increase**

IT WAS MOVED AND SECONDED:

That Council direct staff to include an increase to the annual residential waste collection rate from \$91 to \$102 per household, in relation to the increased costs associated with the provision of this service, for consideration at the same time that a revision to all fees and charges contained in Fees Bylaw No. 3603 is presented for first three readings.

**CARRIED**

**9. NOTICE OF MOTIONS**

None.

**10. UNFINISHED AND POSTPONED BUSINESS**

**10.1 Reconsideration of the Senior Social and Housing Planner Position Decision**

This item was removed from the agenda.

**10.2 Request for Reconsideration of BC Energy Step Code Decision**

This item was removed from the agenda.

## **11. NEW BUSINESS**

### **11.1 Water and Sewer Rates**

IT WAS MOVED AND SECONDED:

That Council increase:

- Chemainus water metered minimum and parcel tax by 5%;
- Crofton water metered minimum and parcel tax by 5%;
- South End water metered minimum and parcel tax by 3%; and
- Metered water rates by 3%.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council increase:

- Chemainus sewer parcel tax and user fees by 3%;
- Crofton sewer parcel tax and user fees by 3%;
- South End sewer parcel tax and user fees by 3%; and
- Maple Bay Sewer Treatment Plant user fee by 3%.

**CARRIED**

### **11.2 Establishment of a Notice of Motion Procedure**

This item was removed from the agenda.

### **11.3 Discussion Regarding Future Meetings**

IT WAS MOVED AND SECONDED:

That Council move to electronic meetings, cancel all public hearings, engagement meetings and community events, travel for conferences, and close recreation centres effective upon direction by the CAO; and that staff be directed to develop a plan to work around public meetings for engagement processes; and that Council review the status of these closures and cancellations on a semi-monthly basis or as required;

And that Council cancel all upcoming regular meetings until such time as social distancing measures put in place in relation to the COVID-19 are no longer required, or as directed by Council;

And that Council authorize that special meetings via electronic means only be scheduled for matters that are of an emergency nature; and that, subject to any waiver by Province of BC for local governments to comply with section 128(2)(d) of the *Community Charter*, that staff be directed to find an appropriate facility and equipment to give the public the opportunity hear or to watch and hear the participation of Council members;

And further that all meetings of committees and other advisory bodies of Council be suspended, effective immediately and until such time as the social distancing measures put in place in relation to the COVID-19 pandemic are no longer required, or as directed by Council.

**CARRIED**

**11.4 Discussion Regarding the Postponement of Public Engagement Processes**

IT WAS MOVED AND SECONDED:

That Council authorize a 90-day postponement of all public engagement processes underway or scheduled to be undertaken by the Municipality of North Cowichan, including any engagement process delegated to a committee or advisory body of Council, effective immediately; and that Council reevaluate this postponement prior to the conclusion of the 90-day period.

**CARRIED**

**12. QUESTION PERIOD**

Council received questions from one member of the public regarding business considered at this meeting.

**13. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That the meeting be closed to the public at 2:05 p.m. in order that the item, the subject of which falls under section 90(1)(c) of the *Community Charter* which pertains to labour relations or other employee relations be discussed.

Council, by unanimous consent, took a brief recess at 2:05 pm and then reconvened in camera at 2:06 pm.

**CARRIED**

**13.1 Section 90(1)(c) Labour Relations**

**14. RISE AND REPORT**

Council rose without reporting.

**15. ADJOURNMENT**

Council adjourned the meeting at 2:42 p.m.

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Certified by Corporate Officer

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Signed by Mayor

# **Municipality of North Cowichan**

## **Special Council**

### **MINUTES**

**April 15, 2020, 1:30 p.m.**  
**Electronically**

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas  
                                 Councillor Christopher Justice  
                                 Councillor Tek Manhas  
                                 Councillor Rosalie Sawrie  
                                 Councillor Debra Toporowski

Members Absent      Councillor Kate Marsh

Staff Present      Ted Swabey, Chief Administrative Officer (CAO)  
                                 Mark Frame, General Manager, Financial and Protective Services  
                                 Ernie Mansueti, General Manager, Community Services  
                                 Sarah Nixon, General Manager, Corporate Services  
                                 David Conway, Director of Engineering  
                                 Rob Conway, Director of Planning and Building  
                                 George Farkas, Manager, Corporate Planning and Projects  
                                 Martin Drakeley, Manager, Fire and Bylaw Services  
                                 Megan Jordan, Acting, Manager, Communications and Public Engagement  
                                 Michelle Martineau, Corporate Officer  
                                 Tricia Mayea, Deputy Corporate Officer

#### **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:36 p.m.

#### **2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That Council approve the agenda, as amended, to include a Mayor's Report prior to Public Input.

**CARRIED**

#### **MAYOR'S REPORT**

Mayor Siebring provided a verbal report and update on operational and policy changes that have been implemented in response to the COVID-19 pandemic.

#### **3. PUBLIC INPUT**

Council received seven submissions regarding agenda item 4.2 which were read out.



#### **4. BYLAWS**

##### **4.1 Revenue Anticipation Borrowing Bylaw No. 3783, 2020**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Revenue Anticipation Borrowing Bylaw No. 3783, 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopts Revenue Anticipation Borrowing Bylaw No. 3783, 2020.

**CARRIED**

##### **4.2 2020 - 2024 Financial Plan and Tax Rates Bylaws**

IT WAS MOVED AND SECONDED:

That Council direct staff to eliminate hiring the three new positions slated for the fourth quarter in 2020 and to reconsider the matter in 2021.

(Opposed: Sawrie)

**CARRIED**

IT WAS MOVED AND SECONDED:

That the budgeted compensation for Mayor and Council be reduced by 25% for the Mayor and 10% for Council from May 1, 2020 – October 31, 2020;  
And That the Council Remuneration Bylaw be amended to include the reduced compensation.

IT WAS MOVED AND SECONDED:

That the main motion be amended to change the Mayor's amount from 25% to 10%.

(Opposed: Siebring)

**CARRIED**

The main motion, as amended, was voted on as follows:

IT WAS MOVED AND SECONDED:

That the budgeted compensation for Mayor and Council be reduced by 10% from May 1, 2020 – October 31, 2020;

And That the Council Remuneration Bylaw be amended to include the reduction in compensation.

(Opposed: Siebring)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council's travel budget be reduced by \$30,000 in 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council defer the CAEP Fund 0.5% surtax for the 2020 tax year on the understanding that the surtax will continue in 2021.

(Opposed: Douglas; Justice; Sawrie; Toporowski)

**DEFEATED**

IT WAS MOVED AND SECONDED:

That Council authorize the Forestry Department to resume logging at 2019 levels for 2020.

(Opposed: Siebring; Douglas; Justice; Sawrie; Toporowski)

**DEFEATED**

IT WAS MOVED AND SECONDED:

That Council give first reading to Five-Year Financial Plan Bylaw, No. 3785, 2020.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council amend Schedule 1 in Five-Year Financial Plan Bylaw, No. 3785, 2020 by reducing column 2, row 2 'Property Taxes' revenues by \$115,000 and reducing column 2, row 8 'General Operating' expenses by \$115,000.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council give second and third readings, as amended, to Five-Year Financial Plan Bylaw, No. 3785, 2020.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopts Five-Year Financial Plan Bylaw, No. 3785, 2020.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council give first reading to Tax Rates Bylaw, No. 3786, 2020.

(Opposed: Manhas)

**CARRIED**

The meeting recessed at 3:28 p.m. and reconvened at 3:40 p.m.

IT WAS MOVED AND SECONDED:

That Council amend Schedule A in Tax Rates Bylaw No.3786, 2020 by striking out the amounts in Column A and replacing them with:

- 3.4945 for Residential
- 28.3690 for Utility
- 30.2969 for Major Industry
- 13.2646 for Light Industry
- 8.9967 for Business
- 14.3032 for Managed Forests
- 3.4945 for Recreational/Non-Profit
- 3.4945 for Farm

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council give second and third readings, as amended, to Tax Rates Bylaw, No. 3786, 2020.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopts Tax Rates Bylaw, No. 3786, 2020.

(Opposed: Manhas)

**CARRIED**

#### **4.3 Fees and Charges Bylaw No. 3784, 2020**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Fees and Charges Bylaw No. 3784, 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopts Fees and Charges Bylaw No. 3784, 2020.

**CARRIED**

### **5. REPORTS**

#### **5.1 Update on the Alternate Approval Process (AAP) Communication Plan for the RCMP Facility**

IT WAS MOVED AND SECONDED:

That Council approve the revised Communication Plan for the new North Cowichan/Duncan RCMP detachment and, notwithstanding the 90-day postponement of all public engagement made by Council on March 18, 2020, that staff be directed to proceed with the alternative approval process at this time.

**CARRIED**

#### **5.2 Council Strategic Plan: Quarter 1 Update (January – March 31, 2020)**

IT WAS MOVED AND SECONDED:

That Council accept the 2020 Quarter 1 Update on the 2019-2022 Council Strategic Plan as presented by the Manager, Corporate Planning and Projects.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council direct staff to engage with the consultants to evaluate ways to continue the Forestry and Official Community Plan public engagement processes virtually or otherwise, and report back to Council.

**CARRIED**

#### **5.3 Electronic Meetings and Related Ministerial Orders**

Council received, for information, the Manager of Legislative Services report dated April 15, 2020 regarding electronic meetings and related Ministerial Orders.

**5.4 Bylaw Enforcement Role Regarding Social Distancing and Related Ministerial Orders**

Council received, for information, the General Manager of Financial and Protective Services, report dated April 15, 2020 regarding Bylaw Enforcement's role regarding social distancing and related Ministerial Orders.

IT WAS MOVED AND SECONDED:

That Council suspend the rules to allow the addition of an agenda item under New Business – Item 6.1 How can the Municipality of North Cowichan help restart the Local Economy.

**CARRIED**

**6. NEW BUSINESS**

**6.1 How can the Municipality of North Cowichan help restart the Local Economy**

Council discussed possible ways that the Municipality could help facilitate the local economy over the coming months. It was determined that this topic will be revisited at a future date.

**7. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That the meeting be closed to the public at 4:34 p.m. in order that the items, the subjects of which falls under sections 90(1)(c), (e) and (j) of the *Community Charter* which pertains to labour relations, acquisition, disposition or expropriation of land or improvements and information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act* be discussed.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council extend the meeting past three hours.

**CARRIED**

**8. ADJOURNMENT**

Council adjourned the meeting at 5:00 p.m.

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Certified by Corporate Officer

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Signed by Mayor

# Report

Date	April 29, 2020	File:	
To	Council		
From	Mark Frame, General Manager, Financial & Protective Services Michelle Martineau, Manager, Legislative Services	Endorsed:	
Subject	North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020		

## Purpose

To initiate the process for seeking approval of the electors to undertake long-term borrowing for the construction of a new Integrated RCMP Facility located on the corner of Drinkwater and Ford Road.

## Background

On April 15, 2020 Council approved a revision to the Communications Plan, which Council had endorsed in March 2019 when they agreed in principle to proceed with the plans for a new North Cowichan/Duncan Integrated RCMP Detachment facility (RCMP Facility), and directed staff to proceed with the alternative approval process at that time.

The Five-Year Financial Plan that was adopted at that same meeting includes the new RCMP Facility project within the capital budget expenditures for 2020 to 2022. The amount of borrowing required to complete this project is \$48,000,000. In order to adopt the Loan Authorization (borrowing) Bylaw, Council must submit the bylaw, following first three readings, to the Province for review and statutory approval by the Inspector of Municipalities before approval of the electors can be sought.

## Discussion

The first step in the provincial review process is statutory approval of the Loan Authorization Bylaw. Once the bylaw is given first three readings, the bylaw, along with copies of supporting documentation, is submitted to the Provincial Government. The supporting documentation includes:

- **Financial Plan** to provide evidence that the capital and operating components of the project are included in the five-year financial plan that was adopted on April 15, 2020;
- **Capital Budget** of \$49,050,000 which indicates that construction costs, soft costs and consultants, and furnishing, fixtures and equipment costs have been factored into the capital cost;
- **Other Funding Sources** that are to be used for financing the project. This will include Appropriated Surplus of \$1,050,000;
- **Cost Recovery** method that will be used is property taxes and the impact is on the average residential property is \$71 per year;
- **Tax Impact** to properties and information on consultation or notice to be given to the electors;
- **Background Information** such as staff, consultant or engineering reports, excerpts of meeting decisions from Council and Committee of the Whole minutes, communication plan, media releases and announcements in the Council Matters news blogs that provide background information; and,
- **Method of Approval of the Electors**, which in this case is the alternative approval process (AAP). For more information on the AAP, please see the March 18, 2020 Report included with the supporting documents appended to this report. Copies of the elector response form and statutory notice will be provided to Council for consideration once statutory approval by the Inspector of Municipalities has been obtained.

Provincial staff will then review the bylaw for legislative compliance and financial viability. Once their review is complete, the bylaw is sent to the Inspector of Municipalities for final approval and issuance of a statutory approval certificate. Once the bylaw challenge period has passed (one month after the bylaw has been adopted), the municipality may apply for a Provincial Certificate of Approval to certify that the bylaw meets statutory procedural and other requirements. This certificate is then provided to the Municipal Finance Authority as assurance that the bylaw cannot be challenged for failing to comply with legislative procedural requirements.

### **Options**

1. Give North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020 first three readings and forward the bylaw to the Province for review and approval.

### **Implications**

The 2020 – 2024 Capital Expenditure Plan had a budget of \$41,000,000 based on a November 2018 quantity survey, including \$40,000,000 in debt. The net debt payment after recovering the RCMP share was \$1.2 million. The new \$49,000,000 Class D estimate, will require \$48,000,000 debt, with a net annual debt payment of \$1.33 million. The estimate of cost per average single family dwelling has increased from \$62 at \$40,000,000 to \$71 at \$48,000,000 of debt.

The April 23, 2020 Class D estimate includes \$7,000,000 in contingencies and \$930,000 in “Net Zero” premiums related to building the building Net Zero Ready. We will be applying for an FCM grant from the Green Municipal Fund to try and offset some of the Net Zero costs, which could reduce future borrowing.

The Financial Plan will have to be amended May 6, 2020 to include the additional cost of the facility and the additional debt. The Financial Plan will also need to be amended to show the updated distribution of expenditures between the years 2020, 2021 and 2022.

For additional information on the social, legal and financial implications associated with this project, please see the July 17, 2019 and April 6, 2020 reports that have been included with the supporting documents, appended to this report.

### **Recommendation**

THAT Council give first, second and third readings to North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020;

AND THAT staff be directed to forward Bylaw No. 3787 and supporting documentation to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch for review and approval by the Inspector of Municipalities.

#### **Attachment(s):**

- RCMP Loan Authorization Bylaw No. 3787, 2020
- RCMP Facility Conceptual Design Exterior Elevations
- RCMP Facility Conceptual Design Site Plan



The Corporation of the District of North Cowichan  
**North Cowichan / Duncan Integrated RCMP Detachment  
Facility Loan Authorization Bylaw, 2020**

Bylaw No. 3787

WHEREAS it is deemed desirable and expedient to construct a new North Cowichan Integrated Royal Canadian Mounted Policy (RCMP) Detachment facility located on the corner of Drinkwater and Ford Road, to bring together the North Cowichan/Duncan Detachment, Forensic Identification Services, South Island Traffic Services, and Indigenous Policing;

AND WHEREAS the estimated cost of constructing the new Integrated RCMP Detachment facility, including expenses incidental thereto, is the sum of \$48,000,000;

AND WHEREAS the sum of \$48,000,000 is proposed to be borrowed under this bylaw;

NOW THEREFORE, the Council of The Corporation of The District of North Cowichan enacts as follows:

1. This Bylaw may be cited as "North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020".
2. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the construction of the new Integrated RCMP Detachment facility, generally in accordance with plans on file in the municipal office, and to do all things necessary in connection therewith, including without limiting the generality of the foregoing:
  - a) To borrow upon the credit of the Municipality a sum not exceeding \$48,000,000; and,
  - b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities, and to enter into all contracts, as may be requisite or desirable for or in connection with the construction of the new Integrated RCMP Detachment facility.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years.

\_\_\_\_\_  
READ a first time on

READ a second time on

READ a third time on

APPROVED by the Inspector of Municipalities on

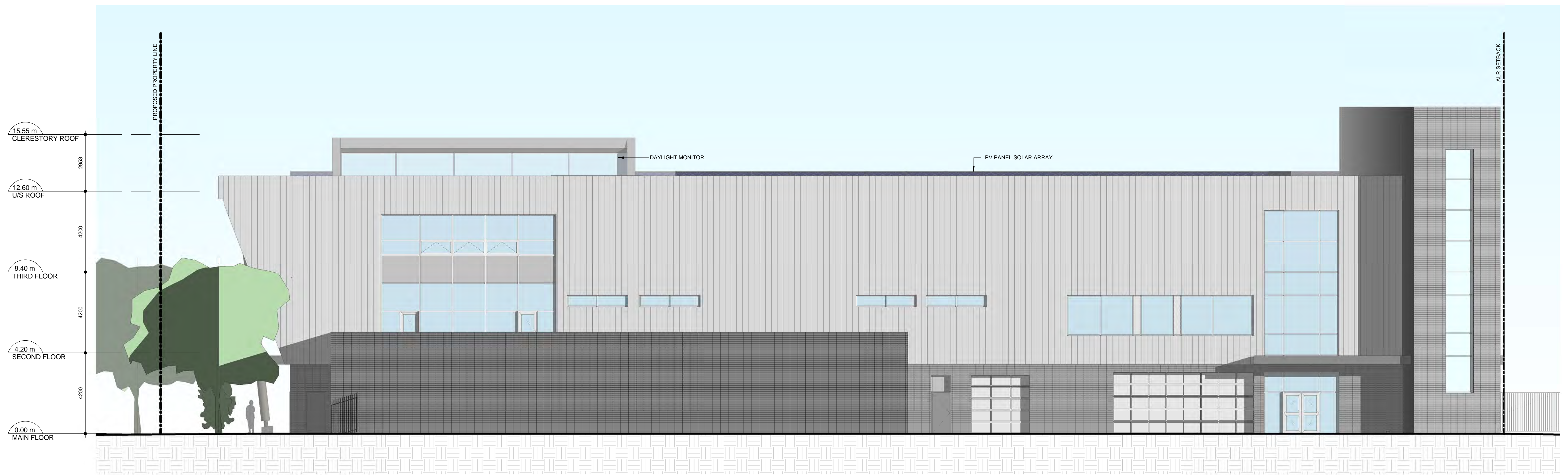
RECEIVED ELECTOR APPROVAL via alternative approval process on

ADOPTED on

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
PRESIDING MEMBER





**NORTH ELEVATION**

1:100



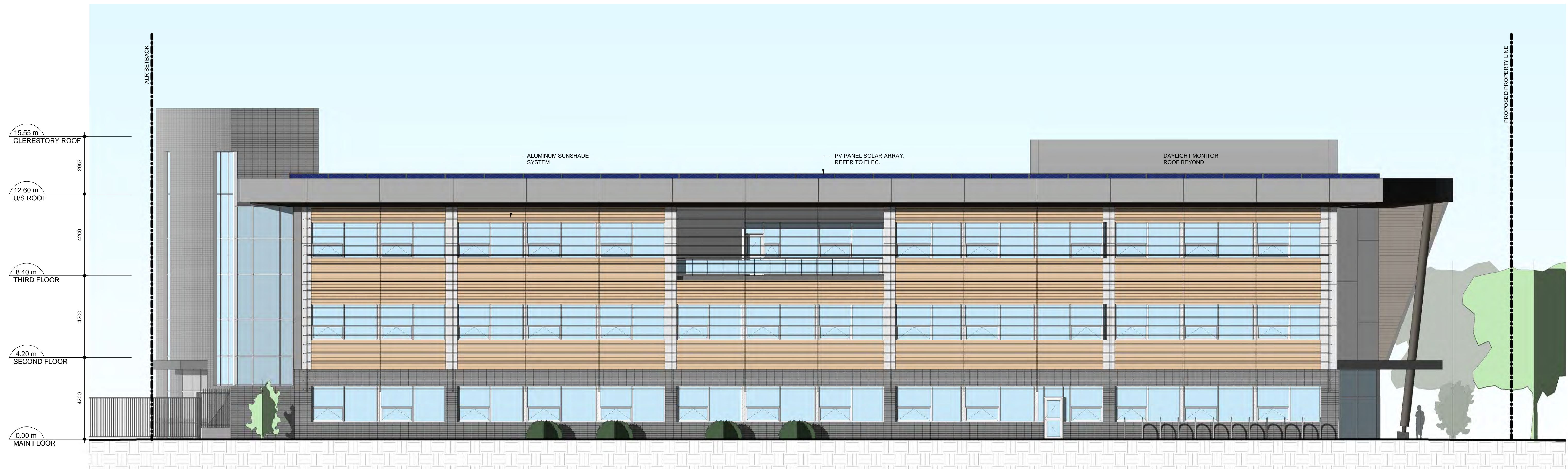
**EAST ELEVATION**

1:100

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**SOUTH ELEVATION**  
1 : 100



**WEST ELEVATION**  
1 : 100

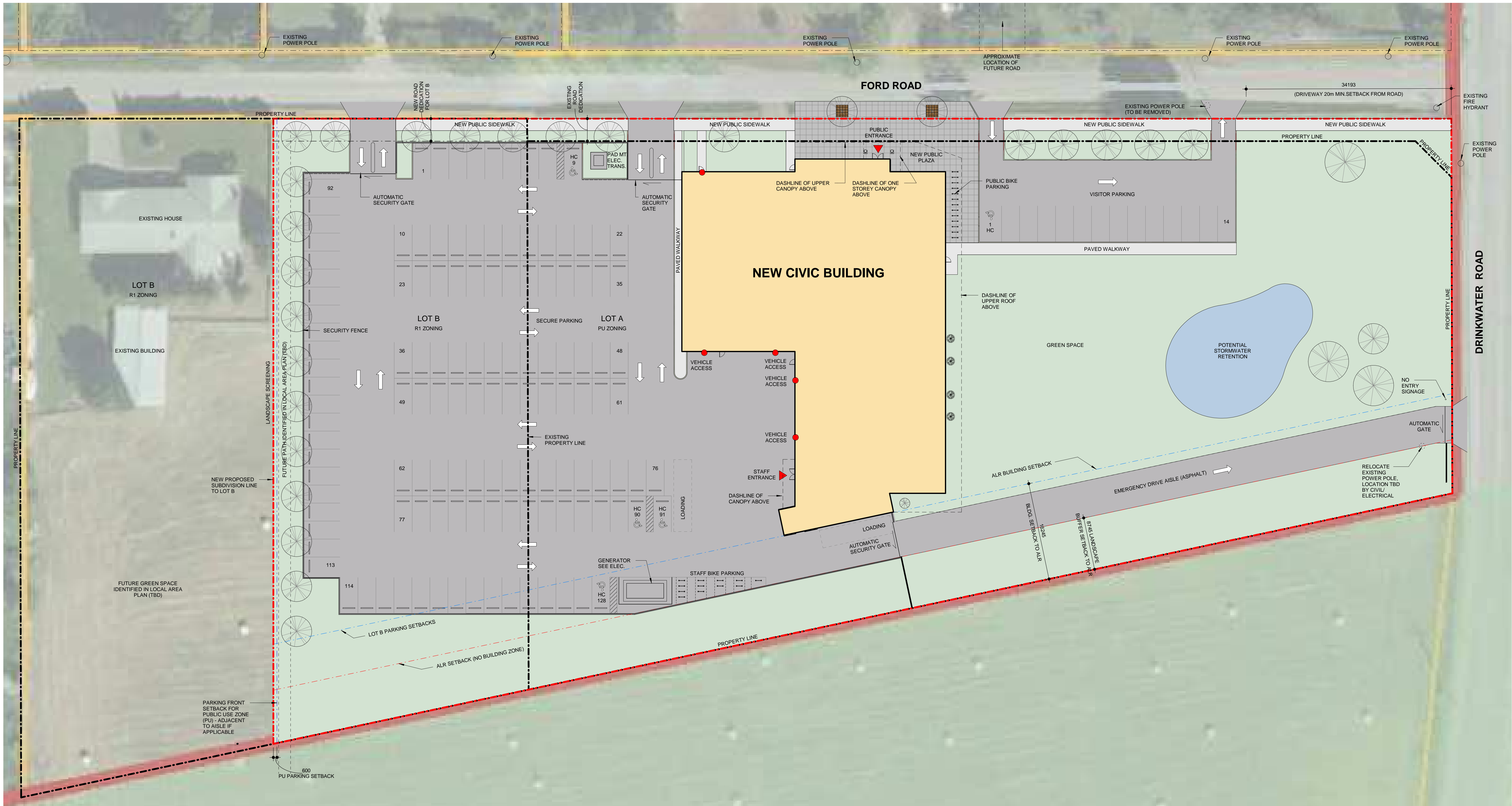
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SITE PLAN  
1:300

GROSS AREA:			
- L1	1979 sqm		
- L2	1389 sqm		
- L3	1262 sqm		
- TOTAL GROSS AREA	4630 sqm		
DEDUCTIONS:			
- OVER RECEPTION	14.7m x2		
- STAIR 1	30m x2		
- STAIR 2	26m x2		
- ELEVATOR 1	6.4m x2		
- ELEVATOR 2	7.2m x2		
FOOTPRINT:	1985.5 sqm		
PARKING STALLS	REQUIRED (BY-LAW)	REQUIRED (TENANT)	PROPOSED
VEHICLE PARKING (1:37m2)	121	142	142
ACCESSIBLE PARKING (2:100 PARKING)	4		5
SMALL CARS (25%)	36		
LOADING	2		2
BICYCLE STALLS (SECURED)	REQUIRED	PROPOSED	
ACCESSIBLE FOR EMPLOYEES (1:200m2)	23		24
WEATHER PROTECTED FOR VISITORS (2:100m2)	45		26
NOTE: 3m x 6m STALLS AS PER OWNER'S HANDBOOK > BYLAW			
NOTE: 3m x 12m LOADING AS PER BYLAW			

# Report

Date	April 29, 2020	File:	
To	Council		
From	Michelle Martineau, Manager, Legislative Services	Endorsed:	
Subject	Council Remuneration Amendment Bylaw No. 3788		

## Purpose

To consider the amendment to the Council Remuneration Bylaw to reduce Council compensation by 10 percent for six months.

## Background

During the April 15, 2020 Special Meeting, Council resolved to reduce their 2020 budgeted compensation by 10 percent effective from May 1, 2020, to October 31, 2020. This decision requires an amendment to the Council Remuneration Bylaw 3709.

## Discussion

Council Remuneration Amendment Bylaw No. 3788, 2020 was drafted in response to Council's decision to take a 10 percent reduction in their compensation for six months. While section 2 of this bylaw amendment establishes a new subsection 1(7) under Council Remuneration Bylaw 3709, to reduce the Mayor's and Councillors' annual remuneration and the additional amount paid to each Councillor while serving as Acting Mayor by 10 percent effective May 1, 2020, section 3 deletes that section so that it no longer has any force or effect on October 31, 2020.

It was assumed that Council had intended to apply the 10 percent reduction to the increase in a Councillor's remuneration when serving as Acting Mayor during the six month period. If this assumption is incorrect, Council may amend the bylaw to strike out "1(1), (2) and (3)" under section 2 and insert in its place (1(1) and (2)".

As bylaws cannot be backdated, Council would need to give the bylaw the first three readings and adoption on April 29, 2020, for the reduction to come into effect on May 1, 2020. As [Ministerial Order MO83](#) is still in effect, Council may adopt the bylaw at the same meeting that it receives third reading.

## Options

### 1. Adopt the Council Remuneration Amendment Bylaw as presented.

- (i) That Council give first, second and third readings to Council Remuneration Amendment Bylaw No. 3788, 2020.
- (ii) That Council adopt Council Remuneration Amendment Bylaw No. 3788, 2020.

**2. Amend the Council Remuneration Amendment Bylaw to remove the reduction to the Acting Mayor adjustment.**

- (i) That Council give first and second readings to Council Remuneration Amendment Bylaw No. 3788, 2020.
- (ii) That Council amend Council Remuneration Amendment Bylaw No. 3788, 2020 by striking out "1(1), (2) and (3)" under section 2 and inserting in its place (1(1) and (2)".
- (iii) That Council give Council Remuneration Amendment Bylaw No. 3788, 2020 third reading as amended.
- (iv) That Council adopt Council Remuneration Amendment Bylaw No. 3788, 2020.

**Implications**

The 10 percent reduction will result in an approximate \$13,000 budget savings for the Mayor, Council and Acting Mayor compensation and their CPP contributions while the bylaw is in force (between May 1, 2020, and October 31, 2020).

**Recommendations**

- (i) That Council give first, second and third readings to Council Remuneration Amendment Bylaw No. 3788, 2020.
- (ii) That Council adopt Council Remuneration Amendment Bylaw No. 3788, 2020.

Attachment: Council Remuneration Amendment Bylaw No. 3788, 2020



The Corporation of the District of North Cowichan

**Council Remuneration Amendment Bylaw, 2020**

Bylaw No. 3788

WHEREAS the British Columbia government has declared a provincial state of emergency to support the province wide response to the novel coronavirus (COVID-19) pandemic;

AND WHEREAS the Council of The District of North Cowichan would like to make a symbolic gesture of reducing their remuneration to help reduce the property tax rate increase and financial impacts to taxpayers;

NOW THEREFORE The Council of The Corporation of The District of North Cowichan enacts as follows:

**Title**

- 1 This bylaw may be cited as "Council Remuneration Amendment Bylaw No. 3788, 2020".

**Amendment**

- 2 Council Remuneration Bylaw 2018, No. 3709 is amended by adding the following new subsection 1 (7):

*"(7) The annual remuneration paid to the Mayor and each Councillor under subsections 1 (1), (2) and (3) shall be reduced by 10% during each pay period."*

- 3 Council Remuneration Bylaw 2018, No. 3709 is amended by deleting subsection 1(7), as added by this bylaw.

**Effective Dates**

- 4 Section 2 of this bylaw shall come into force and effect on May 1, 2020.
- 5 Section 3 of this bylaw shall come into force and effect on October 31, 2020.

READ a first time on  
READ a second time on  
READ a third time on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



# Report

Date	April 29, 2020	File:
To	Council	
From	Mark Frame, General Manager, Financial and Protective Services	Endorsed: 
Subject	Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020	

## Purpose

To consider adopting an Alternative Municipal Tax Collection Scheme to align the 2020 property tax due date with the Province's new due date for non-residential property classes of September 30, 2020.

## Background

On April 16, 2020, the Province announced that they were reducing school tax and postponing the date that late penalties applies to October 1, 2020 for the following property classes to give businesses and landlords more time to pay their property tax without penalty:

Class 4 – Major Industry

Class 5 –Light Industry

Class 6 – Business

Class 7 – Managed Forest

Class 8 – Rec/Non Profit

As a result of this provincial decision, two separate tax due dates now exists for the 2020 property tax year between those listed above and all other classes. This causes even more confusion when it comes to split assessment properties (i.e. properties with multiple assessment classes) as to when the late penalty kicks in.

## Discussion

Under the current tax scheme, the property tax due date is July 2, 2020, however, Assessment Classes 4, 5, 6, 7 and 8 will not incur a late penalty as long as they pay their taxes by September 30, 2020 (before the October 1, 2020 late penalty date), whereas all other classes will incur late penalties if paid on July 3, 2020 or later.

The Province specifically excluded Class 1 – Residential from the penalty postponement out of concern that these taxes are a vital source of revenue for municipal services. Residential provides 67% of municipal taxes, 88% of school taxes and 89% of CVRD taxes for the District of North Cowichan. There are also Federal and Provincial programs supporting individuals during the pandemic.

Given the severity of the COVID-19 pandemic and how individuals are being impacted financially, it makes sense to amend the tax due date for all classes so that their late penalty date aligns with the Province's due date. The extra 3 months will provide some breathing room to residential tax payers.

The *Community Charter* (CC) [section 234](#) provides a tax due date of July 2, unless an alternative tax scheme is established by bylaw under [section 235](#). Staff have drafted a new bylaw to establish an alternative municipal tax scheme to change that due date from July 2<sup>nd</sup> to September 30<sup>th</sup> so that all classes have the same due date.

### Options

1. Adopt the alternative municipal tax scheme, as authorized under [section 235](#) of the CC, and established under “Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020” to align the property tax due date with Province’s new due date for non-residential property classes of September 30, 2020.
2. Continue to apply the general tax collection scheme established under [section 234](#) of the CC which would and retain July 2, 2020 due date for Residential, Utility and Farm property classes.

### Implications

- Extending the property tax due date to September 30, 2020 will reduce administrative complexity, and provide relief the taxpayers.
- Extending the property tax due date will require three additional months of working capital prior to receiving the majority of property tax revenue, this is partly offset by the Province deferring Municipal remittance of school tax until December 31 (2019 School tax remitted \$3.4 million).
- Property taxes collected from June 1 - July 1, 2019 were \$48 million.
- Regional District and Regional Hospital District requisitions would still have to be remitted before August 1, 2020 (\$13,400,000).

### Recommendation

1. That Council give first, second and third readings to Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020.
2. That Council adopt Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020.

#### Attachment(s):

- Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020



The Corporation of the District of North Cowichan

## **Alternative Municipal Tax Collection Scheme Bylaw, 2020**

Bylaw 3789

WHEREAS section 235 of the *Community Charter* authorizes the Council of The Corporation of The District of North Cowichan to establish an alternative municipal tax collection scheme;

AND WHEREAS the Council of The Corporation of The District of North Cowichan may set due dates for property taxes under an alternative municipal tax collection scheme;

AND WHEREAS Ministerial Order No. M083 under the *Emergency Program Act* permits the Council of The Corporation of The District of North Cowichan to adopt a bylaw on the same day that it receives third reading;

NOW THEREFORE, the Council of The Corporation of The District of North Cowichan enacts as follows:

### **Title**

1. This bylaw may be cited as the "Alternative Municipal Tax Collection Scheme Bylaw, No. 3789, 2020".

### **Definitions**

2. In this bylaw:
  - a. "due date" means the due date for property taxes established in section 4;
  - b. "District" means The Corporation of the District of North Cowichan; and,
  - c. "property taxes" has the same meaning as in the *Community Charter*.

### **Establishment of Alternative Scheme**

3. An alternative municipal tax collection scheme is hereby established for the taxpayers of the District.

### **Property Tax Due Date**

4. Property taxes payable under the alternative municipal tax collection scheme are due by 4:30 p.m. on September 30<sup>th</sup> of the year in which the property taxes are levied.



### **Election of Applicable Tax Scheme**

5. An owner may elect to pay property taxes under either the alternative municipal tax collection scheme or the general tax scheme by giving written notice to the District between April 30 and May 15 of the year in which the property taxes are levied.
6. Where an owner does not make an election under section 5, the alternative municipal tax collection scheme applies.

### **Property Tax Penalty**

7. If all or part of the property taxes referred to in section 4 for a parcel of land and its improvements on the assessment roll remain unpaid after the due date:
  - a. The collector must add to the unpaid property taxes for the parcel and improvements for the current year a penalty equal to 10% of the portion that remains unpaid; and,
  - b. the penalty referred to in subsection (a) is due as part of the property taxes for the current year for the parcel and improvements.

### **Effective Date**

8. This bylaw shall come into force and effect on the date it is adopted, and shall be effective for the 2020 taxation year.
9. This bylaw is repealed on December 31, 2020.

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READ a first time on  
READ a second time on  
READ a third time on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

# Report

Date April 21, 2020

File: 4320-50 2020

To Council

From David Conway, Director, Engineering  
Ernie Mansueti, General Manager, Community Services

Endorsed:



Subject 2020 Special Events

## Purpose

To provide Council with an update on the community events that have been cancelled as a result of the COVID-19 pandemic and social distancing measures put in place by the Province.

## Background

In response to the Provincial Health Officer's Order issued on March 16, 2020, prohibiting gatherings in excess of 50 people, the decision to cancel all public events on a rolling 30-day basis was made. As the impact of this pandemic on residents is of a fluid nature and it is unknown at this time how long these measures will be in place, it made more sense to cancel events in blocks to allow future events to continue should things change.

## Discussion

As of the time that this report was drafted, the direction from the Province appears generally as it was a month ago. The following list is intended to inform Council of the type and number of events that typically use our roads, parks and facilities that are unlikely to occur in 2020.

Event	Date
<b>Current Applications</b>	
CeeVacs Marsh Mellow Run	March 29
Warmland Church Easter Events (Crofton Ballfields)	April
Special Olympics Soccer/Softball (Maple Bay School)	April to June
Demo Bike Day (Maple Mountain/Tzouhalem)	April/May
All Baseball Events (Evans Park/Maple Bay School)	April to June
Chemainus Baseball (Chemainus Ballfields)	April to June
Chemainus Secondary Grad Prom Parade	May 9
2020 Western Cdn Schutzund Trials (Crofton Ballfields)	May
QMS District Finals (Sherman Rd Park)	May
Buckskin Soccer Tournament (Sherman Rd Park)	May
Cowichan Valley Youth Soccer	May
Chemainus Weekly Wednesday Market – <i>cancelled by organizer until further notice</i>	May 20-Sep 16
Waste Collections Truck Rodeo (Fuller Lake Arena)	June

Event	Date
<b>Current Applications</b>	
Classic Soccer Event	June to Aug
VI Pickleball Tournament	June
Cowichan Challenge Triathlon	June 14
Child Bride Family Run Walk	June 27
Chemainus Annual July Giant Street Market	July 4
36 <sup>th</sup> Annual Island Folk Festival – <i>cancelled by organizer</i>	July 24-26
One World Festival	Sept 17
Cowichan Valley Soccer – all levels (Evans Park/Sherman Rd Park)	End of Season

<b>Annual Events (no application for 2020)</b>	
BC Bike Race – <i>postponed until September by organizer</i>	
Father's Day Fishing Derby	
Crofton Movies in the Park	
Chemainus Valley Cultural Society – Waterwheel Park Events throughout the summer	
Chemainus BIA – Canada Day Celebration	
Chemainus Movies in the Park	
Fall Skateboard Classic	
Trick or Treat Chemainus	
Christmas Chaos	
Multiple Rowing Events (Brentwood, Maple Bay)	
MS Bike Tour – Cowichan Valley Experience	
MS Walk	
Victoria Hospice Society – Cycle of Life Tour	
Grace Road Carriage Ride	
Duncan Cowichan Festival Society – Panago Parade	
Chemainus BIA – Car Show	
Chemainus Rotary - Summerfest	
Maple Bay Community Association – Canada Day at Maple Bay	
Springett Block Party	
Big Shop of Horrors Haunted House	
Chemainus Legion – Remembrance Day	
Chemainus BIA – Pumpkin Spice Run	
Clements Centre Society – Run for the Claus	
Crofton Community Centre – Crofton Christmas Parade	

## **Options**

Not applicable as this is an informational report only.

## **Implications**

It is likely that many organizations will cancel upcoming events, however some event organizers may still be planning to go ahead with their scheduled events for the fall. Staff will await applications from organizers hoping to proceed with their events and respond with the information and direction available at the time.

## **Recommendation**

That Council direct staff to continue monitoring the Provincial Health Officer's Order (the "Order") as it relates to the COVID-19 social gathering restrictions and inform organizers, as identified in Table 1 Current Applications of the April 21, 2020 report from the Director of Engineering and the General Manager of Community Services, of any substantive changes made by Council for the use of public parks and facilities or suspension of the Order.

# Report

Date April 29, 2020

File:

To Council

From Michelle Martineau, Manager, Legislative Services

Endorsed:



Subject Resumption of meetings and regular business

## Purpose

To consider the resumption of regular Council meetings and lifting the suspension on committee and other advisory body meetings.

## Background

On March 18, 2020, Council resolved to cancel all pending public hearings and suspended all regular Council, committee and advisory body meetings until such time as the Province's social distancing measures put in place in relation to the COVID-19 pandemic were no longer required, or as directed by Council. Special meetings via electronic means were authorized so that Council could address any urgent matters. The resolutions enacting these measures were as follows:

That Council move to electronic meetings, cancel all public hearings, engagement meetings and community events, travel for conferences, and close recreation centres effective upon direction by the CAO; and that staff be directed to develop a plan to work around public meetings for engagement processes; and that Council review the status of these closures and cancellations on a semi-monthly basis or as required;

And that Council cancel all upcoming regular meetings until such time as social distancing measures put in place in relation to COVID-19 are no longer required, or as directed by Council;

And that Council authorize that special meetings via electronic means only be scheduled for matters that are of an emergency nature; and that, subject to any waiver by the Province of BC for local governments to comply with section 128(2) (d) of the Community Charter, that staff be directed to find an appropriate facility and equipment to give the public the opportunity to hear or to watch and hear the participation of Council members;

And further, that all meetings of committees and other advisory bodies of Council be suspended, effective immediately and until such time as the social distancing measures put in place in relation to the COVID-19 pandemic are no longer required, or as directed by Council.

In addition to Council's decision above, Board of Variance Chair, Shannon Roome, suspended all future board meetings until further notice in light of this pandemic.

Following these decisions, the Minister of Public Safety and Solicitor General made several orders to facilitate the safe and efficient conduct of municipal business. The impact of those orders was presented to Council in an informational report on April 15, 2020 (see attachments). At that time, Council was

advised that a report, with recommendations, would be brought back to them for their consideration on:

**1. Resuming regular meetings and other normal activities for Council**

- (a) Resume the regularly scheduled Council meetings via electronic means;
- (b) Resume delegations and public hearings using electronic means; or
- (c) Continue with the status quo and only call a special electronic meeting for time sensitive and essential matters.

**2. Providing open meeting transparency**

- (a) Continue with current process of live-streaming Council meetings and inviting the public to submit any questions they have to the Corporate Officer via email at least 30 minutes prior to the meeting.
- (b) Staff to investigate other means to enable the public and delegations to participate electronically in real time during the meeting.

**Discussion**

As Council was previously advised, the Province issued [Ministerial Order MO83](#) on March 26, 2020 to allow local governments to host meetings electronically and without public participation; however, in the interest of transparency, open meetings continue to be streamed live and public input on agenda items can be submitted in advance of the meeting by email.

Staff conducted a poll on how other local governments are handling the public participation aspect of virtual Council meetings in COVID-19. The discussion which follows provides various alternatives to public participation, however, no options are being offered at this time. Instead, staff is providing Council with a recommendation based on their analysis of the data received that is consistent with what the majority of those surveyed have implemented and what would be reasonable, practical and safe for North Cowichan in these circumstances.

**Council Meetings**

Now that the organizational response to COVID-19 is well underway (e.g. most regular services to the public have resumed) and staff are assured the selected videoconferencing technology (WebEx) is a viable and safe choice for hosting virtual Council meetings, staff are asking Council to consider the resumption of regular meetings which would allow staff to bring forward matters that are not just of an urgent nature.

- *Delegation requests*

Staff have researched the possibilities with regard to hosting delegations virtually. Delegations could be treated as full participants in WebEx and then queued up when Council is ready to receive their address. Pursuing this option would likely require physically hosting the delegation at the Municipal Hall for a pre-meeting to test and train, and then for the Council meeting. Due to the requirements to operate physical hardware and ensure a secure and stable WebEx connection so not to disrupt the Council meeting, and delegation members not having familiarity with North Cowichan systems or an assigned North Cowichan device, it is highly probable Information Technology staff would be unable to support delegations remotely.

Allowing members of the public into the Municipal Hall building at this time would be inconsistent with the current closure to the public due to COVID-19. It would bring an increased risk of COVID-19 exposure for Information Technology staff as physical distancing during in-person technical support can be challenging, especially with members of the public who may have limited familiarity with videoconferencing. North Cowichan's Information Technology team is providing a truly critical and essential service for the operation during COVID-19 due to the organization's reliance on remote work capabilities, and to-date every effort has been made to eliminate their risk of exposure due to the adverse impact illness in that staff group would have on operations. The specialized expertise required to perform information technology work would not allow for other staff to step in and assist.

A better alternative could be to allow a delegation to submit their address in writing (e.g. PowerPoint presentation, memo, etc.) rather than presenting it orally to Council. This way Council could consider the submission at the meeting in the same manner that they would have, had the delegation appeared before them; however, Council would not have the benefit of being able to ask any clarifying questions of the delegation or the interpersonal connection of a face-to-face presentation. This may beg the question as to why a delegation cannot just phone into the meeting: the answer is that the audio capabilities of WebEx only allow an audio connection via WebEx. This ensures stable and high-quality sound. Using teleconference and videoconferencing technology simultaneously introduces significant audio feedback and would significantly reduce the quality of audio, potentially compromising the entire Council meeting record.

Based on the above discussion and analysis, it is possible for North Cowichan to accommodate delegations; however, staff are recommending that Council maintain the moratorium on delegations until such time the Municipal Hall opens to the public or staff are able to identify additional information technologies or capabilities for hosting delegations virtually, in a manner that allows their full participation and does not compromise audio quality. In event of either scenario occurring before the COVID-19 social distancing measures are lifted by the Provincial Government, staff would return to Council with a recommendation to resume delegations.

- *Public Input*

Staff surveyed other local governments and the findings indicate that the most common way most local governments are enabling public input at this time is through email. This is consistent with North Cowichan's current approach, and appears to be the simplest way to obtain public feedback on matters contained in the agenda. Other options, such as *PlaceSpeak* or social media were considered, however, their use introduces additional challenges to public participation such as the requirement to sign-up for an account and potential privacy concerns.

Council's *Public Input and Meeting Conduct Policy* establishes the maximum number of speakers to five and provides them with up to three minutes to make their address. In the past it has been unusual for the number of speakers wishing to address Council to exceed the maximum, however, with the public being able to submit their feedback via email instead of having to be present at the meeting, it is likely to become a regular occurrence that the maximum number of submissions will be exceeded. This was illustrated at the April 15, 2020 special meeting where Council received seven submissions, however, this could have been due to the suspension of the question period.

Staff are recommending, at this time, that all public input emails be circulated to Council prior to the meeting and that the Corporate Officer or Mayor acknowledge receipt of submissions and note which agenda items the public input is in relation to. The Mayor would then ask Council if they had any questions about the public input they just heard. This change will allow more residents to submit their feedback without hindering Council's ability to hold an efficient meeting.

If Council supports this recommendation, staff will be including in the statutory notice for the meeting a personal information collection notice, that email submissions received are subject to the *Freedom of Information and Protection of Privacy Act*, and that any personal information provided within the body of the email containing their input will be disclosed to the public, however, senders' email addresses will not be made available to the public (even if requested).

- *Question Period*

Although Council has provided the public with the opportunity to submit their comments in writing, in advance of the meeting, the public have been unable to ask questions of Council, in real time, during the Question Period. Based on the analysis completed and the additional research into alternative methods as noted above, staff are recommending that the public be invited to submit their questions via email to the address displayed on the livestream screen just before the Question Period. Staff will create a new email address specifically for this, and Council will take a 10-minute recess just before Question Period to allow viewers to submit their questions by way of email. Following the conclusion of the recess, the Corporate Officer or Mayor could read out each question in the order it was received.

An alternative to what is recommended, and what some jurisdictions are doing, would be to leave the moratorium on the Question Period in place.

- *Development Variance Permits*

Resuming regular meetings could enable staff to move forward with various development matters, such as permits, licences, etc. that require Council authorization that have been pending during this epidemic. Although a duty of fairness exists when Council is considering issuance of a development variance permit (DVP), it does not mean that a hearing must be held before a decision is made by Council. The BC Supreme Court decision in [1139652 BC Ltd. v. Whistler](#) confirmed that the process for the issuance of a DVP does not require that a person affected be given the opportunity to address Council in person, therefore providing the applicant or property owner or tenant of an adjoining property, an opportunity to make a submission in writing would satisfy Council's duty of fairness at common law.

- *Regular meeting follow-up business/activities*

If Council resumes their regular meeting schedule, staff will recommence sending out weekly Council Information Packages and other routine internal communications not circulated in an agenda package.



## Public Hearings

[Ministerial Order MO83](#) does not address the challenges with holding public hearings and in-person representations. Holding a public hearing through electronic means, such as providing the public with an opportunity to be heard by telephone, would not satisfy the statutory requirements under sections [464](#) and [465](#) of the *Local Government Act* (LGA), for allowing the public to make representations to Council on matters contained in the bylaw. However, not all zoning amendments require a public hearing; subsection [464\(2\)](#) of the LGA allows Council to waive holding of a public hearing on a proposed Zoning Bylaw if an Official Community Plan (OCP) is in effect for the area that is subject to the Zoning Bylaw, and if the bylaw is consistent with the OCP. If Council elected to waive the public hearing and give a Zoning Amendment Bylaw third reading and adoption, they could do so after giving notice of their intention to waive the public hearing. It is not recommended that Council allow written submissions if the public hearing was waived as it would create doubt and confusion on whether the public hearing was actually waived.

Through the Chief Administrative Officer and Mayor's participation on weekly calls with the Ministry of Municipal Affairs and Housing during the COVID-19 pandemic, staff understand that the Province plans to bring forward another Ministerial Order to address public hearings the week of April 27, 2020, therefore, staff are not providing a recommendation on public hearings at this time. Once the Ministerial Order is made, staff advice and a recommendation for Council will be forthcoming in relation to the resumption of Public Hearings.

## Committee Meetings

At the time that Council suspended committee and other advisory body meetings, there were two groups that were meeting on a regular basis, the Forest Advisory Committee and the First Nations Relations Committee. Staff are confident that committee meetings could occur virtually via existing videoconferencing technology, but this would require an investment of staff time for training and onboarding of committee members and committee chairs, as well as expenditure on unbudgeted additional licensing (approximately \$350 per new user) and hardware costs (up to \$700 as required per participant).

However, staff are not recommending that Council lift the suspension on committee and other advisory body meetings at this time. Staff recommend that Council wait until after they have received more information from Communications and Engagement staff, and engagement consultants on select files, on options for conducting virtual and digital public engagement. Following receipt of that information and Council's decision on the status of public engagement, a report providing advice and recommendations on resuming committee meetings electronically will be brought forward.

## Board of Variance Meetings

Although [Ministerial Order MO83](#) seems to include Board of Variance meetings, in that they may be held electronically and without public attendance, the Order doesn't appear to address representations to the Board of Variance or the provisions under sections 541 and 542 of the *Local Government Act*, which provide that the applicant and persons notified must be given the opportunity to be heard by the board. As there is no reference to written submissions, this strongly suggests that the board must

provide an opportunity for oral submissions. In addition to the requirement for oral submissions, the *Act* appears to require that Board of Variance meetings be held at a physical location where people can attend in person to make oral submissions and does not appear to allow those representations to the board to be done electronically. While there is no statutory provision that expressly requires a physical meeting place, it appears to be implied in the *Act*.

As section 6 of the Ministerial Order enables the Board of Variance members to participate in meetings electronically as long as the board complies with the statutory requirements of the *Act*, which is to provide a physical place for people to attend and make oral submissions to the board. The board could provide additional opportunities to be heard, such as allowing a person to make their oral submission electronically or in writing. The key is that the board cannot *require* people to provide their submissions electronically or in writing.

Mayor Siebring has asked the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, that the Province consider how local government Boards of Variance can handle their legislative requirement to provide a physical place for people to attend and make oral submissions to the Board. As staff is expecting the Province to come to a decision on this matter at the same time they address the issues related to public hearings, staff are not making any recommendations in relation to the Board of Variance at this time. Staff advice and recommendations to Council will be forthcoming if a decision materializes from the Province.

### Implications

*Financial.* Should Council direct staff to resume Committee and other advisory body meetings, there may be additional unbudgeted costs for WebEx licences (\$350 per year) for additional groups/committees, and, potentially, additional technology required for committee members (up to \$700 per participant requiring additional technology).

*Personnel.* Should Council direct staff to proceed with virtual delegations and/or Committee and other advisory body meetings, this will require significant Information Technology staff time at a time where existing staff resources are strained supporting the new remote work environment for the organization. Further, if virtual delegations were to proceed, additional safety protocols and training, and potentially personal protective equipment for when physical distancing is not possible, will need to be implemented for Information Technology staff.

### Recommendation

THAT Council resume their regular meetings electronically while the provincial physical distancing measures are in place to allow non-urgent business to proceed;

AND THAT the moratorium placed on delegations, public hearings, and Committee and Other Advisory Body meetings remain in place at this time;

AND THAT Council waive the limit for public input submissions and that staff be directed to circulate all Public Input emails received in advance to Council, at least 30 minutes prior to the meeting, and further


that the Corporate Officer or Mayor acknowledge receipt of submissions and state the agenda item the public input is in relation to;

AND FURTHER THAT Council take a 10-minute recess just prior to the Question Period to allow the public to submit their questions via email to the address displayed on the screen.

Attachment(s):

- 2020-04-15 Informational Report re Electronic Meetings and Related Ministerial Orders
- Public Input and Meeting Conduct Policy

# Informational Report

Date	April 15, 2020	File:
To	Council	
From	Michelle Martineau, Manager, Legislative Services	Endorsed: 
Subject	Electronic Meetings and Related Ministerial Orders	

## Purpose

To inform Council on the effects of the Ministerial Orders made on March 26, 2020 in relation to how they help facilitate the safe and efficient conduct of Council business during the COVID-19 pandemic.

## Background

In an effort to maintain transparency, while complying with the social distancing measures put in place by the Provincial Health Officer, a moratorium was placed on delegations and the public was encouraged to share their feedback on any of the matters contained within the March 18, 2020 agenda by email to the Corporate Officer, up to 30 minutes prior to the meeting, rather than attend the meeting in person. At that meeting Council resolved to move to electronic (special) meetings and cancelled or suspended all regular and committee meetings (including public hearings), travel, and public engagement in response to the COVID-19 pandemic. These suspensions remain in effect until Council resolves otherwise.

The rationale to cancel all future regular meetings of Council was twofold, to

- (1) provide staff sufficient time to research and purchase additional software to facilitate the electronic (virtual) meetings, integrate that software into the municipality's web streaming service, test it ahead of time, and train staff and Council to ensure everyone was comfortable using the new software enabling everyone to stay engaged and focused during the meeting (and as much as possible reduce the potential for technical issues to disrupt the meeting); and
- (2) allow Council to conduct their virtual meetings while complying with the electronic meeting rules under [section 128\(1\)](#) of the *Community Charter*, which only permitted special meetings to be conducted via electronic means. The legislation permitted electronic participation by the number of members authorized under the [Council Procedure Bylaw](#), which included all members except the presiding members, thereby requiring the Mayor to still attend in person any regular meeting of Council.

Several Ministerial Orders were made on March 26, 2020, under the [Emergency Program Act](#), to facilitate the safe and efficient conduct of Council business during the COVID-19 pandemic. The most relevant order for conducting Council business is **Ministerial Order No. MO83** made by the Minister of Public Safety and Solicitor General. MO83 enables Council to conduct all meetings by electronic means, whether the Council Procedure Bylaw allows and to adopt a bylaw on the same day that it receives third

reading.

**Ministerial Order No. MO85**, made by the Minister of Citizens' Services, enables local governments to temporarily use remote working tools [third party applications] such as video conferencing services to help maintain their operations and, where necessary, disclose personal information needed for the performance of duties by a municipal employee or official. While the previous three orders remain in effect while the declaration is in place, this order will expire on June 30, 2020 unless extended or rescinded by the Minister.

## Discussion

As a result of MO83 the following may occur while the Provincial declaration of a state of emergency is in effect:

- Open meetings may be held without the public in attendance, without violating the open meeting rule under [Part 4, Division 3](#) of the *Community Charter*;
- Regular meetings of Council may be held electronically (previously only special meetings could be held electronically); and
- Bylaws could be adopted on the same day as third reading passes.

## Bylaws may be adopted in one day

In addition to authorizing open meetings to be held without the public in attendance, the MO83 allows Council to give a bylaw three readings and adoption at the same meeting. Although adoption is often referred to as "fourth reading", [section 135](#) of the *Community Charter* does not treat adoption as a reading of a bylaw, therefore, the rule under subsection (2) which limits up to three readings at one meeting of Council does not apply. Staff have confirmed this interpretation of the new legislative framework with legal counsel.

## Meetings via electronic means

One of the main challenges when conducting a meeting via electronic means (e.g. teleconference), in addition to how difficult it can be for the presiding member to manage a balanced discussion, is for Council to be able to communicate effectively with each other and understand their intent from both verbal and non-verbal cues. However, being able to conduct virtual video-conferencing meetings is not without its challenges and requires consideration by all members to address problems such as acknowledgement from the Chair; voting; background noise from multiple participants; echoing; distractions from rapid body movements; and what to do if the video feed crashes during the meeting.

## Issues for Council Contemplation

Staff will be returning to Council, at a future meeting, with recommendations for their consideration to seek direction on the following:

### 1. Resuming regular meetings and other normal activities for Council

- (a) Resume the regular scheduled Council meetings via electronic means;
- (b) Resume delegations and public hearings using electronic means; or

- (c) Continue with the status quo and only call a special electronic meeting for time sensitive and essential matters.

## **2. Providing open meeting transparency**

- (a) Continue with current process of live-streaming Council meetings and inviting the public to submit any questions they have to the Corporate Officer via email at least 30 minutes prior to the meeting.
- (b) Staff to investigate other means to enable the public and delegations to participate electronically in real time during the meeting.

## **Recommendation**

That Council accept the Manager of Legislative Services' report dated April 15, 2020 for information.

### **Attachment(s):**

1. 2020-03-26 YA Bulletin MO83 – Relaxation of Meeting Rules
2. Ministerial Order No. MO83
3. 2020-03-27 YA Bulletin MO 85 – Disclosure of Personal Info Outside of Canada
4. Ministerial Order No. MO85

# **COUNCIL POLICY: PUBLIC INPUT AND MEETING CONDUCT**

Council Approval Date: April 4, 2012

Department: Council

Amended: February 4, 2015

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## **1. PURPOSE**

To establish policy for public input session guidelines, question period guidelines and general meeting conduct rules.

## **2. SCOPE**

This policy applies to North Cowichan Council and the general public.

## **3. PROCEDURES AND GUIDELINES**

### **3.1. Public Input Session**

To provide a brief opportunity for the public to speak to Council on agenda items before Council debates and votes, Council establishes the following guidelines:

- a) Persons wishing to address Council must register at least 10 minutes prior to the Council meeting by signing the sheet posted for that purpose outside the Council Chambers.
- b) A maximum of three minutes will be allotted to each speaker. (2015-02-04)
- c) A maximum of five speakers will be heard during the Public Input Period.
- d) Speakers should first state their name and residential address.
- e) Speakers must restrict their remarks to matters on the agenda.
- f) Speakers must not talk about matters from a closed meeting.

### **3.2. Questions**

In an effort to foster civic engagement and preserve decorum, that Council encourage persons asking questions during question period to adhere to the following guidelines:

- a) Begin by stating your name and residential address.
- b) Direct your questions to the Mayor.
- c) Be concise and avoid repeating previous questions.
- d) Conduct yourself in a civil and respectful manner.
- e) Restrict questions to matters on the agenda.

### **3.3. Meeting Conduct**

The Municipal Council is committed to fostering a safe, respectful, and orderly environment for the public to observe, and where permitted participate in, its local government meetings. Please adhere to the following code of conduct in order to help us meet this commitment:

- a) Respect other members of the public, Council and staff.
- b) Refrain from disruptive behaviour that would impede the proceedings.
- c) Comply with directives from the Mayor in a prompt and orderly fashion.
- d) Restrict comments and questions to the appropriate time on the agenda.



**The Corporation of the District of Saanich | Mayor's Office**

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April 21, 2020

**VIA EMAIL: [MAH.minister@gov.bc.ca](mailto:MAH.minister@gov.bc.ca)**

The Honourable Selina Robinson  
Ministry of Municipal Affairs & Housing  
PO Box 9056 Stn Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Robinson:

**RE: FINANCIAL HARDSHIP PROPERTY TAX DEFERMENT PROGRAM REINSTATMENT**

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This letter is to confirm that Saanich Council, at their meeting on April 20, 2020, endorsed a motion to reinstate the Financial Hardship Property Tax Deferment Program, initially announced in November 2008 by Premier Gordon Campbell.

For context, the Financial Hardship Property Tax Deferment program allowed eligible homeowners facing financial hardship due to the economic conditions of the time to defer their property tax payments for the following two years, with no requirement to repay the deferred taxes until the homes were sold or transferred. This aided homeowners experiencing financial hardship as well as ensured local governments in receiving property tax revenues, and is the reason why Saanich Council has endorsed the following motion.

“That the Mayor write the Minister of Municipal Affairs and Housing, with copies being sent to Vancouver Island municipalities, to request the reinstatement of the financial hardship property tax deferment program to provide support to property owners facing hardships from COVID-19, who are not eligible for the existing property tax deferment programs”.

For further reference, the minutes of the Council meeting will be available on our website at: <https://www.saanich.ca/EN/main/local-government/mayor-council/schedule-agendas-minutes.html>.

Sincerely,

Fred Haynes  
Mayor

c. Saanich Council  
Vancouver Island Municipalities