

# **Municipality of North Cowichan**

## **Regular Council**

### **AGENDA**

Wednesday, October 7, 2020, 1:30 p.m.  
Electronically

**Pages**

**1. CALL TO ORDER**

This meeting, though electronic, is open to the public and all representations to Council form part of the public record. At this time, due to the COVID-19 Pandemic, public access to Council Chambers is not permitted, however, this meeting may be viewed on the District's lived stream webcast at [www.northcowichan.ca/agendas](http://www.northcowichan.ca/agendas).

**2. APPROVAL OF AGENDA**

Recommendation:

That Council adopt the agenda, as circulated [or as amended].

**3. ADOPTION OF MINUTES**

**3.1 Regular Council meeting held September 16, 2020 for adoption**

**8 - 11**

Recommendation:

That Council adopt the minutes of the Regular Council meeting held September 16, 2020.

**3.2 Special Council meeting held September 30, 2020 for adoption**

**12 - 12**

Recommendation:

That Council adopt the minutes of the Special Council meeting held September 30, 2020.

**4. MAYOR'S REPORT**

**5. DELEGATIONS AND PRESENTATIONS**

**6. PUBLIC INPUT**

The Mayor to acknowledge receipt of submissions circulated to Council prior to the meeting to [Agenda@northcowichan.ca](mailto:Agenda@northcowichan.ca) and state the agenda item the public input is in relation to on this agenda.

## 7. BYLAWS

### 7.1 Respectful Spaces Bylaw No. 3796 for first three readings 13 - 28

Purpose: To introduce the Respectful Spaces Bylaw to address situations of inappropriate behaviours by all persons using municipal facilities (including staff and the public), including a detailed complaint process, procedures for enforcement, consequences of breach (including suspensions and/or monetary fines) and an appeal process.

Recommendation:

That Council gives first, second and third readings to Respectful Spaces Bylaw No. 3796, 2020.

### 7.2 Council Remuneration Amendment Bylaw No. 3780 for first three readings 29 - 43

Purpose: To consider an amendment to the Council Remuneration Bylaw to allow for reductions in compensation for substantiated breaches to the Council Standards of Conduct Policy that would contribute to the Third Party Investigator's costs.

Recommendation:

That Council gives first, second and third readings to Council Remuneration Amendment Bylaw 2020, No. 3780.

## 8. REPORTS

### 8.1 Council Strategic Plan: Quarter 3 Update (July 1 to September 30, 2020) 44 - 59

Purpose: To provide a quarterly update on the status of the projects identified within the 2019-2022 Council Strategic Plan for the period from July 1 to September 30, 2020, in accordance with the Council Strategic Plan Administration Policy.

Recommendation:

That Council accept the 2020 Quarter 3 Update on the 2019-2022 Council Strategic Plan as presented by the Director, Human Resources and Corporate Planning.

### 8.2 Community Resiliency Investment Funding Application 2021 60 - 76

Purpose: To request Council endorsement to apply for funding through the Community Resiliency Investment Program to reduce the risk and impact of wildfire within the community.

Recommendation:

That Council authorize staff to submit an application to the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high risk areas including critical infrastructure; fuel reduction treatments around critical infrastructure as per the approved treatment prescriptions; and development of a Wildfire Development Permit Area.

Purpose: To determine the most efficient way to bring forward correspondence addressed to Mayor and Council to an agenda for a decision.

Recommendation:

1. That Council authorize a Consent Agenda to be presented at the beginning of a meeting, allowing items to be removed from the Consent Agenda on the request of any member; and that items not removed may be adopted by general consent without debate, and further that removed items may be taken up either immediately after the Consent Agenda or placed on the regular meeting agenda under New Business at the discretion of Council.
2. That Council direct staff to permanently cease distribution of the Council Info Package.
3. That the Council@northcowichan.ca email is automatically redirected to each member of Council and copied to the Executive Assistant.

**8.4 Cowichan Valley Regional District - Osborne Bay Park Lease Agreement**

85 - 91

Purpose: To return the responsibility for the Osborne Bay Regional Park maintenance back to the Cowichan Valley Regional District (CVRD) now that they have the capacity within their organization to complete this work.

Recommendation:

That Council give notice of its intention to terminate the lease agreement between the Cowichan Valley Regional District (CVRD) and the Corporation of the District of North Cowichan regarding the maintenance of Osborne Bay Regional Park, effective January 1, 2021, in accordance with Article 6, Clauses 3 and 4 of the agreement, as attached as Schedule A to CVRD Bylaw No. 1795.

**8.5 Pause on Public Engagement on the Future of the Municipal Forest Reserve**

92 - 92

Purpose: To request that Council consider extending the previously mandated 60-day pause on public engagement on the Municipal Forest Reserve's future.

Recommendation:

That Council extend the pause on the public engagement process until the First Nations Consultation is completed.

## 9. NOTICES OF MOTIONS

### 9.1 Notice of Motion submitted by Councillor Justice regarding the Environmental Advisory Committee

Purpose: To introduce Councillor Justice's motion:

*That North Cowichan reinstate its Environmental Advisory Committee as an advisory body to serve at the will of Council and to work with staff and help Council 1) develop and integrate practical CAEP policies and programs through both the pending CAEP and OCP processes, and 2) to provide Council with advise on other environmental issues, such as natural areas, watershed protection, air quality, climate adaptation and so on, as directed by Council.*

which he intends to move so that they may be debated and considered by Council at the October 21, 2020 regular meeting.

## 9.2 Notice of Motions submitted by Councillor Justice regarding the Climate Action & Energy Plan Targets and Alignment with the Official Community Plan

Purpose: to introduce Councillor Justice's three motions:

1. *WHEREAS Council recognizes that the point of the Climate Action and Energy Plan (CAEP) is to discover ways the Municipality of North Cowichan can act to reduce GHG emissions, and that the business at present (BAP)1 scenario assumptions should reflect what will most likely occur, even if the municipality were to take no action at all as opposed to assuming the current situation will remain unchanged; AND WHEREAS Council recognizes that most of our community's GHG emissions reductions will require policy and actions from higher levels of government; and that our 'Big Moves', as identified in the CAEP report, should be focused on those policies and action which the municipality has the ability to change or influence; NOW THEREFORE Council directs that: (1) the 2050 emissions reductions target of 80% be re-evaluated in light of the findings to date from the CAEP remodeling process and the Intergovernmental Panel on Climate Change, and that any subsequent modeling and community planning aspires to achieve net zero by 2050 for emission sources over which the municipality has control or influence; (2) targets be set, in four year intervals, for both corporate and community GHG emissions to achieve the 2050 objectives, and that reporting coincides with the Council term of office; (3) a second Low Carbon Scenario be modeled using a new emissions target which assumes a more conservative estimate of e-vehicle uptake and other assumptions as determined by Sustainable Solutions Group, the consultant, and municipal staff to identify actions that could result in a 'most probable' outcome by 2050.*
2. *That Council direct staff to prepare a report that outlines how the Official Community Plan (OCP) and Climate Action and Energy Plan (CAEP) can be aligned, to avoid any inconsistencies between the two plans with respect to the policies and/or actions required to achieve the Municipality of North Cowichan's GHG reduction targets.*
3. *That the growth scenarios considered by the public, as part of the OCP engagement process, include achieving the Municipality's GHG reductions targets as a primary concern informed by the findings of the CAEP remodeling process.*

which he intends to move so that they may be debated and considered by Council at the October 21, 2020 regular meeting.

## 10. REVIEW OF COMMITTEE MINUTES

## 11. UNFINISHED AND POSTPONED BUSINESS

## 12. NEW BUSINESS

### 12.1 Anticoagulant Rodenticides

93 - 93

Purpose: So that Councillor Toporowski may move her motions she introduced and gave notice on at the September 16, 2020 regular meeting.

Recommendation:

1. That Council recognizes the harmful impacts of anticoagulant rodenticide use and directs staff to prepare a report outlining options available to ban their use by, and in the Municipality of North Cowichan; and that staff communicate to the public the harmful impacts of anticoagulant rodenticide and the alternatives that are available.
2. That Council request that the Mayor write, on behalf of Council, to the Premier of British Columbia, appropriate ministers, and copying Members of the Legislative Assembly in the Cowichan Valley, requesting that the Province of British Columbia ban the use of anticoagulant rodenticides.

**12.2      Petition requesting speed bumps be installed on Indian Road      94 - 102**

Purpose: An informal petition, containing 39 signatures received on September 9, 2020, requesting that Council install speed bumps on Indian Road to curb traffic speeds and noise. The submission includes email correspondence between residents and North Cowichan staff.

**12.3      Petition requesting speed bumps and signs be installed on Beaumont Avenue      103 - 107**

Purpose: An informal petition, containing 67 signatures received on September 24, 2020, requesting that Council install speed bumps and speed signs on Beaumont Avenue in the vicinity of the boat launch and beach access to improve public safety.

**12.4      Request for a Letter of Support from the Halalt First Nation      108 - 108**

Purpose: The Halalt First Nation is seeking a letter of support from Council to submit with their grant application under the Federation of Canadian Municipalities' Green Municipal Fund to make their gymnasium and community hall more energy efficient.

**13.      QUESTION PERIOD**

A 10-minute recess to be provided to give the public an opportunity to submit their questions by email to [QP@northcowichan.ca](mailto:QP@northcowichan.ca) regarding the business discussed at this meeting. Questions will be read out in the order they are received.

14. CLOSED SESSION

Recommendation:

That Council close the meeting at \_\_\_ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, which council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(j) - 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*;
- 90(1)(m) - a matter that, under another enactment, that being section 16 of the *Freedom of Information and Protection of Privacy Act*, is such that the public may be excluded from the meeting.

14.1 Minutes from the September 2, 2020 Council closed meeting for adoption

14.2 Closed under section 90(2)(e) land matter and (m) FOIPPA s.16 relations with an aboriginal government

14.3 Closed under section 90(1)(e) land matter

14.4 Closed under section 90(1)(e) land matter

14.5 Closed under section 90(1)(j) FOIPPA Section 21 harmful to the business interests of a third party

15. RISE AND REPORT

16. ADJOURNMENT

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

**September 16, 2020, 1:30 p.m.  
Electronically**

Members Present	Acting Mayor Christopher Justice Councillor Rob Douglas Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Mayor Al Siebring Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, Deputy Chief Administrative Officer (D/CAO) Mark Frame, General Manager, Financial and Protective Services David Conway, Director of Engineering Don Stewart, Director, Parks and Recreation Rob Conway, Director of Planning and Building Jason Blood, Manager of Recreation Megan Jordan, Manager, Communications and Public Engagement Michelle Martineau, Corporate Officer

## **1. CALL TO ORDER**

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

## **2. APPROVAL OF AGENDA**

One late item [letter from Island Health] was added to the agenda as item 11.3.

IT WAS MOVED AND SECONDED:

That Council add the letter from Island Health to the agenda as a late item under "New Business" and that the agenda be adopted as amended.

CARRIED

## **3. ADOPTION OF MINUTES**

### **3.1 Regular Council meeting held September 2, 2020 for adoption**

There were no errors or omissions noted in the minutes.

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held September 2, 2020.

CARRIED

**4. MAYOR'S REPORT**

Acting Mayor Justice extended a note of thanks towards the North Cowichan Fire Department and their role in fighting the tire fire.

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 Vancouver Island Vipassana Association (VIVA)**

Four representatives of the Vancouver Island Vipassana Association, Evie Chauncey, Carl Welford, Deborah Harding, and their spokesperson Steven Armstrong, presented their request to Council to change their tax exemption status for 2359 Calais Road, that they be classified as and receive the same exemptions [both statutory and permissive] as a religious organization.

**6. PUBLIC INPUT**

Council received 23 submissions via email prior to the meeting regarding agenda items 7.2, 11.1 and 11.2. A summary of those submissions was read out in the meeting.

Councillor Douglas left the meeting at 2:00 p.m.

**7. BYLAWS**

**7.1 Permissive Tax Exemption Request**

IT WAS MOVED AND SECONDED:

That Council deny Vancouver Island Vipassana Association's request for a permissive tax exemption for the land portion of 2359 Calais Road and Wicks Road.

(Opposed: Justice)  
CARRIED

Acting Mayor Justice relayed Councillor Douglas' message that he would be recusing himself from the next item, as he lives in the same neighbourhood as the applicant, at 2:28 p.m.

**7.2 Zoning Amendment Application - ZB000126 - 934 Khenipsen Road**

Council suspended the rules to provide the applicant's representative, David Coulson, an opportunity to be heard before Council considered the options presented in the staff report included in the agenda.

IT WAS MOVED AND SECONDED:

That the application (Zoning Amendment Application - ZB000126) be referred back to staff to review the new information as submitted and that staff work with the applicant to identify whether an alternative location for the suite can occur and report back to Council.

CARRIED

Councillor Douglas returned to the meeting at 3:28 p.m.

## **8. REPORTS**

### **8.1 COVID-19 Re-opening Plans for Cowichan Aquatic Centre**

IT WAS MOVED AND SECONDED:

That Council directs staff to proceed with the re-opening of the Cowichan Aquatic Centre under its COVID-19 Restoration of Programs & Services Plan, specifically to allow for a phased-in resumption of services effective October 13, 2020. CARRIED

### **8.2 Capital Grant Applications for the 2021 Budget**

IT WAS MOVED AND SECONDED:

That Council authorize an application to the Investing in Canada Infrastructure Program under the Community, Culture and Recreation stream for the Crofton to Maple Bay Trail project for a project cost up to an estimated \$2 million; and that Council supports the project and commits to its share of \$540,000. CARRIED

IT WAS MOVED AND SECONDED:

That Council authorize an application to the Investing in Canada Infrastructure Program under the COVID-19 Resilience stream for replacement of the Fuller Lake Arena roof and the Cowichan Aquatic Centre roof up to an estimated \$2.4 million; and that Council supports the project and commits to its share of \$480,000. CARRIED

IT WAS MOVED AND SECONDED:

That Council authorize an application to the Federation of Canadian Municipalities' Municipal Asset Management Program for a grant of up to \$50,000 so that North Cowichan may continue with its next phase of asset management planning, which is to create Asset Management Plans for major facilities and buildings; and that Council supports the project and commits to its share of \$12,500. CARRIED

## **9. NOTICES OF MOTIONS**

### **9.1 Notice of Motions submitted by Councillor Toporowski regarding the use of anticoagulant rodenticides**

Councillor Toporowski introduced the following motions which she intends to move at the October 7, 2020 regular meeting for debate and consideration by Council:

1. That Council recognizes the harmful impacts of anticoagulant rodenticide use and directs staff to prepare a report outlining options available to ban their use by, and in the Municipality of North Cowichan; and that staff communicate to the public the harmful impacts of anticoagulant rodenticide and the alternatives that are available.
2. That Council request that the Mayor write, on behalf of Council, to the Premier of British Columbia, appropriate ministers, and copying Members of the Legislative Assembly in the Cowichan Valley, requesting that the Province of British Columbia ban the use of anticoagulant rodenticides.

## **10. UNFINISHED AND POSTPONED BUSINESS**

No items.

**11. NEW BUSINESS**

**11.1 Illegal Secondary Suites**

IT WAS MOVED AND SECONDED:

That Council direct staff to prepare a report identifying potential safety issues, and financial and liability impacts and/or risks to the municipality in relation to existing illegal secondary suites in North Cowichan. CARRIED

**11.2 Request for follow through on Climate Action**

Council referred the letter that had been received on August 17, 2020 from various local citizens and organizations for follow through on climate action.

IT WAS MOVED AND SECONDED:

That Council refer the letter and the questions within it to staff for eventual response. CARRIED

**11.3 LATE ITEM: Letter from Island Health regarding the Cowichan Valley Wellness and Recovery Centre**

Council discussed this matter.

**12. QUESTION PERIOD**

Acting Mayor Justice called for a recess at 4:13 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. Questions had been submitted from two residents, however, only one that had some relevance to the agenda was read out when the meeting reconvened at 4:24 p.m.

**13. RISE AND REPORT**

n/a

**14. ADJOURNMENT**

Council adjourned the meeting at 4:27 p.m.

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Certified by Corporate Officer

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Signed by Mayor

# **Municipality of North Cowichan**

## **Special Council**

### **MINUTES**

**September 30, 2020, 1:00 p.m.**  
**Electronically**

Members Present      Mayor Al Siebring  
                                 Councillor Christopher Justice  
                                 Councillor Tek Manhas  
                                 Councillor Kate Marsh  
                                 Councillor Rosalie Sawrie  
                                 Councillor Debra Toporowski

Members Absent      Councillor Rob Douglas

Staff Present      Ted Swabey, Chief Administrative Officer (CAO)  
                         Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)  
                         Mark Frame, General Manager, Financial and Protective Services  
                         Megan Jordan, 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 1:00 p.m.

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

IT WAS MOVED AND SECONDED:

That Council approve the agenda as circulated.

CARRIED

#### **3. BUSINESS**

##### **3.1 Request for Leave**

IT WAS MOVED AND SECONDED:

That Council grant the request from Councillor Rob Douglas for a leave of absence from his duties as a North Cowichan Councillor until October 25, 2020, and further, that staff be directed to redirect Councillor Douglas' salary for the period from September 22nd to October 25, 2020 to a charity of Councillor Douglas' choice.

CARRIED

#### **4. ADJOURNMENT**

IT WAS MOVED AND SECONDED:

That Council adjourn the Special Council meeting at 1:04 p.m.

CARRIED

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Certified by Corporate Officer

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Signed by Mayor

# Report

Date October 7, 2020

File:

To Council

From George Farkas, Director, Human Resources and  
Corporate Planning

Endorsed:



Subject Respectful Spaces Bylaw No. 3796 for the first three readings

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## Purpose:

To introduce the Respectful Spaces Bylaw to address situations of inappropriate behaviours by all persons using municipal facilities (including staff and the public), including a detailed complaint process, procedures for enforcement, consequences of a breach (including suspensions and/or monetary fines) and an appeal process.

## Background

The Municipality is committed to providing an inclusive environment in which all individuals are treated with mutual respect and dignity. As such, all persons (including Council, employees, and members of the public) have the right to expect an environment free of harassment, bullying, intimidation, violence and discrimination.

Although the Municipality has several policies that set out certain behavioural expectations of both Council and staff, these policies do not currently address incidents involving inappropriate behaviour committed by the public towards North Cowichan Council/staff. Nor do they provide any formalized mechanism for enforcement of those policies. In addition, our current policies do not address incidents involving Municipal staff's inappropriate behaviours towards members of the public.

## Discussion

The Municipality has a legal duty under the *Workers Compensation Act* to identify, investigate and eliminate/mitigate workplace hazards, including bullying and harassment. As well, North Cowichan has a legal obligation under the *Criminal Code* to take reasonable steps to ensure the safety of both workers and the public.

Under our current policy framework, several gaps have been identified, which could expose the Municipality to increased liability for not adequately safeguarding both its employees and the general public against inappropriate behaviours. As well, because there are limited formalized mechanisms in place to deal with inappropriate behaviours committed by or against members of the public, staff lacks the requisite authority to address these

inappropriate behaviours in a manner that is consistent across our various worksites that also assures procedural fairness is applied to all concerned parties.

The proposed Respectful Spaces Bylaw intends to address situations of inappropriate behaviours (behaviours by the public towards staff/Council; behaviours by Council/staff towards the public) and includes a detailed complaint process, procedures for enforcement, consequences of a breach (including suspensions and/or monetary fines) and an appeal process.

The benefits of establishing the Bylaw include:

- It is creating formal protections enshrined in the Bylaw that protect staff from workplace violence/bullying and harassment by the public in shared or common spaces or when staff enter private spaces and vice versa.
- Creating a unified patron/user code of conduct will simplify how public transgressions will be dealt with across all areas.
- It is outlining a process that upholds the principles of procedural fairness for the investigation of allegations of inappropriate behaviours committed by patrons toward staff, other members of the public, or staff misconduct against patrons.
- It creates an administrative mechanism to deal with complaints without relying on elected officials to carry out enforcement or render immediate judgement calls regarding unsafe behaviour.

On August 11, 2020, the Committee of the Whole supported in principle the scope, incident response, offence and penalty provisions, and appeal process of the draft Respectful Spaces Bylaw as presented, and directed staff to bring forward the Respectful Spaces Bylaw to a regular meeting of Council for consideration of first three readings.

In response to the feedback received during the Committee of the Whole meeting, a small number of changes, mostly housekeeping in nature, have been made to the Bylaw to clarify its intent, and staff would like to draw Council's attention to two specific changes:

1. A new definition has been added to clarify that the Bylaw is also intended to capture "Abusive Language." The definition includes language that may be perceived as inciting violence.

**"Abusive Language"** includes:

- profane, obscene, abusive, threatening, derogatory, or discriminatory language
- language that may be perceived as inciting violence, or
- words that are intended to or may be perceived to abuse or do violence towards another party's integrity

2. A specific reference has been added in Section 7(7) that clarifies processes in Council meetings and the role of staff in addressing inappropriate behaviour while respecting the role of the Mayor under the *Community Charter* to preside over meetings. In accordance with General Safety Regulations of WorkSafeBC and the *British Columbia Occupational Health and Safety Act*, the Chief Administrative Officer or the Corporate Officer may direct Municipal employees to leave Council meetings if they believe the health and safety of Municipal employees are at risk in a Council meeting due to inappropriate behaviour.

As part of the implementation of the new bylaw, staff will also be bringing forward a policy for Council's consideration that would provide clear guidelines. These guidelines may be consulted by the Mayor or other member presiding at a Council meeting to help him/her deal with unsafe behaviour of a member of the public if it occurs during the meeting. The policy provides such guidance by identifying the types of behaviour that Council should regard as unsafe and by outlining options that may be taken by the Mayor or other presiding member to deal with that behaviour. This policy also identifies options that Council may take to prevent a repetition of improper behaviour in cases where the Mayor or other presiding member has expelled a person from a Council meeting.

### Implications

It is anticipated that the following additional steps will need to be undertaken as part of implementing a Respectful Spaces Bylaw:

- Bylaws for repeal or amendment to be identified by staff and considered by the Regulatory Review Standing Committee;
- Establish information-sharing agreements with other jurisdictions;
- Establish and install signage in each facility/location that outlines a uniform set of expectations;
- Incorporate bylaw expectations into contract language and volunteer agreements;
- Establish a Safe Work Plan program and support resources for employees who experience inappropriate behaviour; and,
- Conduct annual risk management reviews to ensure the Municipality has appropriate safety and security measures in place.

It is anticipated that these additional measures would be undertaken within the Municipality's existing budget.

### Recommendation

That Council gives first, second and third readings to Respectful Spaces Bylaw No. 3796, 2020.

Attachment:

- Respectful Spaces Bylaw No. 3796



The Corporation of the District of North Cowichan

## **Respectful Spaces Bylaw, 2020**

Bylaw 3796

### *Contents*

- 1 Citation
- 2 Severability
- 3 Definitions
- 4 Interpretation
- 5 Scope
- 6 Respectful Behaviour
- 7 Responding to Incidents
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- 10 Offence and Penalty

### Schedules

Appendix A – Incident Procedures: Incidents Originating from the Public

Appendix A.1 – Incident Procedures: Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

WHEREAS the District of North Cowichan wishes to provide an inclusive environment whether it be in municipal facilities or the delivery of municipal services in which all individuals have the right to be free of harassment, bullying, intimidation, violence, and discrimination, and where they are treated with mutual respect and dignity;

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

### **Citation**

- 1 This Bylaw may be cited as "Respectful Spaces Bylaw No. 3796, 2020".

### **Severability**

- 2 If any provision of this Bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the Bylaw left valid and enforceable.

## Definitions

3 In this Bylaw:

**“Abusive Language”** includes:

- profane, obscene, abusive, threatening, derogatory, or discriminatory language,
- language that may be perceived as inciting violence, or
- words that are intended to or may be perceived to abuse or do violence towards another party’s integrity;

**“Charter of Rights and Freedoms”** means the *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11;

**“Chief Administrative Officer”** means the municipal officer appointed by Council under section 147 [Chief administrative officer] of the *Community Charter*, SBC 2003 c. 26;

**“Code of Conduct”** means a document posted in a Municipal Facility that outlines the roles, rights and responsibilities of Municipal Staff and patrons;

**“Council”** means the Council of The Corporation of the District of North Cowichan;

**“Director”** means the director of the department of the Municipality involved in the Incident;

**“Harassment”** means conduct, actions or behaviour that a person knew or reasonably ought to have known would cause another person to be humiliated or intimidated or would be objectionable and unwelcome;

**“Human Rights Code”** means the *Human Rights Code*, RSBC 1996 c. 210;

**“Inappropriate Behaviour”** means behaviour that obstructs or interferes with the lawful free use and enjoyment of Municipal Facilities or participation in Municipal Services, programs or events, or that compromises the safety and well-being of others, including Municipal Staff, volunteers and members of the public. For the purposes of this Bylaw, Inappropriate Behaviour includes:

- Abusive Language,
- Vandalism,
- Violence,
- Harassment,
- possession of weapons,
- theft of property, and
- contravention of Codes of Conduct or posted rules;

Inappropriate Behaviour does not include decisions made by Bylaw enforcement staff made in the course of their duties.

**“Incident”** means any occurrence involving one or more individuals engaging in Inappropriate Behaviour;

**“Manager”** means a person employed by the Municipality as the manager in the relevant department of the Municipality involved in the Incident;

**“Municipality”** means The Corporation of the District of North Cowichan;

**“Municipal Facility”** means facilities owned, leased, rented, allocated, programmed, operated or managed by the Municipality, intended for public or Municipal Staff use. This includes, but is not limited to, parks and trails, recreation facilities, staff offices and workspaces, meeting rooms, community meeting spaces, Municipal Hall, and spaces where Municipal Services are provided, but does not include facilities or portions thereof that are occupied by the RCMP or police department;

**“Municipal Services”** means all services provided by the Municipality. This includes but is not limited to, utility services, waste collection, bylaw enforcement, building inspections, front counter services, and volunteer events, but does not include the RCMP and other police services and Municipal Staff employed for the purpose of supporting the RCMP and other police services;

**“Municipal Staff”** means a person employed by the Municipality and includes volunteers and contractors authorized to act on behalf of the Municipality, appointed representatives (committees appointed by Council), and the Mayor and Council members;

**“Supervisor”** means the person employed by the Municipality as a supervisor in the relevant department of the Municipality involved in the Incident;

**“Suspension”** means the prohibition of an individual from entering all or specified Municipal Facilities for a specified duration of time;

**“Vandalism”** means the malicious, wilful or deliberate destruction, damaging or defacing of Municipal Facilities or other Municipal-owned property, including equipment, vehicles, materials and furniture; and,

**“Violence”** includes:

- throwing articles or objects in a deliberate or aggressive manner that may endanger or cause injury or damage to any persons or property,
- physically aggressive or threatening behaviour,
- threats or attempts to intimidate, and,
- attempts to goad or incite violence.

## **Interpretation**

- 4** In this Bylaw, a reference to the Chief Administrative Officer, Director, Manager, and Supervisor includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

## **Scope**

### **5**

- (1) This Bylaw applies to all persons, including members of the public and Municipal Staff. This Bylaw also applies within Municipal Facilities and any space in which Municipal Services are provided and where Municipal programs or events are being held. Allegations of Inappropriate Behaviour originating from Mayor and Council shall be dealt with in accordance with the Council Standards of Conduct Policy.
- (2) This Bylaw applies to Incidents that either originate from the public or from Municipal Staff in their dealings with the public.
- (3) This Bylaw does not apply to RCMP detachment or staff, including Municipal Staff employed for the purpose of supporting the RCMP and other police services.
- (4) This Bylaw does not apply to Incidents between Municipal Staff.

## **Respectful Behaviour**

### **6**

- (1) All persons using Municipal Facilities have a duty to:
  - a. treat others with respect, courtesy, fairness, and equality;
  - b. use Municipal Facilities and equipment in a safe and respectful manner; and
  - c. comply with all posted policies and rules regarding the use of Municipal Facilities and equipment.
- (2) A person must not commit or engage in Inappropriate Behaviour in a Municipal Facility.
- (3) A person must not commit or engage in Inappropriate Behaviour in any space in which Municipal Services are provided.

## **Responding to Incidents**

### **7**

- (1) When a member of the public witnesses an Incident and wishes to bring the Incident to the attention of the Municipality, they must follow the procedures set out in Appendix A of this Bylaw.
- (2) When Municipal Staff witness or receive a report regarding Inappropriate Behaviour originating from a member(s) of the public, they must follow the procedures set out in Appendix A of this Bylaw.
- (3) When a member of the public witnesses or is subject to Inappropriate Behaviour originating from Municipal Staff and wishes to make a complaint, they must follow the procedures set out in Appendix A.1 of this Bylaw.
- (4) The Manager of Fire and Bylaw Services is authorized to issue a Suspension to any person who is not in compliance with this Bylaw for a period of up to eighteen (18) months or issue a fine of up to \$1000 per Incident, or issue both a suspension and fine. In exercising their discretion under this section, the Manager of Fire and Bylaw

Services must consider the factors set out in Appendix B of this Bylaw.

- (5) A person that is subject to a Suspension under this Bylaw must not access, enter or use any Municipal Facility included in the Suspension, subject to the terms and conditions of the Suspension.
- (6) All Municipal Staff will exercise their power and authority under this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
- (7) The Municipality is responsible for providing a safe work environment for Municipal Staff, in accordance with the General Safety Regulations of WorkSafeBC and the British Columbia Occupational Health and Safety Act. This includes providing a safe work environment within Council meetings. If the Chief Administrative Officer or the Corporate Officer believes the health or safety of Municipal Staff is at risk in a Council meeting due to Inappropriate Behaviour, either of those senior officials may direct Municipal Staff to leave a Council meeting.

## **Appeal Process**

### **8**

- (1) A person subject to a Suspension under this Bylaw may request a review of the decision by the Chief Administrative Officer. Requests for review of a Suspension must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days of the date the notice of Suspension was issued.
- (2) In exercising their discretion under this section, the Chief Administrative Officer must consider the factors set out in Appendix B of this Bylaw.
- (3) Appeal hearings will be held by the Chief Administrative Officer in accordance with Appendix C of this Bylaw.
- (4) The decision of the Chief Administrative Officer with regards to a Suspension is final.

## **Probationary Period and Subsequent Suspensions**

### **9**

- (1) Once a Suspension has been completed, regardless of the duration, the person subject to the Suspension will be subject to a six (6) month probationary period with the following conditions:
  - a. if an Incident occurs during the probationary period, the Manager of Fire and Bylaw Compliance will impose a subsequent Suspension of equal or greater duration than the initial Suspension;
  - b. a subsequent Suspension issued under this section may be for a duration of up to three (3) years;
  - c. a subsequent Suspension under this section must be issued by the Manager of Fire and Bylaw Services or the Municipality's Legal Counsel in writing; and,

- d. notwithstanding section 8 (1) of this Bylaw, a person subject to a subsequent Suspension under this section is not entitled to appeal that Suspension, regardless of whether the person requested an appeal of the initial Suspension.

## **Offence and Penalty**

### **10**

(1) Every person who violates a provision of this Bylaw or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.

(2) Every person who commits an offence is liable on summary conviction to a fine or imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

## **SCHEDULES**

Appendix A – Incident Procedure – Incidents Originating from the Public

Appendix A.1 – Incident Procedure – Incidents Originating from Municipal Staff

Appendix B – Inappropriate Behaviour Enforcement Guidelines

Appendix C – Appeal Procedure

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APPROVED by  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

## **Appendix A – Incident Procedures**

### **Incidents Originating from the Public**

1. This procedure is to be followed by members of the public who observe an Incident or by Municipal Staff when Municipal Staff observe an Incident, have reason to believe that an Incident has occurred in a Municipal Facility, or receive a complaint of an Incident by a member or members of the public.
2. The Municipality's primary concern is the safety of members of the public and Municipal Staff. If at any time Municipal Staff feel that the safety of any person is at risk, they will request police assistance. Municipal Staff are not expected to jeopardize their safety or that of others in responding to an Incident.
3. Municipal Staff are expected to act in accordance with this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
4. Where possible, Municipal Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that their behaviour is unacceptable and ask that the behaviour cease. Municipal Staff may also attempt to de-escalate the situation, where appropriate.
5. If the Inappropriate Behaviour continues, and depending on the severity of the Inappropriate Behaviour, Municipal Staff may require the person to leave the Municipal Facility immediately and the Supervisor may issue the person a temporary suspension of up to ten (10) days. If the person refuses to leave the Municipal Facility, Municipal Staff may request police assistance.
6. If the Incident involves alleged Inappropriate Behaviour by a minor, Municipal Staff will make reasonable attempts to notify the parent(s) or guardian of the minor as soon as reasonably possible following the Incident.
7. As soon as is reasonably possible following the Incident, Municipal Staff will complete an Incident Report which will include the following:
  - a. details of the Incident;
  - b. the names and contact information of the person(s) who engaged in the Inappropriate Behaviour;
  - c. the names and contact information of any witnesses; and,
  - d. any written statement provided by any witnesses.Municipal Staff will submit the completed Incident Report to their Supervisor who will provide a copy to their Manager and to the Director of Human Resources.
8. If the complainant of Inappropriate Behaviour is a member of the public, the

complainant must contact a Manager and explain the Incident in as much detail as possible. The details should include, but are not limited to, the time and location of the Incident. The complainant must also provide as many details of the Inappropriate Behaviour as well as sufficient details for the Municipality to identify the individual(s) engaged in the Inappropriate Behaviour.

9. All Incidents will be reviewed and investigated. When a Manager receives an Incident Report, they will consult with the Director of Human Resources and Corporate Planning. If the Director of Human Resources and Corporate Planning is aware of previous Incidents involving the person, the Director of Human Resources and Corporate Planning may consult with the Municipal Staff who reported or were involved in the previous Incidents. After considering the Incident Report and other available information as well as the Guidelines set out in Appendix B of this Bylaw, the Director of Human Resources and Corporate Planning and Manager will jointly take such action as they consider appropriate in the circumstances, which may include:
  - a. determining that the Incident did not constitute a violation of this Bylaw and take no further action;
  - b. determining that the Incident constituted a violation of this Bylaw but decide that no further action is required in the circumstances;
  - c. determining that the Incident constituted a violation of this Bylaw and take further action, including:
    - i. issuing a written warning letter or letter of expectation;
    - ii. requiring that the person meet with the Manager or the Director, including that the person not enter or use any Municipal Facility until they meet with the Manager or Director; and
    - iii. recommending that the Manager of Fire and Bylaw Services impose a fine, Suspension, or both a fine and a Suspension.
10. If the Director of Human Resources and Corporate Planning and Manager believe that a fine and/or a Suspension is appropriate, they will compile and forward all information gathered during their investigation to the Manager of Fire and Bylaw Services. The Director of Human Resources and Corporate Planning will make recommendations to the Manager of Fire and Bylaw Services regarding the proposed scope and duration of the Suspension and any terms and conditions.
11. The Manager of Fire and Bylaw Services will review the information and take such action as they consider appropriate after considering the factors set out in Appendix B of this Bylaw. The Manager of Fire and Bylaw Services may refuse to impose a fine and/or a Suspension or, if a Suspension is imposed, establish the scope and duration of the Suspension and any terms and conditions.
12. If a Suspension is issued, the Manager of Fire and Bylaw Services or the Municipality's legal counsel must notify the person in writing of the terms and conditions of the Suspension and of their right to appeal under this Bylaw.

13. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
14. If a Suspension is issued, a confidential memorandum regarding the Suspension will also be sent from the Director of Human Resources and Corporate Planning to Municipal Staff for whom the information is necessary for the performance of their duties. Further confidential memoranda may be issued to notify Municipal Staff of changes to or extensions of the Suspension and upon completion of the Suspension.
15. Except where prohibited by law, the Director of Human Resources and Corporate Planning may, pursuant to any information sharing agreements between the Municipality and other local governments, public bodies, RCMP and police, share the confidential memorandum and any information involved in the investigation.
16. The Manager of Fire and Bylaw Services may extend the duration of a Suspension where the person breaches the terms and conditions of the Suspension or where there are further Incidents involving the person.

## **Appendix A.1 – Incident Procedures**

### **Incidents Originating from Municipal Staff**

1. For the purposes of this Appendix:  
**“Committee”** means the employer of the Respondent, the direct supervisor of the Respondent, and the Director of Human Resources and Corporate Planning or their designate;  
**“Employer Decision Report”** means a report prepared by the Committee outlining the complaint, the Committee’s findings and decision, and further actions to be taken; and,  
**“Respondent”** means the member of Municipal Staff who is the subject of the complaint.
2. Inappropriate Behaviour (as defined in this Bylaw) originating from Mayor or Council will be deemed to be a contravention of Section 2 of the Council Standards of Conduct Policy. Complaints that are raised by members of the public about Inappropriate Behaviour originating from Mayor or Council members must be brought forward by the Director of Human Resources and Corporate Planning and the complaint must be reviewed in accordance with section 10 of the Council Standards of Conduct Policy.
3. If a member of the public believes that they have been subject to Inappropriate Behaviour originating from Municipal Staff other than the Mayor or Council members, they will follow the process set out below.
4. A complaint must be made in writing and delivered to the Director of Human Resources and Corporate Planning. Once a formal written complaint of Inappropriate Behaviour is made, the Director of Human Resources and Corporate Planning must review the complaint and decide whether it is appropriate to commence an investigation. Formal Investigations may include the engagement of an external investigator.
5. If a member of the public makes a verbal complaint to a Supervisor or Manager, the Supervisor or Manager must inform the complainant that they must make a written complaint to be delivered to the Director of Human Resources and Corporate Planning. The Supervisor or Manager must advise the Department of Human Resources immediately of any verbal complaint.
6. All persons interviewed by the investigator may be accompanied by a representative (union representative or representative from the Municipality’s Human Resources Department) should they wish to be accompanied. At the conclusion of the investigation, the investigator must document their findings and any recommendations for the resolution of the Inappropriate Behaviour. Findings must be presented to the Committee. The Committee will review the findings and decide, based on the factors

set out in Appendix B of this Bylaw, whether the findings indicate that the Respondent engaged in Inappropriate Behaviour. The Committee must then prepare an Employer Decision Report. The severity and duration of the Inappropriate Behaviour will be considered in determining appropriate corrective action, up to and including dismissal for just cause.

7. A copy of the Employer Decision Report must be provided to the Respondent on a confidential basis. Information collected and retained during the course of the investigation process is confidential and must not be disclosed to a complainant or witnesses except as otherwise may be required by law.
8. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
9. Unionized employees may dispute the Employer Decision Report under the provisions of the appropriate collective agreement under the grievance process.
10. Non-unionized employees may appeal the Employer Decision Report within fifteen (15) days of the Decision to the Chief Administrative Officer. The Chief Administrative Officer (or designate) must review the appeal, determine whether the decision of the Committee to make a finding of Inappropriate Behaviour was reasonable (taking into consideration the factors in Appendix B of this Bylaw), and issue a decision. The Decision of the Chief Administrative Officer (or designate) on the appeal is final.
11. If a complaint is found to be filed for malicious or vexatious purposes, the Director of Human Resources and Corporate Planning may determine that the person making the complaint has engaged in Inappropriate Behaviour under this Bylaw. Complaints filed for malicious or vexatious purposes may include, but are not limited to, complaints regarding decisions of Bylaw enforcement staff which the complainant seeks to overturn.

## **Appendix B – Inappropriate Behaviours Enforcement Guidelines**


In determining the appropriate measures to deal with a contravention of this Bylaw, Municipal Staff will consider the following factors:

1. the nature and severity of the Inappropriate Behaviour;
2. whether the Inappropriate Behaviour was a single or repeated act;
3. whether the person was told that the behaviour was inappropriate and nonetheless continued the behaviour;
4. the impact of the Inappropriate Behaviour on members of the public and Municipal Staff;
5. the person's acknowledgement of wrongdoing; and
6. the person's history of other contraventions.

## **Appendix C – Appeal Procedure**

1. Requests for review of a Suspension under this Bylaw must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days.
2. Within ten (10) business days of receiving a request for review under section 8(1) of this Bylaw, the Chief Administrative Officer will notify the person subject to the Suspension of the date for their hearing.
3. The person appointed as the District of North Cowichan's Privacy Officer will provide the person subject to the Suspension with copies of all materials that will be considered by the Chief Administrative Officer a minimum of ten (10) business days prior to the hearing. The materials will be redacted as necessary to comply with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 and any other applicable enactments.
4. The person subject to the Suspension may attend the hearing and may be accompanied by a representative of their choice, including legal counsel.
5. The Director of Human Resources and Corporate Planning will attend the hearing on behalf of Municipal Staff.
6. The Chief Administrative Officer may request the attendance of any other person at the hearing, including a member of Municipal Staff or Municipal legal counsel.
7. At the hearing, the person subject to the Suspension will have ten (10) minutes to address the Chief Administrative Officer. This time may be extended if deemed necessary by the Chief Administrative Officer due to the complexity of the issues or the severity of the allegations.
8. The Chief Administrative Officer will notify the person subject to the Suspension of their decision in writing within ten (10) business days of the hearing.
9. The decision of the Chief Administrative Officer with regards to a Suspension is final.
10. The Chief Administrative Officer will notify the Mayor and Council of appealed Suspensions.

# Report

Date	October 7, 2020	File:
To	Council	
From	Michelle Martineau, Manager of Legislative Services	Endorsed: 
Subject	Council Remuneration Amendment Bylaw No. 3780 for the first three readings	

## Purpose

To consider an amendment to the Council Remuneration Bylaw to allow for reductions in compensation for substantiated breaches to the Council Standards of Conduct Policy that would contribute to the Third Party Investigator's costs.

## Background

On June 6, 2018, Council adopted the Council Standards of Conduct Policy (the "Policy"), which set out the expectation for Council and committee members to adhere to when carrying out their duties and functions on behalf of the Municipality.

So that Council may apply the enforcement mechanism established under section 10.7 (d) v. of the Policy (see excerpt below), "*a reduction in compensation in accordance with the Council Remuneration By-Law,*" should a substantiated breach occur, an amendment to that bylaw is required.

- **Excerpt from Council Standards of Conduct Policy, section 10.7(d)v.:**
  - (d) Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
    - i. dismissal of the complaint;
    - ii. censure;
    - iii. removal from committee membership;
    - iv. prohibition from representing the District at events and/or attending conferences or seminars;
    - v. reduction in compensation in accordance with the Council Remuneration By-Law;
    - vi. a recommendation that an apology be given;
    - vii. counselling and/or coaching; or,
    - viii. such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.

## Discussion

Without enforcement mechanisms, a code of conduct is merely a series of guidelines. The proposed amendment is intended to authorize the provision established under section 10.7(v) of the Policy. If adopted, this amendment and where the costs associated with hiring a third party investigator were significant would cause the member who breached the Policy to contribute towards the costs of hiring that investigator.

The bylaw proposes increased sanctions where continuous breaches of the Policy arise by the same member. The amounts proposed in the bylaw are:

- a 10% reduction for 12 months for the first offence (i.e. approximately \$3,000 for a Councillor or \$8,000 for the Mayor during those 12 months),
- a 15% reduction for 12 months for the second offence (from that point forward, any overlap between the first offence and second offence will increase the reduction to 25% while those periods coincide), and,
- a 25% reduction for 12 months for the third and subsequent offences (overlapping offences within those 12 months could result in reductions of 50% where there are three concurrent offences, 75% for four concurrent offences, or even 100% if there are five or more concurrent offences).

## Options

**Option 1 (Recommended):** That Council gives first, second and third readings to Council Remuneration Amendment Bylaw 2020, No. 3780.

Option 2: Increase/decrease the penalty percentage values for substantiated breaches proposed in the bylaw.

## Implications

Amending the Council Remuneration Bylaw will authorize a reduction in the Council member's compensation and require the offending member to contribute towards hiring a third-party investigator, to offset the cost (if any) that would be funded through general taxation.

## Recommendation

That Council gives first, second and third readings to Council Remuneration Amendment Bylaw 2020, No. 3780.

Attachments:

- (1) Council Remuneration Amendment Bylaw 2020, No. 3780
- (2) Council Standards of Conduct Policy



The Corporation of the District of North Cowichan

**Council Remuneration Amendment Bylaw, 2020**

Bylaw No. 3780

Whereas, the Council of the Corporation of The District of North Cowichan has adopted the Council Standards of Conduct Policy;

And Whereas, the costs associated with hiring a Third Party Investigator under the Policy can be significant;

And Whereas, Council deems it fair and appropriate that, where a member of Council has been found to have breached the Policy, the member contribute towards the costs of the Third Party Investigator;

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 2020, No. 3780".

**Administration**

- 2 Council Remuneration Bylaw 2018, No. 3709 be and is hereby amended by inserting the following new subsection under Section 1:

- "(8) Where a member of Council has been found by a Third Party Investigator appointed under the Council Standards of Conduct Policy, as amended or replaced from time to time, to have breached the Policy, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be adjusted in accordance with the following:*
- (a) where the member of Council has been found to have breached the Policy for a first time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 10%, for a period of 12 months from the date of the breach;*
  - (b) where the member of Council has been found to have breached the Policy for a second time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 15%, for a period of 12 months from the date of the second breach;*
  - (c) where the member of Council has been found to have breached the Policy for a third or subsequent time, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 25%, for a period of 12 months from the date of third or subsequent breach;*

*(d) for certainty, where a member of Council has been found to have breached the Policy more than once in a 12-month period, the reductions in the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be cumulative for any period of overlap in the duration of each reduction (e.g., if a member of Council is found to have first breached the Policy on January 1 of a calendar year, and is subsequently found to have breached the Policy again on July 1 of that year, the remuneration to which the member of Council would otherwise be entitled to under this bylaw shall be reduced by 10% from January 1 to June 30 of that year, by 25% from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated."*

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

**COUNCIL POLICY  
STANDARDS OF CONDUCT**

**Last Updated:** June 6, 2018

**Policy Category:** Administration

**Approved By:** Council

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## **PREAMBLE FOR COUNCIL**

Being a Member of Council answerable to the public, comes with standards of ethical behaviour that are different than the standards that may be found in one's other roles in the community. This Standards of Conduct policy is a guide to assist Council in decisions faced in the course of carrying out Council duties and to support them in being proactive toward ethical dilemmas that may arise in the course of Council activities.

This policy does not cover every possible situation Council may face so it is important that actions are in harmony with the spirit and intent of these Standards of Conduct.

## **PURPOSE**

To set the expectation that District of North Cowichan ("District") Council and Committee Members adhere to these Standards of Conduct in carrying out their duties and functions.

## **SCOPE**

This policy applies to District Council and Committee Members. This Standards of Conduct applies to all interactions of Council and Committee Members in relation to District matters whether in duly constituted meetings, interactions with Staff or the public and during their use of social media.

## **STATUTORY PROVISIONS**

The Standards of Conduct policy is a supplement to the existing statutes, laws and policies governing the conduct of Council and Committee Members including but not limited to:

- *The British Columbia Human Rights Code;*
- *The British Columbia Community Charter;*
- *The British Columbia Local Government Act;*
- *The British Columbia Local Elections Campaign Finance Act;*
- *The Worker's Compensation Act of British Columbia;*
- *The Freedom of Information and Protection of Privacy Act;*
- *The District's Respectful Workplace Policy; and,*
- *The Criminal Code of Canada.*

Council and Committee Members must familiarize themselves with, and recognize that their behaviour is governed by, these statutes, laws and policies.

Provincial legislation and other statutory obligations supersede this Council policy.

## DEFINITIONS

<b>Committee Member</b>	A person appointed to a District committee, subcommittee, task force, commission, board, or other Council established body under the <i>Community Charter</i> or <i>Local Government Act</i> .
<b>Confidential Information</b>	Information or records that could reasonably harm the interests of individuals or organizations, including the District, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the <i>Community Charter</i> applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.
<b>Conflict of Interest</b>	A conflict of interest exists when an individual is, or could be, influenced, by a personal interest, financial or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, pre-judgment, close-mindedness or undue influence.
<b>Council</b>	The Mayor and Councillors.
<b>Gifts and Personal Benefits</b>	Gifts and personal benefits are items or services of value that are received by Council and Committee Members for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
<b>Immediate Relative</b>	A spouse (including common-law spouse), parent, parent-in-law, child, brother, sister, brother-in-law or sister-in-law, grandparent, grandparent-in-law or grandchild.
<b>Municipal Officer</b>	A member of Staff designated as an officer under section 146 of the <i>Community Charter</i> .
<b>Personal Information</b>	As defined in the <i>Freedom of Information and Protection of Privacy Act</i> .
<b>Staff</b>	An employee or contractor of the District. For the purposes of this policy, volunteers are also defined as Staff. Council are not Staff of the District.

## INTERPRETATION

In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.

## POLICY STATEMENTS

### 1. Foundational Principles

These foundational principles provide a basis for how Council and Committee Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

**1.1 Integrity:** being honest and demonstrating strong ethical principles.

Council and Committee Members are expected to act with **integrity** by:

- (a) Behaving in a manner that promotes public confidence in the District, including actively avoiding any perceptions of Conflicts of interest, improper use of office or unethical conduct.
- (b) Being truthful, honest and open in all dealings.
- (c) Upholding the public interest and making decisions in the best interests of the community.
- (d) Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.
- (e) Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C. and B.C. Human Rights Code*.

**1.2 Accountability:** an obligation and willingness to accept responsibility or to account for one's actions.

Council and Committee Members are expected to act with **accountability** by:

- (a) Being transparent in how they individually and collectively conduct business and carry out their duties.
- (b) Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- (c) Accepting and upholding that they are collectively accountable for local government decisions, and that individually elected or appointed officials are responsible and accountable for the decisions they make in fulfilling their roles.
- (d) Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.

**1.3 Respect:** having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Council and Committee Members are expected to act with **respect** by:

- (a) Treating every person, including other Council or Committee Members, Staff and the public with dignity.
- (b) Showing consideration for colleagues and Staff.
- (c) Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- (d) Valuing the role of diverse perspectives and debate in decision making.
- (e) Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- (f) Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.

**1.4 Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Council and Committee Members are expected to demonstrate **leadership and collaboration** by:

- (a) Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- (b) Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- (c) Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- (d) Accepting that it is the equal responsibility of the Council individually and collectively to work together to achieve common goals. Committee Members must also work together individually and collectively to achieve common goals.
- (e) Being an active participant in ensuring these Foundational Principles and the Standards of Conduct are followed.

## **2. General Conduct**

- 2.1 Council and Committee Members must adhere to the Foundational Principles and the provisions of this Standards of Conduct policy.
- 2.2 Council and Committee Members have an obligation to consider issues and exercise powers, duties and functions in an impartial manner that avoids arbitrary and unreasonable decisions.

2.3 Council and Committee Members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council and Committee Members must avoid conduct that:

- Contravenes this policy;
- Contravenes the law including District bylaws; or
- Is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

### **3. Roles and Responsibilities**

3.1 Council is the governing body of the District. It has the responsibility to govern the District in accordance with the *Community Charter* and other applicable legislation.

3.2 The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting District policies, programs and other directions of the Council as set out in the *Community Charter*.

### **4. Collection and Handling of Information**

4.1 Council and Committee Members must:

- (a) Collect, use and disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the District;
- (b) Protect and not disclose publicly Confidential Information;
- (c) Refrain from discussing or disclosing Confidential Information with Staff, or with persons outside the organization except as authorized;
- (d) Take reasonable care to prevent the examination of Confidential Information by unauthorized individuals;
- (e) Not use Confidential Information to cause harm to Council, the District, or any other person;
- (f) Only access information held by the District needed for District business;
- (g) Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
- (h) Not disclose details on Council's closed meeting deliberations or specific detail on whether individual Councillors voted for or against an issue;
- (i) Not alter District records unless expressly authorized to do so; and,
- (j) Adhere to the requirements outlined in this Section when they are no longer a Council or Committee Member.

## 5. Conflict of Interest

- 5.1 Conflict of Interest is dealt with under sections 100, 101 and 104 of the *Community Charter*. Ultimately, the interpretation of these sections is a matter for the courts. This Standard of Conduct policy is intended to provide additional guidance to Council and Committee Members.
- 5.2 Council and Committee Members are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.
- 5.3 Council and Committee Members must attempt to resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties. Council Members must ensure they are observing the statutory requirements of the *Community Charter*.
- 5.4 Council and Committee Members are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a conflict of interest.
- 5.5 Council and Committee Members should not seek or accept the Chair of a Committee or sub-committee whose business is related to an interest of the Council or Committee Member or with an Immediate Relative.

## 6. Interactions with Staff

- 6.1 Council and Committee Members are only to contact Staff (including Municipal Officers), according to the procedures authorized by Council and the District's Chief Administrative Officer regarding the interaction of Council and Committee Members and Staff.
- 6.2 Council and Committee Members are to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer or the department head (Director) of the appropriate department and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.
- 6.3 Advice to Council and Committees from Staff will be vetted and approved by the Chief Administrative Officer.
- 6.4 Council and Committee Members are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.

- 6.5 Council and Committee Members must not publish or report information or make statements attacking or reflecting negatively on Staff, Council or Committee Members. Any complaint should be brought to the attention of the Chief Administrative Officer for follow up.
- 6.6 Information obtained by any Member of Council, which is likely to be used in a Council or political debate, should be provided to all other Council Members, and to the Chief Administrative Officer as soon as possible.
- 6.7 Council and Committee Members must treat members of the public, Council, Committee Members and Staff with respect and without bullying, abuse or intimidation.

## **7. Use of Social Media**

- 7.1 Council or Committee Members must not purport to speak on behalf of the District or Council unless expressly authorized to do so.
- 7.2 Council and Committee Members will use caution in reporting Council decision-making by way of their social media profiles and websites before the District has released any formal communication.
- 7.3 When speaking for themselves as individual Councillors or Committee Members on social media or to the press, a Councillor or Committee Member will include “in my opinion” or use a similar disclaimer to ensure it is expressly clear they are speaking for themselves and not the District or Council as a whole.
- 7.4 Council and Committee Members will refrain from using or permitting the use of their social media accounts for purposes that include:
  - (a) defamatory remarks, obscenities, profane language or sexual content;
  - (b) negative statements disparaging Staff or calling into question the professional capabilities of Staff;
  - (c) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
  - (d) statements that indicate a closed-mind in relation to a matter that is to be the subject of a statutory or other public hearing; or,
  - (e) promotion of illegal activity.
- 7.5 Council and Committee Members must regularly monitor their social media accounts and

immediately take measures to deal with the publication of messages or postings by others that violate the terms of these Standards of Conduct.

## **8. Interactions with the Public and Media**

- 8.1 In an effort to promote respect and integrity for Council decision-making, Council and Committee Members will communicate accurately the decisions of the Council, even if they disagree with the majority decision of the Council or Committee.
- 8.2 When discussing publicly whether a Councillor or Committee Member did not support a decision, or voted against the decision, or that another Council or Committee Member did not support a decision or voted against a decision, a Council or Committee Member will refrain from making disparaging comments about other Council or Committee Members.

## **9. Gifts and Personal Benefits**

- 9.1 For Council, the receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. This Standards of Conduct policy is intended to provide additional guidance to Council and Committee Members.
- 9.2 Council and Committee Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council and Committee Members will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds \$50.00 or, where the total value of such gifts and benefits, received directly or indirectly from one source in any twelve (12) month period, would exceed \$250.00.
- 9.3 For clarity, the following are not considered gifts or personal benefits:
  - (a) Compensation authorized under section 105(2)(b) of the *Community Charter*;
  - (b) Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
  - (c) A lawful contribution made to a Council Member who is a candidate for election conducted under the *Local Government Act*; and
  - (d) A random draw prize at an event attended by a Council or Committee Member.
- 9.4 Council and Committee Members must disclose to the Corporate Officer any gifts or personal benefits accepted in compliance with Section 9.2 of this policy.
- 9.5 The content of the disclosure must comply with section 106(2) of the *Community Charter* and the Corporate Officer must be notified "as soon as reasonably practicable".

- 9.6 For the purposes of this Standards of Conduct, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much would it cost to replace the item?

## **10. Breaches, Complaint Handling and Disciplinary Action**

- 10.1 Council and Committee Members must abide by the requirements of the Standards of Conduct policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.
- 10.2 An alleged breach of this Standard of Conduct policy may be submitted by a Council or Committee Member or Staff. Complaints shall be submitted simultaneously in writing to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach. The Mayor and Chief Administrative Officer are authorized to extend this six (6) month deadline if circumstances warrant an extension.
- 10.3 In the event that the Mayor is the subject of, or is implicated in the complaint, the complaint shall be addressed to the current Acting Mayor and Chief Administrative Officer unless that individual is the subject of, or implicated in the complaint.
- 10.4 Upon receipt of a complaint under section 10.2, the Mayor, or Acting Mayor, and the Chief Administrative Officer shall, if they are not able to resolve the matter informally, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").
- 10.5 If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator. If this nominee cannot select the Third Party Inspector, the District's solicitor will select this person.
- 10.6 The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed.
- 10.7 If the Third Party Investigator determines to continue the investigation, the Third Party Investigator shall:

- (a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- (b) Provide an investigation update within ninety (90) days of their appointment to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
- (c) Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Standards of Conduct, to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent; and,
- (d) Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
  - i. dismissal of the complaint;
  - ii. censure;
  - iii. removal from committee membership;
  - iv. prohibition from representing the District at events and/or attending conferences or seminars;
  - v. reduction in compensation in accordance with the Council Remuneration By-Law;
  - vi. a recommendation that an apology be given;
  - vii. counselling and/or coaching; or,
  - viii. such other recommendations as are deemed appropriate in the judgment of the Third Party Investigator.

10.8 The Mayor or Acting Mayor shall provide the Report or a summary of the Report to Council.

10.9 If a Report or a summary of a Report is presented to Council, Council will decide whether the recommendations in the Report, whether in whole or part, will be imposed.

10.11 The Director of Human Resources will receive and retain all Reports.

10.12 Where a Council or Committee Member alleges a breach of this Standards of Conduct by another Council or Committee Member all Council and Committee Members shall refrain from commenting on such allegations at open meetings of Council, or Committees, pending the conclusion of the Report and any decision of Council on the Report.

# Report

Date: October 7, 2020

File:

To: Council

From: George Farkas, Director, Human Resources and Corporate Planning

Endorsed:



Subject: Council Strategic Plan: Quarter 3 Update (July 1 to September 30, 2020)

## Purpose

To provide a quarterly update on the status of the projects identified within the 2019-2022 Council Strategic Plan for the period from July 1 to September 30, 2020, in accordance with the Council Strategic Plan Administration Policy.

## Background

In early 2019, Council created North Cowichan's first-ever Council Strategic Plan. The 2019-2022 Council Strategic Plan (the "Plan") outlines what Council aims to accomplish during its term and sets out several years' worth of projects and initiatives to help them realize their vision and strategic objectives. With the support of an external consultant, Council engaged in a priority-setting exercise to identify an initial project list based on the available capacity in 2019 for each of the departments.

On March 4, 2020, Council adopted the Council Strategic Plan Administrative Policy (the "Policy") to establish an administrative process to ensure accountability and transparency to the public. The Policy supports Council's oversight role of monitoring staff progress towards implementing the Plan by providing clear direction to staff on how that progress is to be reported. That reporting requirement includes quarterly updates to Council by March 31, June 30, September 30 and December 31 of each year to outline staff progress towards meeting the Plan's objectives.

Council was presented with Departmental Business Plans (the "Business Plans") during the February 3, 2020 Committee of the Whole meeting, which highlighted how the Municipality would be operationalizing the Plan and the "Operational Strategic Plan" objectives, including those action items that were not completed in 2019. The Business Plans established a timeline for completing each priority over the next three years. Of the 49 projects identified in the Plan, 34 projects were planned to commence in 2020; 14 projects are planned to commence in 2021; and one project is planned to commence in 2022.

The Q1 Update for the period from January 1 to March 31 demonstrated substantial progress on all of the key initiatives commenced during the first three months of 2020. The staff report highlighted that the COVID-19 Pandemic had required the Municipality to take several precautionary measures for staff and the community's health and safety. The staff report also highlighted that subsequent quarterly updates would begin to identify the longer-term

implications from the COVID-19 Pandemic to the Plan's priorities, including mitigation efforts that have been put in place to ensure continued progress towards implementation of Council's priorities.

Despite the significant time and effort dedicated to establishing new ways of doing business in response to the COVID-19 Pandemic, the Q2 report showed strong progress in advancing Council's strategic projects from April 1 to June 30, 2020. One of the key risks identified in the Q2 report for Q3 was sustaining the pace of progress on Council's strategic priorities. The Municipality's internal services resource capacity (from both technological and internal services staff perspectives) was impacted due to supporting the rapid COVID-19 business transformation from face-to-face and paper-based business processes to virtual and electronic service delivery, and the significant safety and personnel requirements undertaken to resume in-person services where appropriate. The report also identified a handful of priorities that continued to be impacted due to the COVID 19 Pandemic, such as special events entailing large public gatherings, which are currently not permitted by the Provincial government.

## **Discussion**

In mid-September 2020, each department provided progress updates on each of the Plan projects commenced between July and September 2020. The information was summarized by corporate planning staff, reviewed by the Senior Leadership Team and compiled into the 2020 Quarter 3 Update (the "Update").

The Update continues to show strong progress in advancing Council's strategic projects from July 1 to September 30, 2020. During Q3, Council made several decisions in support of open and transparent communications with the public during the COVID-19 Pandemic. For example, public hearings have resumed; a workshop for the BC Energy Step Code and a CAEP engagement session were held, and the OCP Vision and Priorities survey was launched. In addition, a project was initiated to create a Community Engagement Framework and Policy with the support of the Public Engagement Committee of Council, and a survey was launched to capture community feedback on engagement practices. Over 12 news releases were released in Q3, with the Municipality experiencing approximately a 2% growth in its social media audience.

The Municipality also continued to modernize its practices in Q3 by providing direction on Budget 2021 engagement while ensuring the public and staff's safety and developed an electronic application process for building permit and development applications. In Q3, Council also reconsidered its approach to the Forestry Review. As a result, Council enacted a 60-day pause on the public engagement process to facilitate a government-to-government consultation with local First Nations.

One of the key risks identified in the Q2 report that materialized in Q3, and is expected to continue moving ahead, is the Municipality's internal resource capacity to support its rapid business transformation from face-to-face to electronic service delivery. Due to the focus required to adapt our business processes as quickly as possible to meet the challenges presented by COVID-19, in a few cases, staff are beginning to report some difficulty in meeting existing project timelines in 2020, which has subsequently impacted projects planned for 2021. As part of the 2021 Departmental Business Planning processes, staff will identify projects that have been impacted, and will be seeking direction from Council on the prioritization of projects in the 2021 Departmental Business Plans. Staff will also seek direction on projects that have been identified as requiring scoping clarification from Council to ensure that Council's strategic plan priorities can continue to advance efficiently and effectively during these unprecedented times.

As required under the Policy, the Update will be made available on the Municipal website after it has been approved.

### **Recommendation**

That Council accept the 2020 Quarter 3 Update on the 2019-2022 Council Strategic Plan as presented by the Director, Human Resources and Corporate Planning.

Attachment:

Appendix A: Council Strategic Plan Quarter 3 Update



## 2020 Quarter 3 Update

July 1 - September 30, 2020

# Council Strategic Plan 2019-2022

# INTRODUCTION

*Quarter 3 Update: July 1 - September 30, 2020*

The Quarter 3 update continues to show strong progress in advancing Council's strategic projects from July 1 to September 30, 2020. During Q3, Council made several decisions in support of open and transparent communications with the public as the municipality continues to adjust its practices in response to the COVID-19 pandemic. For example, public hearings have been resumed; a workshop for the BC Energy Step Code and a CAEP engagement session were held; and the OCP Vision and Priorities survey was launched. In addition, a project was initiated to create a Community Engagement Framework and Policy with the support of the Public Engagement Committee of Council, and a survey was launched to capture community feedback on engagement practices. Over 12 news releases were released in Q3, with the municipality experiencing approximately a 2% growth in its social media audience.

The municipality also continued to modernize its practices in Q3 by providing direction on the Budget 2021 engagement process, which ensures that the process is both safe for the public as well as staff. In addition, the municipality developed and implemented an electronic application process for building permit and development applications. In Q3, Council also reconsidered its approach on the Forestry Review, and, as a result, enacted a 60-day pause on the public engagement process to facilitate a government-to-government consultation with local First Nations.

One of the key risks that was identified in the Q2 report, that materialized in Q3 and is expected to continue moving ahead, is the municipality's internal resource capacity to support its rapid business transformation from face-to-face to electronic service delivery. Given the focus of adapting our business processes to meet the challenges presented by COVID-19, staff are beginning to report in a few cases some difficulty in meeting existing project timelines in 2020, which has subsequently impacted projects that are being planned for 2021. As part of the 2021 Departmental Business Planning processes, staff will identify projects that have been impacted, and will be seeking direction from Council on the prioritization of projects in the 2021 Departmental Business Plans. Staff will also seek direction on projects that have been identified as requiring scoping direction from Council to ensure that Council's strategic plan priorities are able to continue to advance in an efficient and effective manner during these unprecedented times.

# SERVICE



We provide responsive, efficient, transparent and engaged service that contributes value to the community.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Maintain the existing high level of service in the community	<ul style="list-style-type: none"> <li>✓ The Budget 2021 engagement process was approved by Council. In addition, a project was initiated to create a Community Engagement Framework and Policy with the support of the Public Engagement Committee of Council.</li> <li>✓ A survey to capture community feedback on engagement practices was launched on September 14 and will close on October 15, 2020.</li> <li>✓ Various procedures have been put in place to allow for Council meetings, Public Hearings and virtual engagement processes to continue during COVID-19.</li> <li>✓ In addition, an electronic application process has been developed and implemented for building permit and development applications. The Engineering Department has implemented a streamlined system using Calls for Service software to better track and respond to calls from the public.</li> </ul>
Develop a long-term plan for the municipal forest reserve	<ul style="list-style-type: none"> <li>✓ The Forestry Advisory Committee met on June 30 and the third working group meeting was held July 6.</li> <li>✓ The first meeting in the First Nations consultation process was held between the municipality and the Cowichan Nation Alliance on July 7.</li> <li>✓ To facilitate government-to-government consultation with First Nations, Council enacted a 60-day pause on the public engagement process on July 15.</li> <li>✓ The UBC partnership group has the preliminary modeling work completed and is awaiting input from the public engagement process and First Nations consultation to help guide the details of potential future management scenarios/options.</li> </ul>
Recognize the great work of staff	<ul style="list-style-type: none"> <li>✓ An Employee Feedback and Development System was implemented, which provides an opportunity for open dialogue between management and staff.</li> <li>✓ The Employee Spotlight Program was re-instated.</li> <li>✓ Staff are designing a survey to go out to all employees to seek their input on a prospective employee recognition program that would be implemented in 2021.</li> <li>✓ Staff have commenced event planning for a staff recognition event to be held before the end of the year in alignment with required COVID-19 safety protocols.</li> </ul>
Ensure open and transparent communications with the public	<ul style="list-style-type: none"> <li>✓ An online workshop for implementation of North Cowichan's BC Energy Step Code Incentive Program was held on August 20.</li> <li>✓ The CAEP Engagement session to net feedback on emissions modelling was held on July 27 with approximately 30 community stakeholders and neighbouring local governments, including First Nations.</li> </ul>

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Ensure open and transparent communications with the public, <i>continued</i>	<ul style="list-style-type: none"> <li>✓ The OCP survey was launched on August 14 and closed on September 17. External communications was carried out to support the OCP project, including newsletters, a video, and social media.</li> <li>✓ Over 12 news releases were issued in Q3, with approximately a 2% growth in our social media audience.</li> <li>✓ Staff supported BC Housing with two community dialogues regarding the new supportive housing to be located at 2983 Drinkwater Road, and created a dedicated webpage for additional information.</li> <li>✓ External communication was ongoing throughout the AAP, which closed on July 14, with 1,234 valid elector responses accepted in opposition to borrowing the funds required for the new RCMP facility. Communication included news releases, newspapers ads, social media posts, a mail out, a video, a dedicated web page, and a groundbreaking event on August 7, after Council approved the borrowing bylaw.</li> </ul>
Identify potential new sources of revenue	<ul style="list-style-type: none"> <li>✓ Finance will be reviewing the Fees Bylaw in Q4 to add fees for fire inspections and ensure other fees are appropriate.</li> <li>✓ In light of COVID-19, staff will be bringing forward options for Council on building permit fees and development application fees as part of the departmental business planning process.</li> </ul>
Review RCMP service levels	<ul style="list-style-type: none"> <li>✓ A workshop was held with Council at a Committee of the Whole meeting on August 11 to identify Council's objectives and desired outcomes of the review, and to identify the scope of work to be undertaken by a consultant.</li> <li>✓ Procurement for the financial review portion of the project is underway in Q3, with the gap analysis portion of the project to begin in Q4.</li> </ul>
Maintain opportunities for multi-modal transportation	<ul style="list-style-type: none"> <li>✓ The tender for Chemainus Road surface works was awarded in early summer and work is progressing substantially, with completion of the project expected in Q4.</li> <li>✓ Active transportation funding was granted which has added to the Chemainus Road fund. This will allow for a new signalized pedestrian crossing to be installed at the golf course on Henry Road.</li> <li>✓ The Master Transportation Plan tender has been awarded and the project will commence in Q4, with the estimated completion tentatively scheduled by August 2021.</li> <li>✓ Staff have commenced RFP development for the Canada Avenue Complete Streets project which will include the addition of active transportation along Canada Avenue.</li> </ul>

# ENGAGEMENT



Through collaborative relationships with other governments, Indigenous peoples, stakeholder partners and engaging the community at large, we achieve optimum outcomes for all.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Continue to develop strong relationships with Indigenous peoples	<ul style="list-style-type: none"> <li>✓ Five First Nations were contacted about consultation/engagement on the OCP project.</li> <li>✓ On July 7, North Cowichan staff met with staff from the Cowichan National Alliance (CNA) to talk about the future of the Municipal Forest Reserve (MFR). In order to facilitate government-to-government consultation with local First Nations, Council paused the public engagement process on July 15.</li> <li>✓ On August 26, Mayor and Council met with the Chiefs of the Cowichan Nation Alliance in the first step of a process to listen and learn about First Nations interests in the MFR.</li> <li>✓ Staff are working with and supporting the efforts of the Halalt First Nation to resolve flooding issues. A letter was sent from the Mayor to the province requesting their leadership in this matter.</li> <li>✓ We are continuing to actively engage with First Nations on the Joint Utilities Board Sewage Treatment Plant (STP) Outfall Relocation Project and the Chemainus STP Municipal Waste Regulation Outfall Environmental Impact Study.</li> </ul>
Support community groups and organizations	<ul style="list-style-type: none"> <li>✓ Special events involving roads continue to be impacted due to complications arising from COVID-19 restrictions.</li> <li>✓ Inquiries have occurred and minor events have been approved and are running under COVID-19 protocols. Most major/large events are not running due to their logistics to meet Provincial COVID-19 requirements.</li> </ul>
Work collaboratively with regional government partners, ensuring a strong relationship with the Cowichan Valley Regional District (CVRD)	<ul style="list-style-type: none"> <li>✓ CAOs continued to meet during COVID-19 to discuss issues of mutual interest.</li> <li>✓ Regular participation by Municipal staff in meetings with School District 79, City of Duncan, CVRD and the consulting team about development of new Cowichan Secondary School.</li> <li>✓ Staff continue to collaborate with CVRD staff in regards to the CVRD's Flood Management Function and Watershed Function.</li> <li>✓ An agreement has been signed with City of Duncan to supply monthly road sweeping services and increase the utilization of the municipality's fleet.</li> <li>✓ The municipality worked closely with BC Ferries and the mill to consider re-locating the Crofton Ferry Terminal.</li> <li>✓ An agreement was established with Department of Fisheries and Oceans of Canada for the operation of the Crofton Wharf and renewal of the lease with Paper Excellence for the Crofton boat launch.</li> </ul>

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Lobby the CVRD, provincial and federal governments to support North Cowichan through grants, funding, and tax revenues	<ul style="list-style-type: none"> <li>✓ A supportive housing project at Drinkwater Road and Paddle Road is proceeding with Municipal support. Staff are meeting regularly with BC Housing and the project team to facilitate project.</li> <li>✓ The Mayor sent letters to the BC Minister of Municipal Affairs and Housing, and participated in weekly meetings with the Minister and other BC Mayors, to lobby for deferred tax deadlines and reduced penalties during COVID-19, as well as resumption of public hearing and board of variance processes.</li> <li>✓ The municipality was successful in winning grants in Q3, including \$25,000 from ICBC for Cowichan Lake Road, and \$282,000 from BC Active Transportation Infrastructure Grants Program.</li> <li>✓ Council approved three grant applications including: Investing in Canada Infrastructure Program under the Community, Culture and Recreation stream for the Crofton to Maple Bay Trail project; Investing in Canada Infrastructure Program under the COVID-19 Resilience stream for replacement of the Fuller Lake Arena roof and the Cowichan Aquatic Centre roof; and the Federation of Canadian Municipalities' Municipal Asset Management Program so that North Cowichan may continue with its next phase of asset management planning to create Asset Management Plans for major facilities and buildings.</li> <li>✓ UBCM meetings held the week of September 14.</li> </ul>
Provide a strong voice at the CVRD table, advocating for sustainable development in the region	<ul style="list-style-type: none"> <li>✓ Presentation to Council by Cowichan Housing CEO to assess roles and responsibilities related to social housing and delivery of social services.</li> </ul>

# HOUSING

We have sustainable housing opportunities that represent the interests of all our citizens.



<b>Action</b>	<b>2020 Quarter 3 Update</b>
Seek opportunities to partner and support affordable housing initiatives	✓ Lease and Housing Agreements for the Sherman Road and Willow Street affordable housing projects are now drafted and will be presented to Council on October 7.
Create opportunities for new forms of housing (e.g. condos above neighbourhood commercial)	✓ Staff report on secondary suites directed by Council in Q3. ✓ The Zoning Bylaw will be reviewed in 2021 as per the Departmental Business Plan.
Explore opportunities for additional housing that meets the needs of the community	✓ Housing Needs Assessment project progressing. Final report expected in January 2021.

# ENVIRONMENT



We lead in environmental policies and practices to support the future health of our community.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Strengthen environmental policy in all land use planning	✓ Review of environmental policy and regulation commenced. Report expected in Q4.
Remodel and implement the Climate Action and Energy Plan	<ul style="list-style-type: none"> <li>✓ Digital public engagement has taken place and many useful ideas from the public will be implemented in the modelling.</li> <li>✓ The municipality has completed the public engagement phase of the project in Q3, and will be conducting financial and economic modelling in Q4.</li> </ul>
Reconsider the Urban Containment Boundary and where future growth should be concentrated, especially in relation to the Quamichan watershed	✓ Within the scope of the OCP review. The boundary review is in phase three of the OCP review.
Relocate the Joint Utility Board Sewage Outfall Location	<ul style="list-style-type: none"> <li>✓ The contract for the Receiving Environment Monitoring Program (REMP) for the JUB outfall has been awarded and an RFP for design consultants will be released shortly.</li> <li>✓ Staff continue to consult with First Nations and the approval process with DFO regarding the outfall has commenced.</li> </ul>
Evaluate options for environmental improvements to Quamichan and Somenos Lakes	<ul style="list-style-type: none"> <li>✓ Zeolite filters have been installed on some inflow streams draining to Quamichan Lake.</li> <li>✓ The Somenos Marsh Society has used North Cowichan funds to install covers over parrots feather to discourage growth as a pilot project.</li> <li>✓ Staff have continued to monitor water quality in Quamichan Lake.</li> </ul>
Develop a comprehensive climate change risk & vulnerability assessment	<ul style="list-style-type: none"> <li>✓ Staff have begun consideration of scoping options that will be workshopped with Council in Q4 or Q1 2021.</li> <li>✓ The budget for the project will be brought forward during the 2021 Budget process.</li> </ul>
Review requirements for gray water reuse, solar power, and charging stations in new development	✓ As part of developing the Planning and Building Department's 2021 Business Plan, staff will seek direction from Council regarding prioritization of projects.
Review opportunities for district energy system partnerships	✓ No change from Q1.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Support the health of our beaches, including advocacy with other levels of government	<ul style="list-style-type: none"> <li>✓ Good water quality has been reported at all of our key sites throughout the summer.</li> <li>✓ Park Ambassadors participated in the promotion of healthy/safe public use of beaches during COVID-19.</li> <li>✓ Increased garbage collection and cleaning services occurred during the summer at waterfront park locations.</li> </ul>
Integrate natural assets into the overall asset management program	<ul style="list-style-type: none"> <li>✓ As part of developing Department 2021 Business Plans, staff will seek direction from Council regarding prioritization of projects.</li> </ul>
Increase awareness of waste reduction	<ul style="list-style-type: none"> <li>✓ Updated the website with current waste reduction information and mailed out new curbside collection schedules to homeowners.</li> <li>✓ Expanded the number of recycling and composting facilities in the municipality.</li> </ul>

# ECONOMY



We attract and retain great talent and sustainable businesses, and have opportunities for all.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Support, retain, and attract light industry	<ul style="list-style-type: none"> <li>✓ To be considered in OCP review in 2021.</li> </ul>
Review options to provide any future municipal forest timber to local businesses for secondary industry	<ul style="list-style-type: none"> <li>✓ The UBC partnership group has the preliminary modeling work completed and is awaiting input from the public engagement process and First Nations consultation to help guide the details of potential future management scenarios/options.</li> <li>✓ On July 15, Council enacted a 60-day pause on the public engagement process to facilitate a government-to-government consultation with the local First Nations.</li> <li>✓ Reviewing options to provide municipal forest timber to local businesses will be investigated, should harvesting timber be included as an option for future forest management.</li> </ul>
Develop a long-range strategic plan for North Cowichan-owned real estate	<ul style="list-style-type: none"> <li>✓ Council deferred developing a strategy until after the OCP and Forestry Review concludes.</li> <li>✓ Council directed staff to provide a report on properties suitable for immediate disposition. A report will be brought forward to Council in Q4.</li> </ul>
Support small scale innovative agriculture	<ul style="list-style-type: none"> <li>✓ To be addressed in review of the Strategic Agricultural Plan in 2022.</li> <li>✓ As part of developing the Planning and Building Department's 2021 Business Plan, staff will seek direction from Council regarding prioritization of projects.</li> </ul>
Create conditions that will facilitate the development of specialty services in and around the new Cowichan District Hospital	<ul style="list-style-type: none"> <li>✓ Staff continue to meet with property owners to facilitate servicing extensions into the Bell McKinnon area.</li> <li>✓ Ongoing meetings are occurring with applicants compiling large land holdings in the Bell McKinnon area for pre-application discussions.</li> <li>✓ Staff are working with a consultant on drafting zoning for specialty health care uses.</li> </ul>
Consider the merits of implementing an Economic Development Committee	<ul style="list-style-type: none"> <li>✓ Staff met with the CVRD Economic Development Manager. A presentation was also made to Council by the CVRD Economic Development Manager.</li> </ul>
Update the Agricultural Implementation plan and encourage the use of arable land	<ul style="list-style-type: none"> <li>✓ To be addressed in review of the Strategic Agricultural Plan in 2022.</li> </ul>

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Support sport tourism and in particular Rowing Canada Aviron's entry into the community	<ul style="list-style-type: none"> <li>✓ Staff are holding ongoing meetings with Rowing Canada to facilitate short-term needs leading up to Tokyo Olympics and working with Kinsmen to facilitate relocation from Art Mann Park.</li> <li>✓ Rowing Canada has hired consultant to assist with short and long term issues to develop National Training Centre.</li> </ul>
Lobby the provincial government to locate offices in North Cowichan	<ul style="list-style-type: none"> <li>✓ No change from Q1.</li> </ul>

# COMMUNITY



We are a mix of unique, inspiring, sustainable, and safe neighbourhoods enjoyed by residents, businesses, and visitors.

<b>Action</b>	<b>2020 Quarter 3 Update</b>
Rewrite the Official Community Plan, forming the basis for local area plans throughout the community (e.g. Quamichan area, Berkey's Corner area, and Maple Bay Village)	<ul style="list-style-type: none"> <li>✓ Gap analysis and background work now completed. Vision and priority setting underway. Community Character mapping to commence in Q4.</li> <li>✓ Over 900 people participated in the Vision and Priority survey in Q3.</li> </ul>
Incentivize or prioritize new growth in areas close to existing core development	<ul style="list-style-type: none"> <li>✓ To be addressed in OCP review.</li> </ul>
Provide more input into managing the opioid crisis	<ul style="list-style-type: none"> <li>✓ Update of Safer Community Plan provided to Council.</li> <li>✓ Duncan and North Cowichan engaged in discussions as to how we can improve the operation of the CPO and Working Group.</li> <li>✓ Presentation made by Cowichan Housing CEO to help clarify assistance provided to the homelessness issues.</li> </ul>
Continue to implement existing neighbourhood plans (e.g. Chemainus Revitalization Plan, Crofton Local Area Plan, etc.)	<ul style="list-style-type: none"> <li>✓ Local area plans are being implemented through development review and approval processes.</li> <li>✓ The Chemainus Road Upgrade, planning for Bell McKinnon Road sewer, and the development of new Cowichan Secondary School are all proceeding as per applicable Local Area Plans.</li> </ul>

# UPCOMING

The following list of Action Items have a start date beyond 2020

<b>Action</b>	
Review developer utilization of the professional reliance model	2021
Develop incentives for creating compact development (e.g. infill)	2021
Develop a business case for innovative development (e.g. site adaptive planning, conservation development, residential cluster development, etc.)	2021
Review requirements for gray water reuse, solar power, and charging stations in new development	2021
Create a biodiversity protection policy	2021
Update the Subdivision Bylaw	2021
Renew the Zoning Bylaw	2021
Encourage appropriate development charges and amenities to support greater development (e.g. Development Cost Charge review).	2021
Review the potential for creating a heritage protection policy	2021
Improve pedestrian safety on Boys Road	2022

# COMPLETED

The following list of Action Items have been completed

<b>Action</b>	
Utilize local business when it can be demonstrated through the procurement process that they can deliver comparable value for money to non-local business	2019
Evaluate the merits of adopting the Energy Step Code	2020

# Report

Date October 7, 2020

File:

To Council

From Shaun Mason, Municipal Forester

Endorsed:



Subject Community Resiliency Investment Funding Application 2021

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## Purpose

To request Council endorsement to apply for funding through the Community Resiliency Investment Program to reduce the risk and impact of wildfire within the community.

## Background

The Community Resiliency Investment (CRI) program is a provincial program managed by The Union of BC Municipalities (UBCM) to reduce the risk and impact of wildfire on BC communities through community funding, supports, and priority fuel management activities.

The UBCM, First Nations' Emergency Services Society and the Forest Enhancement Society of BC are working with the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, represented by the BC Wildfire Service, to administer the FireSmart Community Funding & Supports portion of the program for local government and First Nation applicants.

North Cowichan was successful in receiving grant funding through the CRI program to update the Community Wildfire Protection Plan (CWPP) in 2019. And again in 2020 allowing us to provide an opportunity for the residents of North Cowichan to dispose of their yard waste/woody debris to help reduce the overall fire hazards in the community. The "chipper days" project scheduled for Spring 2020 was postponed to Spring 2021 due to COVID-19.

A presentation about the CWPP process and summary of recommendations was provided to Council on March 4, 2020, and is included as part of this report.

## Discussion

The CWPP was completed in Spring 2020 and has been submitted to UBCM. They are currently reviewing the document to ensure it has met all the requirements as per the funding guidelines with approval expected Fall 2020. Once approved through UBCM, it will be brought to Council for adoption.

There were several recommendations within the CWPP to reduce and manage wildfire risk through fuel management, FireSmart planning, community education and wildfire response. These recommendations are priority ranked and are to be implemented over time with a focus on reducing vulnerability and increasing the community's resilience to wildfire. The proposed CRI grant application is for a total project cost of \$135,345, focusing on fuel management, FireSmart planning and community education.

The CWPP highlights opportunities to treat high-risk interface areas and create larger landscape-level fuel breaks in elevated wildfire risk locations. The next step in the process is to conduct detailed treatment prescriptions in the identified high-risk areas. The proposed application includes a request for funding to conduct the detailed treatment prescriptions for all identified high-risk areas identified in the CWPP. The areas included are on the western side of Crofton, Mount Tzouhalem and the communications tower area at the top of Maple Mountain. Critical infrastructure that is owned by North Cowichan is also included as part of the proposed treatment prescriptions as identified within the CWPP.

The proposed application also includes funding for fuel reduction treatments in the critical infrastructure areas. The types of fuel reduction treatments will depend on the findings from the treatment prescription but will likely include tree and vegetation clearing and hauling/chipping of the debris in the immediate area around structures. The completed treatment prescriptions are reviewed and approved through UBCM before any fuel reduction treatments can take place. Staff will seek Council endorsement in 2021 to apply for CRI grant funding to start the fuel reduction treatments for the identified high-risk areas in 2022 as per the approved treatment prescriptions.

The CWPP recommended that a wildfire protection development permit area (DPA) be established. The Municipality currently has development permit guidelines for fire hazard lands in Development Permit Area 4 (Hazard Lands), but the guidelines are poorly structured and difficult to administer. All of the Municipality's development permit areas and guidelines, including those that apply to wildfire hazard areas, need review and update. This work is expected to occur as part of the OCP and Zoning Bylaw update projects in 2021 but will only proceed if funding is approved in the 2021 budget.

Should funding for a Wildfire Protection DPA be received through the CRI program, it will be possible to establish more effective wildfire protection regulations. This would be accomplished by accurate mapping of the extreme and high wildfire hazard areas, guidelines that effectively protect structures and properties from wildfire risk, and implementation procedures that are practical and cost-effective for property owners and the Municipality.

The grant application includes an educational component to ensure clear, concise and timely information is made available to the public about proposed projects with a summary of findings and the next steps throughout the projects. It will also include the successful contractor(s) making a presentation to Council at the end of each project to summarize the results and highlight the proposed next steps based on the findings.

## Options

**Option 1 (Recommended): Proceed with Community Resiliency Investment Program application to conduct treatment prescriptions, fuel reduction treatments for critical infrastructure only, and develop a Wildfire Development Permit Area.**

RECOMMENDED MOTION: That Council authorize staff to submit an application to the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high-risk areas including critical infrastructure, fuel reduction treatments around critical infrastructure as per the approved treatment prescriptions, and development of a Wildfire Development Permit Area.

**Option 2: Proceed with the Community Resiliency Investment Program application to conduct treatment prescriptions and fuel reduction treatments for critical infrastructure only (excluding Wildfire Development Permit Area)**

OPTION 2 MOTION: That Council authorize staff to apply for the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high-risk areas, including critical infrastructure and fuel reduction treatments around critical infrastructure as per the approved treatment prescriptions.

**Option 3: Proceed with the Community Resiliency Investment Program application to conduct treatment prescriptions and develop a Wildfire Development Permit Area (excluding fuel reduction treatments for critical infrastructure).**

OPTION 3 MOTION: That Council authorize staff to apply for the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high risk areas including critical infrastructure and development of a Wildfire Development Permit Area.

**Option 4: Do Not Proceed with Any Community Resiliency Investment Program Application**

OPTION 4 MOTION: No motion of Council required.

**Implications**

Personnel: Staff time will be required to coordinate, implement, advertise, oversee and promote the project.


Financial: There will be minor costs incurred to advertise and promote the project. Should partial or no funding be received for the project, staff will report back to Council for further direction.

**Recommendation**

That Council authorize staff to submit an application to the Community Resiliency Investment 2021 FireSmart Community Funding and Supports Program for grant funding to oversee and hire a qualified professional to conduct detailed treatment prescriptions in the high-risk areas including critical infrastructure, fuel reduction treatments around critical infrastructure as per the approved treatment prescriptions, and development of a Wildfire Development Permit Area.

Attachment: Community Wildfire Protection Plan Update Report and Presentation: Community of the Whole, March 4, 2020

# Report

Date	March 4, 2020	File:
To	Committee of the Whole	
From	Shaun Mason, Municipal Forester	Endorsed: 
Subject	Community Wildfire Protection Plan Update	

## Purpose

To provide the Committee of the Whole with an overview presentation of the updated Community Wildfire Protection Plan.

## Background

On September 20<sup>th</sup>, 2018, the Forestry Advisory Committee (FAC) recommended to Council that staff be directed to apply for grant funding through the Community Resiliency Investment (CRI) program through the Union of BC Municipalities (UBCM) to update the existing Community Wildfire Protection Plan (CWPP) from 2005/2006. At the November 21, 2018 regular Council meeting, Council endorsed the FAC's recommendation and the CRI grant application was submitted to UBCM. The application was successful with North Cowichan receiving the full grant request in the amount of \$34,500 early Spring 2019.

A Request for Proposals was advertised with Diamond Head Consulting being awarded the project in the summer of 2019. Diamond Head Consulting is a firm specializing in wildfire management, experienced in developing CWPP's and the specific requirements necessary through the CRI grant funding program.

Diamond Head Consulting has been working with North Cowichan staff and the BC Wildfire Service throughout the process of renewing the CWPP. Letters requesting input into the process were also sent to local stakeholders within North Cowichan, the CVRD and local First Nations.

## Discussion

The presentation is to provide Council with an overview of the processes that were undertaken to develop the renewed CWPP, review the recommendations and provide general information around the next steps moving forward.

Diamond Head Consulting is in the final stages of completing the CWPP, preparing for the final submission to UBCM for their review by March 31, 2020. Once the CWPP is accepted by UBCM, staff will bring the CWPP back to Council for adoption and to discuss potential steps moving forward with the recommendations.

## **Recommendation**

That Council receive the CWPP overview presentation from Diamond Head Consulting for information.

Attachment(s): Diamond Head CWPP Overview Presentation, FireSmart Community Funding Report, Forestry Advisory Committee Minutes, Council certified resolution

# Community Wildfire Protection Plan for The Corporation of the District of North Cowichan

Conor Corbett  
RPF, MSFM  
Diamond Head Consulting Ltd.

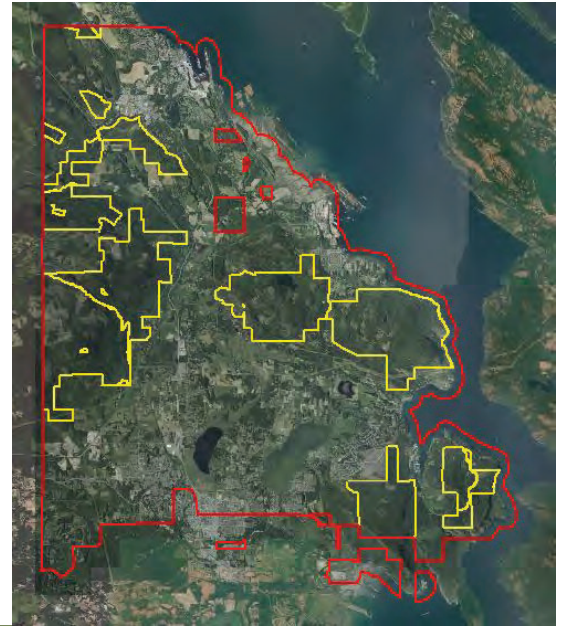
## Background

- A Community Wildfire Protection Plan (CWPP) was developed for the City in 2007
- 18 recommendations, identified forested areas of the District as “high” or “extreme” risk
- Resulted in fuel treatments in 2007



# Background

- Funded by a grant from the Community Resiliency Investment (CRI) program
- The CWPP provides the framework to create communities that are designed for and prepared to defend against a wildfire event
- District is unique as it manages the Municipal Forest Reserve and is responsible for wildfire suppression within this area



*District of North Cowichan CWPP*

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# Objectives

- To understand the wildfire risk profile in and around the community
- Make recommendations to reduce vulnerability if a wildfire occurs
- To ensure that future development is designed to make the community more resilient to wildfire



*District of North Cowichan CWPP*

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# Wildfire Trends

- Wildfire impacts and suppression costs are increasing
- This is in large part due to climate change driving hot, dry summers and earlier springs
- Over the past decade there has been an average of 1,692 fires per year in British Columbia, burning an average of 151,000 ha
- The 2018 fire season surpassed 2017 as the worst on record with more than 1.25 million hectares burned

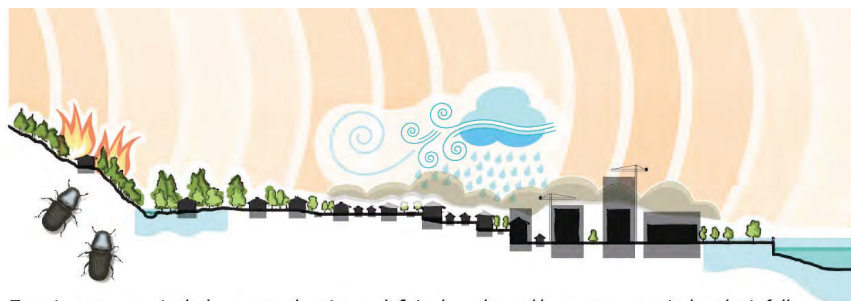


District of North Cowichan CWPP

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# Wildfire Trends

- From now to 2050 weather for the District is expected to:
  - Increase in average annual temperature of 1.6 Celsius
  - An increase in winter precipitation of 5%
  - A decrease in summer precipitation of 19%
  - Increase in drought and moisture deficits in fire season



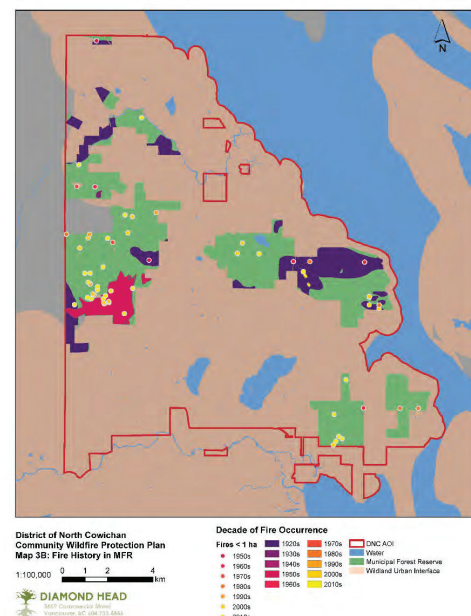
*Transient stressors include: seasonal moisture deficit, drought and heat; extreme wind and rainfall; urban activity and air pollution; pests and disease; and wildfire and flood events*

District of North Cowichan CWPP

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# Wildfires in North Cowichan

- In the past 10 years there have been 46 fires in the study area that have burned approximately 10 ha
- Wildfires are decreasing in the District since 1950, however this is largely attributed to the declining use of controlled burn in forest practices
- The Maple Mountain fire in 2018 was significant with high rates of spread and intensity and burned within 500m of homes

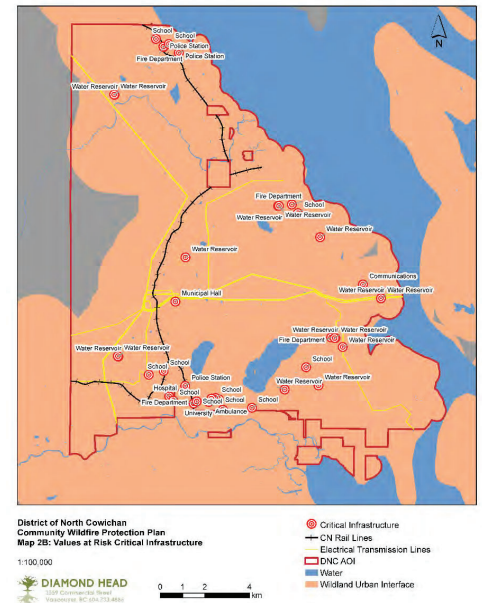


# Maple Mountain Fire



# Values to be Protected

- Human life and safety
- Urban development
- Industry - manufacturing plants and mills
- Cultural values and archeological sites
- Species at risk
- Recreation
- Timber values



# Values to be Protected

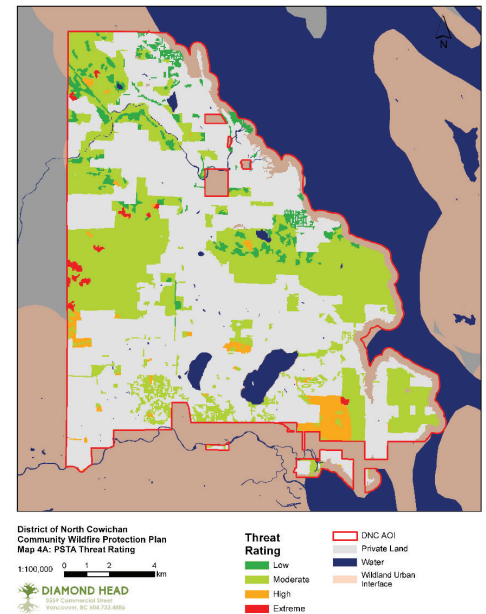
## Critical infrastructure

- Hydro transmission lines and substations
- Municipal water supply
- Hospitals
- Schools
- Municipal buildings
- Police stations
- Fire stations
- Communications Tower



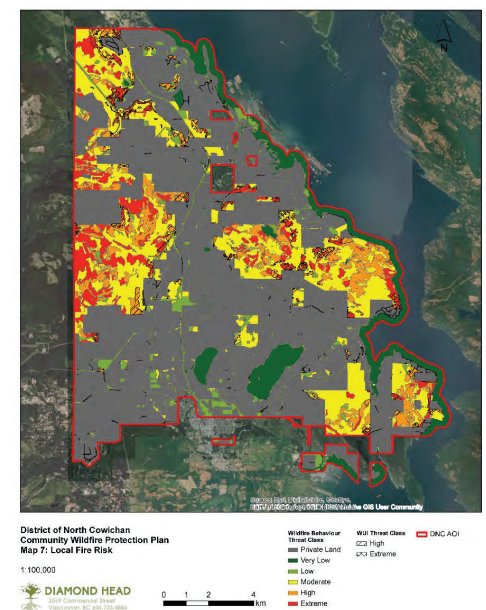
# Wildfire threat

- Wildfire threat reflects the potential fire behavior
  - Fuel loading
  - Slope and aspect
  - Weather conditions
- Highest threat is posed by coniferous dominated forests on steep slopes
- Data is poor for areas that have been recently modified



# Wildfire risk

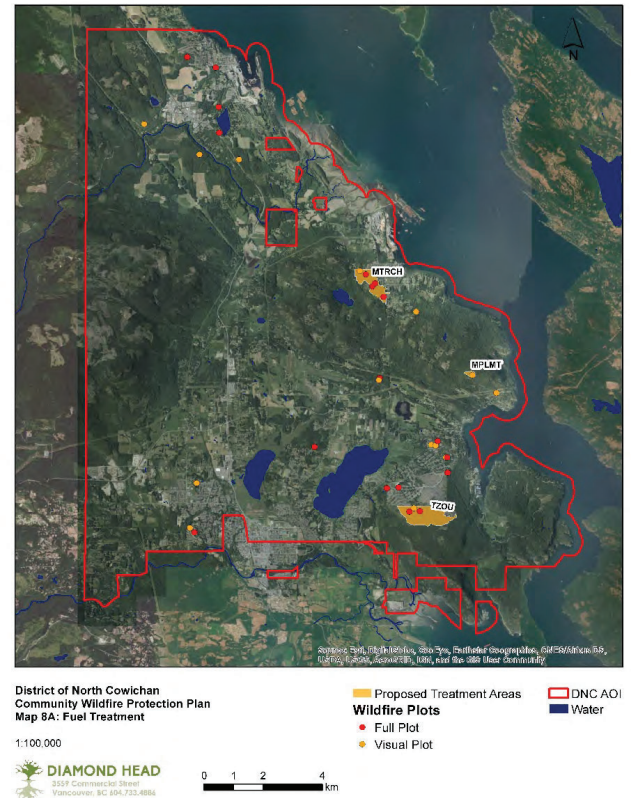
- Risk = Probability X Consequence  
(Fire Behavior) (Values at risk)
- Highly variable winds in the District, but generally historic fire spread has been east to west or north to south
- Most of the public lands adjacent communities pose a moderate wildfire risk
- A majority of the high and extreme risk areas are on steep slopes in the MFR



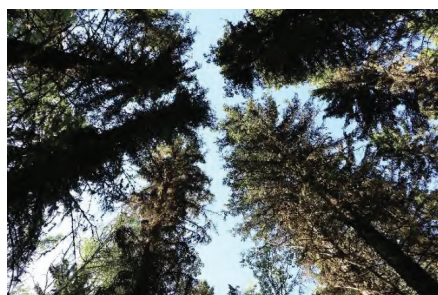
# Recommendations

## Fuel Management:

- High risk interface fuels have been identified
- 3 high priority areas are recommended for treatment to reduce wildfire risk
- Treatment strategies are prescribed by a Forester with wildfire experience



# Recommendations

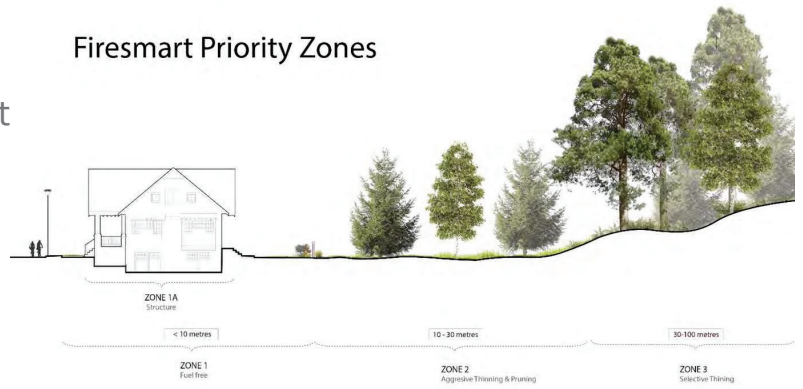


# Recommendations

## Firesmart Planning:

- Policy updates to improve the Firesmart performance of new developments
  - Treatment of adjacent interface fuels
  - Fire resistant construction
  - Fire resistant landscaping

### Firesmart Priority Zones



# Recommendations

## Community Education:

- Many hazardous fuel areas are on private lands
- Public awareness and education is critical
- Develop stewardship opportunities for individuals and community-based volunteer organizations.
  - Youth involvement through schools
  - Presence of wildfire awareness materials at public events
  - Showcasing of fuel treatments
  - Use of technology – social media, website



# Recommendations

## Wildfire Response:

- Prevent ignitions
- Early detection and reporting
- Suppression resources (vehicles, structural protection units, water sources)
- Access and evacuation
- Training and interagency communication and cooperation



# Implementation

- Anticipate urban growth further into forest interface areas
- Climate change will change forest conditions and weather patterns
- Strategically alter forest conditions in the interface so that they are more resistant to wildfire
- Plan all new development in the interface to be more resilient to wildfire

# Next Steps

- Finalize report, submit to CRI for technical review and approval
- Review recommendations and pursue implementation



*District of North Cowichan CWPP*

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# Next Steps

- 32 recommendations are prioritized
- Implemented over time, taking advantage of funding opportunities



*District of North Cowichan CWPP*

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# Thank you

## Questions?



# Report

Date October 7, 2020

File:

To Council

From Michelle Martineau, Manager, Legislative Services

Endorsed:



Subject Council Correspondence

## Purpose

To determine the most efficient way to bring forward correspondence addressed to Mayor and Council to an agenda for a decision.

## Background

In November 2018, a new process for distributing correspondence to Council was established, which consolidated all correspondence, invitations, newsletters, media releases and other information into a weekly Info Package delivered to Council on Thursday afternoons. The Info Package included correspondence received through the mail, dropped at the Municipal Office or sent in by email to [council@northcowichan.ca](mailto:council@northcowichan.ca) or [info@northcowichan.ca](mailto:info@northcowichan.ca).

Emails received through these accounts were triaged by the Communications and Public Engagement department, who sent out replies and acknowledgements to senders when appropriate. Emails which required a technical response were then forwarded to the appropriate staff person for response. The staff response was also included in the Info Package, sometimes in the same package where Council received the original email.

Because there was concern over the delay on receiving correspondence through the Info Package and confusion [and some inconsistencies] on how correspondence was brought forward to be included in an agenda package, a pause was placed on this process. Currently, correspondence is being forwarded to Council as it is received, during regular business hours.

## Discussion

Council receives various types of correspondence from informal petitions, requests for information, and items that are purely for information purposes only. To determine how best to meet Council's needs, staff focused on:

- (1) how quickly correspondence should be delivered to Council members
- (2) how an item could be added to a Council agenda
- (3) how Council should be copied on responses

## Delivery of Correspondence

The consensus on how quickly correspondence should be delivered to Council members was to set up automatic redirects for all emails addressed to [council@northcowichan.ca](mailto:council@northcowichan.ca) to each Council member and copied to the Executive Assistant. The Executive Assistant would acknowledge receipt of the email and

forward it to the appropriate staff person if the item was of a technical nature. If it were an item that was not of a political or technical nature, which required a decision of Council and should be included in an agenda, it would be forwarded to the Corporate Officer to be included in the next agenda (as long as it was received at least one week before the meeting date). No triaging by staff would be done on items that were informational in nature. See Attachment 1: Correspondence Flowchart for a picture on what that flow could look like.

### **Adding Correspondence to an Agenda**

The following options were considered on bringing items forward to a Council agenda:

- That the Executive Assistant identifies which item was to be forwarded to the Corporate Officer when triaging the correspondence [specifically the [council@northcowichan.ca](mailto:council@northcowichan.ca) email].
- That Council makes the determination, through the Mayor, whether they wish to add the correspondence to an agenda as New Business.
- Use a Consent Agenda for all correspondence except unsolicited informational items like newsletters and media releases received from other governments or organizations.

### **Consent Agenda**

A Consent Agenda groups routine business and reports into one agenda item, allowing Council to approve all of the items in one action without discussion, rather than introducing individual motions. Typical consent agenda items are routine, procedural decisions, and decisions that are likely to be noncontroversial. The accompanying recommendation for all correspondence listed in a Consent Agenda would be accepted for information only, leaving it to Council to determine whether to remove it from the Consent Agenda and add it under New Business.

The Consent Agenda would be prepared with a numbered list of the consent items, including recommendations (similar to a Council agenda) and placed under the "Approval of the Agenda" heading. The Mayor (or presiding member) would ask if there were any items Council wished to have removed from the Consent Agenda and discussed individually. If any member requests that an item be removed from the Consent Agenda (for any reason), it must be removed. Once it is removed, the Mayor can decide whether to immediately take up the matter or place it on the regular meeting agenda under New Business.

When there are no more items to be removed, the Mayor, or Corporate Officer, reads out the remaining consent items. The Mayor would then state, "if there is no objection, these items will be adopted". After pausing for any objections, the Mayor would state, "as there are no objections, these items are adopted." It is not necessary to ask for a show of hands. If a member objects, the Mayor must ask for a mover and seconder for the items be adopted before calling the question and voting on adoption of the Consent Agenda. The minutes would reflect the full text of the recommendations adopted as part of the Consent Agenda.

### **Copying Council on Staff Replies and Responses**

Staff thought it was important that Council be copied on all acknowledgments sent by the Executive Assistant so that they would be (immediately) aware if a staff response would be forthcoming or not, and on all replies/follow-up responses by staff to ensure that Council received the same information as the member of the public who initiated the inquiry.

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## Recommended Options

1. Authorize the use of a Consent Agenda.
2. Permanently cease distribution of the Council Info Package.
3. Automatically redirect emails to the [Council@northcowichan.ca](mailto:Council@northcowichan.ca) email address to members of Council and copy the Executive Assistant.

## Alternative Options

4. Automatically include any correspondence that requires an action or reply in a Council agenda under New Business.
5. Provide direction to the Corporate Officer, through the Mayor, when to include an item of correspondence in a Council agenda and instruct staff to respond to public inquiries of a technical nature with a copy to Council.
6. Resume distribution of the Council Info Package on a (daily or weekly) basis.
7. Direct staff to send out the Council Correspondence Survey and bring forward recommendation(s) based upon the feedback submitted by members and/or facilitate a workshop at the November 10, 2020 Committee of the Whole meeting.

## Implications

The recommended options will help Council keep the process for bringing forward correspondence received from the public in a simple, efficient and transparent manner.

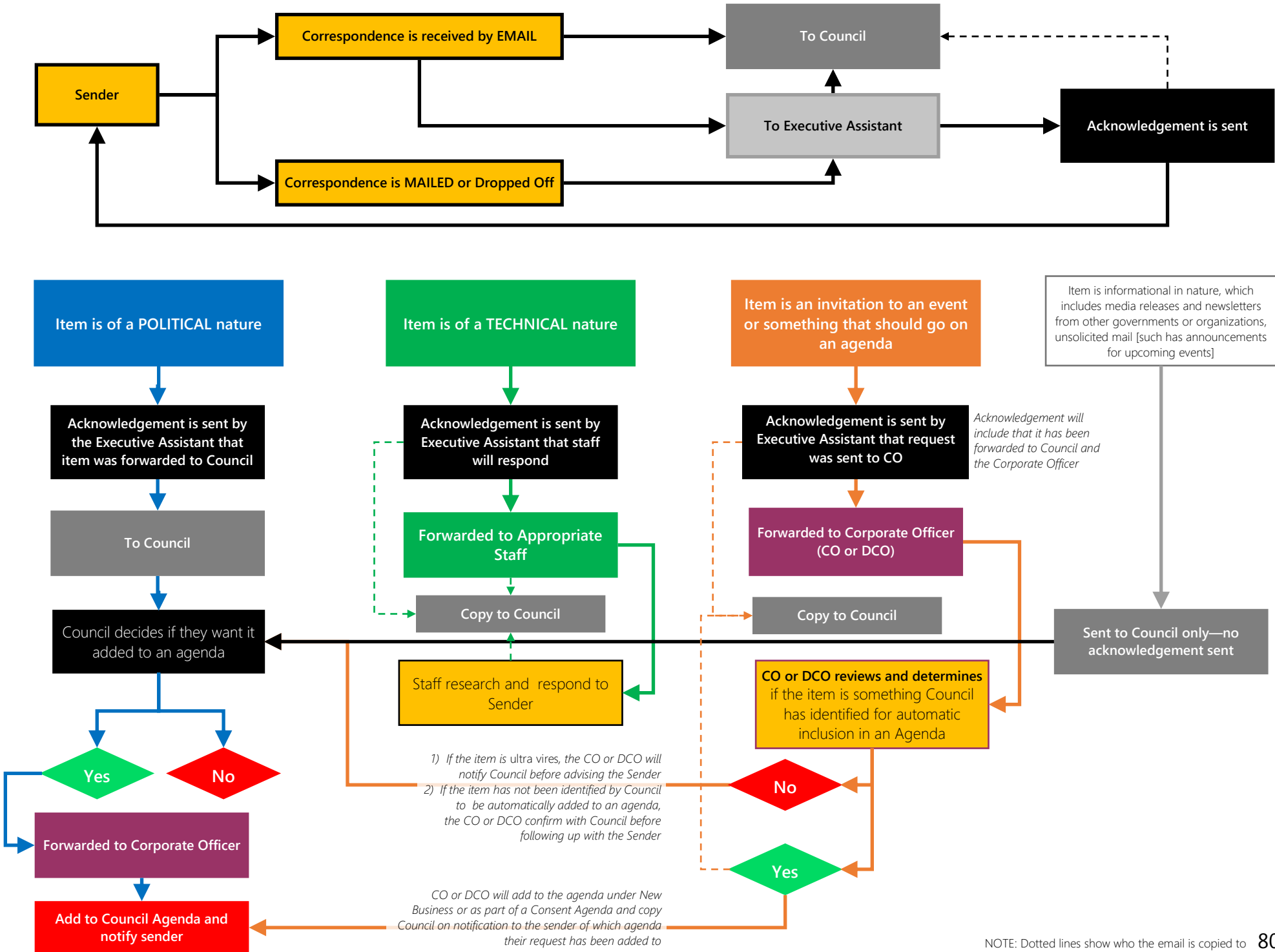
## Recommendations

1. That Council authorize a Consent Agenda to be presented at the beginning of a meeting, allowing items to be removed from the Consent Agenda on the request of any member; and that items not removed may be adopted by general consent without debate, and further that removed items may be taken up either immediately after the Consent Agenda or placed on the regular meeting agenda under New Business at the discretion of Council.
2. That Council direct staff to permanently cease distribution of the Council Info Package.
3. That the [Council@northcowichan.ca](mailto:Council@northcowichan.ca) email is automatically redirected to each member of Council and copied to the Executive Assistant.

Attachment(s):

- (1) Correspondence Flowchart
- (2) Council Correspondence Survey

ATTACHMENT 1: Correspondence Flowchart



# Council Correspondence Survey

The purpose of this survey is to help staff better understand Council's needs so we can improve the process by which Council receives their correspondence. This survey will look at how and when the correspondence is forwarded to Council (expediency); how particular items could be added to a Council agenda (efficiency); and how a technical response is provided to the member from the public (effectiveness).

Please take a few minutes to answer this short survey to help us propose some new options for handling Council correspondence.

## A. Expediency

*There are various types of correspondence Council may receive, ranging from informal petitions to items that are purely for information purposes only. An 'Informal Petition' (which is really just an expression of a group of people's opinion – similar to a piece of correspondence from one person) is not treated the same as formal petitions to establish municipal local services areas, therefore, no requirement to bring forward to a Council agenda for consideration unless requested to do so by Council. The only requirement for an 'informal' petition is to deliver it to Council.*

*Due to the abundance of correspondence that Council receives on a daily basis, it can sometimes be difficult to spot items of higher priority because of the sheer number of emails members must read. The questions in this section focus on how quickly you wish to receive the various types of correspondence, which will likely vary based on the substance of the item.*

### (1) Considering each of the following types of correspondence Council may receive, how quickly would you like them sent?

- (a) Immediately when it is received (i.e. it is sent directly to each Councilor's respective email address)
- (b) Daily, at the end of each business day as a batch
- (c) Weekly, at a designated time as a batch (like the info pack)
- (d) Other [open-ended space to be provided]

Please select (a), (b), or (c) or provide your comments in the space below.	(a) Immediately	(b) Daily	(c) Weekly
Request for action or information by a member(s) of the public, which is of a political nature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Request for action or information by a member(s) of the public, which is of a technical nature (e.g. traffic calming, water quality, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informal Petition received by the Corporate Officer (e.g. the petition received regarding speed calming on Indian Rd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Direct invitation to an event (e.g. invitation to complete an online survey, or the request from the Chemainus Legion inviting a representative of Council to attend and assist with their presentation ceremony for winners of the 2019 Poster and Literary Contest)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Announcement (indirect invitations) of upcoming event (e.g. email from Vancouver Island Economic Association to attend Summit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information item that does not require a response or acknowledgement (e.g. newsletter, media release, thank you letter, notification of grant award, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## B. Efficiency

*Many of the emails or letters submitted by the public have a technical component to them, which may prove beneficial and timely to Council if triaged by staff (Executive Assistant) when received, or the sender has asked that their letter be included on a particular agenda. In the past, the process of how an item of correspondence makes its way onto a Council agenda, has been uncertain or inconsistent.*

*There are a couple ways correspondence items can be added to an agenda for Council's consideration. One such way is through the use of a **Consent Agenda**. During this process, items are added to a Council agenda in a group to streamline the process for considering administrative matters. All documentation associated with the consent items would be provided to Council in advance so that Council can make an informed vote on all of the grouped items. Members of Council would have the opportunity to ask clarification questions or provide brief comments about any of the items contained in the Consent Agenda, or they could choose to remove an item for a more fulsome discussion where there may be some concern or question over the matter. The item removed from the Consent Agenda could then be added under New Business. Alternatively, Council could establish a process to automatically add certain types of correspondence to the next agenda, as long as it is not yet published.*

### (1) Would you like to resume receiving the 'Info Pack' for items of information only?

- (a) Yes
- (b) No (if no, skip to Question 3)

### (2) If you answered 'Yes' to resuming the Info Pack, how often would you like to receive it?

- (a) Daily (i.e. at the end of each business day)
- (b) Weekly
- (c) Monthly

### (3) How would you like correspondence to be added to an Agenda?

- (a) Consent Agenda
- (b) Automatically added as New Business
- (c) Both (a) and (b)
- (d) Other (open-ended option) \_\_\_\_\_

### (4) If you selected the Consent Agenda, which types of correspondence would you like included in that agenda?

Please select ALL that apply.

- ☐ All correspondence submitted to Council either by email, mail or dropped off in person for "receipt only" and provide members the opportunity, during the meeting, to remove an item from the Consent Agenda and add it to New Business where Council could fully discuss the item or make a decision.
- ☐ Only those items that require some type of action or response to provide members the opportunity, during the meeting, to briefly speak to the item or remove it from the Consent Agenda and add it to New Business where Council could make a decision.
- ☐ Items that are for information only (e.g. newsletters, media releases, announcements, etc.)
- ☐ Other (open-ended option) \_\_\_\_\_
- ☐ I do not support using a Consent Agenda

**(5) If you selected 'information only' items for the Consent Agenda [under Question (4) above] or that correspondence should automatically be added to the regular agenda [under Question (3) above], which types of correspondence, in your opinion, should be added as 'New Business'?**

Please select ALL that apply.

- ☐ Requests for action or information by a member(s) of the public, which is of a political nature
- ☐ Requests for action or information by a member(s) of the public, which is of a technical nature (e.g. traffic calming, water quality, etc.)
- ☐ Informal Petitions received by the Corporate Officer (e.g. the petition received regarding speed calming on Indian Rd)
- ☐ Direct invitations to an event (e.g. invitation to complete an online survey, the request from the Chemainus Legion inviting a representative of Council to attend and assist with their presentation ceremony for winners of the 2019 Poster and Literary Contest)
- ☐ Announcements (indirect invitations) of upcoming event (i.e. email from Vancouver Island Economic Association to attend Summit)
- ☐ Information item that does not require a response or acknowledgement (i.e. newsletter, media release, thank you letter, notification of grant award, etc.)
- ☐ Only as directed by members of Council through the Mayor to the Corporate Officer
- ☐ Other (open-ended option) \_\_\_\_\_

**(6) Would you like staff to triage your correspondence?**

- (a) Yes
- (b) No \*if No is selected, survey is complete

## **C. Effectiveness**

*Providing a response to an inquiry from the public requires thoughtful consideration of any risks or potential liabilities, including financial, personnel, or social implications; the appropriate jurisdiction; and whether any procedural requirements have been established under provincial or federal legislative or municipal bylaws and policies prior to response. This is where staff's departmental expertise can assist Council when responding to inquiries from the public. The questions in this section will provide direction to staff on whom should be responding directly to the person who submitted the inquiry and when Council would like to be copied on those email discussions.*

**(1) If staff (Executive Assistant) were to triage correspondence, what would that look like to you?**

Please select ALL that apply.

- ☐ Staff acknowledges receipt of all types of correspondence
- ☐ If the inquiry necessitates a response or is of a technical nature, the Executive Assistant acknowledges receipt of correspondence, coordinates a response with the appropriate staff person, then: (then select one of the options below)
  - ☐ Advises the sender who will be replying to their email
  - ☐ Staff provide a response for the Mayor to send out


- ☐ If the inquiry necessitates a response or is of a technical nature, the Executive Assistant coordinates a response with the appropriate staff person and that staff person or the Executive Assistant respond directly to the inquiry
- ☐ Other [open-ended option] \_\_\_\_\_

**(2) Please indicate how you would like to be copied on emails triaged by staff?**

Please select ALL that apply.

- ☐ When any acknowledgement is sent
- ☐ When the Executive Assistant coordinates a response with the appropriate staff member, if the inquiry necessitated a response or was of a technical nature
- ☐ When staff respond to the inquiry, if the inquiry necessitated a response or was of a technical nature, and if Council has determined that staff are to respond directly to the individual
- ☐ Other (open-ended option) \_\_\_\_\_

# Report

Date	October 7, 2020	File:
To	Council	
From	Don Stewart, Director, Parks and Recreation	Endorsed: 
Subject	Cowichan Valley Regional District - Osborne Bay Park Lease Agreement	

## Purpose

To return the responsibility for the Osborne Bay Regional Park maintenance back to the Cowichan Valley Regional District (CVRD) now that they have the capacity within their organization to complete this work.

## Background

In January 1997, the CVRD and the Municipality of North Cowichan entered into a lease agreement for the maintenance of Osborne Bay Regional Park for 50 years, with an option to renew the agreement for an additional 49 years (99-year lease potential).

The lease agreement was put in place to ensure that the park would be maintained and be available for our citizens (and the region as a whole), recognizing that they were the primary users. At that junction, North Cowichan was already actively maintaining other parks within Crofton. At the same time, the CVRD found this to be a relatively orphan property, creating an easy relationship for our municipal workforce to provide maintenance services, which are billed back to the CVRD.

## Discussion

Since 1997, the CVRD Regional Park System has greatly expanded, to where they now have the internal capacity to assume maintenance of this specific park within their regular scope of work. Returning this responsibility to the CVRD would enable North Cowichan park staff to perform other work within the municipal boundary that would benefit North Cowichan citizens.

Article 6, Clause 3 of the agreement allows either party to terminate the lease upon providing the other party with at least two months notice. Terminating this lease will not cause any changes to the intended use of the park by North Cowichan citizens, or change public access.

## Options

**Option 1 (Recommended):** Proceed with notification to the CVRD to terminate the lease.

Option 1 Motion: That Council give notice of its intention to terminate the lease agreement between the Cowichan Valley Regional District (CVRD) and the Corporation of the District of North Cowichan regarding the maintenance of Osborne Bay Regional Park, effective January 1, 2021, in accordance with Article 6, Clauses 3 and 4 of the agreement, as attached as Schedule A to CVRD Bylaw No. 1795.

Option 2: Continue to maintain Osborne Bay Regional Park and invoice the CVRD for services provided

Option 2 Motion: No Motion Required.

### **Implications**

Financial: There will be a minor impact on revenue as the Municipality will no longer be invoicing the CVRD for services rendered.

Personnel: The Municipality will be able to reallocate staff resource time towards other projects that will benefit the community.

Public: The need for a joint news release to advise the public that this change will not impact park users is being contemplated.

Intergovernmental: North Cowichan staff have discussed the lease with CVRD staff, and CVRD staff agree with terminating the lease.

### **Recommendation**

That Council give notice of its intention to terminate the lease agreement between the Cowichan Valley Regional District (CVRD) and the Corporation of the District of North Cowichan regarding the maintenance of Osborne Bay Regional Park, effective January 1, 2021, in accordance with Article 6, Clauses 3 and 4 of the agreement, as attached as Schedule A to CVRD Bylaw No. 1795.

Attachment: 1997\_01 CVRD - Lease - 1222 Smith Road - Osborne Bay Park

**SCHEDULE "A" TO  
BYLAW NO. 1795**

THIS AGREEMENT made in duplicate the **16<sup>th</sup>** day of **January**, 199**7**.

BETWEEN:           The Cowichan Valley Regional District  
                          137 Evans Street  
                          DUNCAN, British Columbia   V9L 1P5

(Hereinafter called the "Lessor")

OF THE FIRST PART

AND:                The Corporation of the District of North Cowichan  
                          P.O. Box 278  
                          DUNCAN, British Columbia   V9L 3X4

(Hereinafter called the "Lessee")

OF THE SECOND PART

**ARTICLE 1 - DEMISE**

The Lessor demises and leases to the Lessee, ALL AND SINGULAR, that certain parcel or tract of land, more particularly described as:

Lot 11, Sections 18 and 19, Range 4, and of Section 19, Range 5, Comiaken District, Plan 3088, Except part in Plan 47309, P.I.D.; 006-223-320 (1222 Smith Road)

Shown outlined in bold on the attached Appendix "A".

TOGETHER with the use of all privileges, advantages, and appurtenances whatsoever to the Lands belonging or otherwise appertaining.

(Hereinafter called the "Lands")

**ARTICLE 2 - TERM**

To have and to hold the Lands from the 1st day of September, 1996, for the term of 50 years thence ensuing and for a further period of 49 years if both parties are in agreement.

**ARTICLE 3 - RENT**

The Lessee shall pay to the Lessor the rent of Ten (\$10.00) Dollars of lawful money of Canada, payable on the 1st day of September of each year of the term of the lease, the first payment to be made on the 1st day of September, 1996.

.../2

**ARTICLE 4 - COVENANTS OF THE LESSEE**

The Lessee covenants with the Lessor that:

1. the Lessee shall use the Lands only for Community Parks Purposes;
2. the Lessee shall keep the Lands in good condition and shall undertake full responsibility for its welfare;
3. the Lessee shall pay the special area taxes, including parcel and user charges, for services and rental of same;
4. the Lessee shall obtain the approval of the Lessor to any substantial improvements on the Lands or to any alterations to any part of the Lands;
5. the Lessee shall permit the Lessor to enter and view the state of repair, and shall make repairs according to the notice of the Lessor;
6. the Lessee shall not assign, nor sublet, without leave of the Lessor;
7. assignment of the Lease does not release the Lessee from its obligations under the Lease;
8. the Lessee shall keep open the grounds and facilities for the use of the community;
9. the Lessee shall not carry on any works or activity on the Lands that shall be deemed by the Lessor to be a nuisance;
10. the Lessee shall observe all fire regulations and restrictions during the term of the Lease;
11. the Lessee shall observe all legal requirements during the Lease;
12. the Lessee shall take out, and maintain, fire insurance for all contents;
13. the Lessee shall take out, and maintain, liability insurance in the amount of \$2,000,000.00 and shall include the Lessor as an additional insured;
14. payment of insurance claims shall be first applied to the Lessor's claims;
15. the Lessee shall indemnify and save harmless the Lessor from every and all claims of any nature whatsoever arising out of the use and occupation of the Lands by the Lessee or any Sub-Lessee as herein before provided;
16. the Lessee shall give up possession of the Lands at the end of the Lease;
17. the Lessee shall leave the premises in good repair.

.../3

ARTICLE 5 - COVENANTS OF THE LESSOR

The Lessor covenants with the Lessee that:

1. the Lessee shall have the quiet enjoyment of the Lands.

ARTICLE 6 - MUTUAL COVENANTS

The Lessee and the Lessor do mutually covenant that:

1. the Lessee acknowledges that it has inspected the Lands and that they are suitable for the Lessee's use;
2. the Lessor has the right of re-entry in the case of non-observance, or non-performance, by the Lessee of covenants herein contained;
3. either party may terminate the Lease upon providing the other party with at least 2 months notice of such intention;
4. notice of intention to terminate shall be provided in writing and may be personally delivered or sent by certified, registered, or prepaid mail;
5. if the term hereby granted shall be at any time seized or taken in execution or in attachment by any creditor of the Lessee or if the Lessee shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent, shall take the benefit of any act that may be in force for bankrupt or insolvent debtors, or become defunct, the term hereby granted shall immediately become forfeited and void and any buildings, improvements, and installations shall become the property of the Lessor at no charge or expense to the Lessor.
6. the natural habitat and environs will be protected where deemed appropriate and capable of being so protected thereby recognizing the "unique environmental and recreational opportunities available on the lands".
7. the original vendor "Raymond Joseph Gallegher" shall be allowed to personally cross the "Lands" on foot for the purpose of obtaining firewood on the shoreline at any reasonable time.

Nothing contained in this lease shall prejudice the Lessor's right to grant right-of-way access over, across, through or under said land during the term and with the express written permission from the Lessee.

- 4 -

THE CORPORATE SEAL OF THE CORPORATION  
OF COWICHAN VALLEY REGIONAL DISTRICT  
was affixed in the presence of:

Chairperson

Secretary

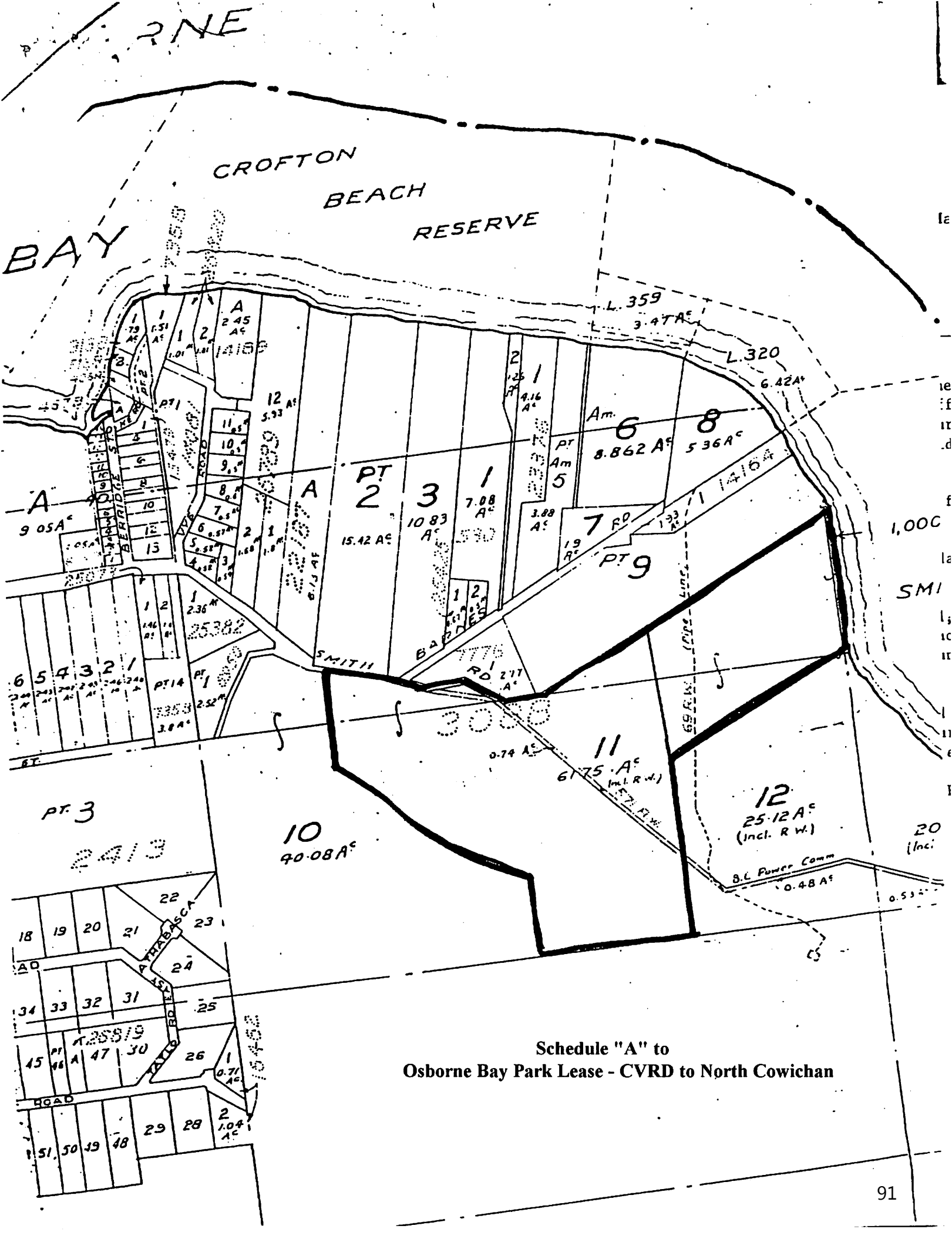
(SEAL)

THE CORPORATE SEAL OF THE CORPORATION  
OF THE DISTRICT OF NORTH COWICHAN was  
affixed in the presence of: *[Signature]*

Mayor

Clerk


(SEAL)



Schedule "A" to  
Osborne Bay Park Lease - CVRD to North Cowichan

# REPORT

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Date	October 7, 2020	File:
To	Council	
From	Megan Jordan, Manager, Communications and Public Engagement	Endorsed: 
Subject	Pause on Public Engagement on the Future of the Municipal Forest Reserve	

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## Purpose

To request that Council consider extending the previously mandated 60-day pause on public engagement on the Municipal Forest Reserve's future.

## Background

On July 15, 2020, Council enacted a 60-day pause on the public engagement process that was about to unfold to better accommodate a government-to-government consultation with local First Nations on the Municipal Forest Reserve's future. Council has met twice with the Cowichan Nation. The government-to-government consultation will be an ongoing process, the outcome of which could affect the scope and scale of public engagement. Staff is seeking Council's reconsideration of the 60-day pause that was previously mandated, as it has now expired.

## Discussion

Given the importance of the First Nations consultation and the unknowns related to completing the process, defining a timeline is difficult. Staff recommend that the First Nations consultation process should be completed first before resuming any public engagement.

## Recommendation

That Council extend the pause on the public engagement process until the First Nations Consultation is completed.

# Council Member Motion

Notice given on: Wednesday, September 16, 2020

Meeting Date      Wednesday, October 7, 2020  
From                Councillor Toporowski  
Subject             Anticoagulant Rodenticides

## Background

### **What are anticoagulant rodenticides?**

Often referred to a “rat poison”, anticoagulant rodenticides are used for rodent control. They are intended to kill rodent pests, such as rats and mice, once consumed, they cause death through internal bleeding.

### **What are the harmful impacts of anticoagulant rodenticides?**

It has been well-documented for over a decade that these products poison non-target wildlife on all levels of the food chain, in large numbers, examples include owls, hawks, small birds, earthworms, and even cougars. It is not uncommon for pets and children to be poisoned as well.

### **What are others saying?**

On February 28, 2020, the BC SPCA released a news story on their website, outlining the harmful impacts of anticoagulant rodenticides, and encouraging the readers to “push our municipalities in the right direction to reduce the use of rodenticides in areas that are home to B.C. wildlife”.

### **Conclusion**

Anticoagulant rodenticides are harmful and ineffective method of rodent control, which kill a wide range of other valuable wildlife in our community, including the very species that naturally hunt and control the rodent population. There are more effective, less cruel alternatives that exist.

## Recommendations

1. That Council recognizes the harmful impacts of anticoagulant rodenticide use and directs staff to prepare a report outlining options available to ban their use by, and in the Municipality of North Cowichan; and that staff communicate to the public the harmful impacts of anticoagulant rodenticide and the alternatives that are available.
2. That Council request that the Mayor write, on behalf of Council, to the Premier of British Columbia, appropriate ministers, and copying Members of the Legislative Assembly in the Cowichan Valley, requesting that the Province of British Columbia ban the use of anticoagulant rodenticides.

Attachment(s):

September 4, 2020

Lorraine Bate  
#5 – 5955 Indian Road  
Duncan, BC V9L 5L1

**Attention:** North Cowichan Council – Al Siebring, Rob Douglas, Christopher Justice, Tek Manhas, Kate Marsh, Rosalie Sawrie, Debra Toporowski

Dear Council:

On behalf of the citizens in the area of Indian Road, Duncan, BC, I am attaching a petition along with two letters for review and consideration at your October 7th, 2020 Council meeting.

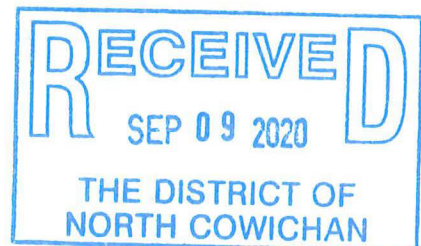
I would appreciate if you would contact me once Council has determined when and what action they intend to take.

I can be reached by mail or by telephone at [REDACTED] *FOIPPA Sec. 22(1)*

Yours truly,



Lorraine Bate



# 30 KM MILEAGE SIGNS

We the citizens in the area of Indian Road, Duncan, BC petition the District of North Cowichan to install speed bumps on Indian Road. (raised crosswalks)

There are several considerations to curb the traffic which is extremely noisy and travelling at excessive speed:

Playground at Art Mann Park

Close proximity to Queen of Angels School putting children at risk

Seniors at Abbeyfield long term care facility with mobility issues who regularly get out and about

Canada's National Rowing Team athletes will likely be biking to and from the lake for training

The hilly nature of the road creates blind spots

The area residents who regularly walk, some with pets are at risk

Speed bumps similar to what the Municipality has done along Herd Road in Maple Bay and Drinkwater Road would effectively reduce the problem.

We are certain that the District of North Cowichan have the means to fund this important initiative directly.

We urge you to proceed with this improvement for the health and safety of our residents in the immediate future.

Signature	Full Name	Mailing Address	Telephone
	Lisa Nelson	Indian Rd	
	Bill Nelson	INDIAN RD.	
	HEATHER BROWN	Indian Rd	
	TORAINÉ MURCKEN	#2-5955 INDIAN RD	
	LEE ENDERSBY	#10-5955 INDIAN RD.	
	DAVE BATE	#5-5955 INDIAN RD	
	LORRAINE BATE	5-5955 INDIAN RD	
	Sandra Whiting	#6-5955 Indian Rd	
	ELAINE SKUMOSKI	#7-5955 INDIAN RD	
	Donna Martin	4-5955 Indian Rd	
	LEO MOSLEY	11-5955 INDIAN RD	
	Donna Billingsley	2070 Canary Place	

FOIPPA Sec. 22(1)

<del>John J. Line</del>	<del>Glen Johnson</del>	<del>2070 Canary Pl</del>
Jen Davidson	Jen Davidson	2074 CANARY
Vici Davidson	Vici Davidson	2074 CANARY
<del>Shawn Watts</del>	Andrea Bleling	5939 Indian Rd
<del>Shawn Watts</del>	Shawn Watts	2069 Cypret Dr
<del>Shawn Watts</del>	Shawn Watts	2069 Cypret Dr
<del>Shawn Watts</del>		2045 Cypress Dr
<del>Shawn Watts</del>	Hendy Miller	5888 Indian Rd
<del>Shawn Watts</del>	Johanna Thompson	5904 Indian Rd
<del>Shawn Watts</del>		5934 Indian Rd
<del>Shawn Watts</del>	Pam Steele	2344 DANCIGUS
Turk Askham	Askham	2057 Cypret Dr.
Barry Dellebauer	B. Della	2029 Susan's Nest
JULIE FLEGEL	Julie Flegel	5917 INDIAN RD
HARRY MANN	J. Mahoy	5931 INDIAN RD
JOY RICHARDS	Joy Richards	2052 CYPRET
Elaine Bell	Elaine Bell	BELLEVUE
		5843 INDIAN RD. DUNCAN
		5847 Indian Rd Duncan BC V9L5
		5847 Indian Rd Duncan BC V9L5
Mona Johnston		5841 Indian Rd Duncan BC V9L5L9
Rob. Bell		5843 Indian Rd V9L5L9
TREJOR BLOW	5869 INDIAN RD	V9L5L9
LISA BLOW	5869 INDIAN RD	V9L5L9
Maria Bielins	5939 Indian Rd	V9L5L9
Branden Mutch	5939 Indian Rd	V9L5L9
RON BOXER	5870 INDIAN RD	V9L5L9
J. Abrams	Jenny Abrams	5940 Indian Rd

FOIPPA Sec. 22(1)

Mayor and Council

WHILE WE AGREE  
WITH THE AUTHOR  
THAT SOMETHING HAS  
TO BE DONE REGARDING  
THE SPEED AND CARELESS  
DRIVING PRACTICES ON  
INDIAN RD THE  
RENAMING ISSUE IS  
SEPERATE AND WAS  
NOT BROUGHT TO THE  
ATTENTION OF THE  
PETITION SIGNERS WHO  
MAY OR MAY NOT HAVE  
AGREED.

From: Makiko Johnston [REDACTED] FOIPPA Sec. 22(1)  
Subject: Re: Indian Road off Maple Bay Road near Q of A School  
Date: August 31, 2020 at 7:49 AM  
To: Rob.Conway@northcowichan.ca  
Cc: council@northcowichan.ca, al.siebring@northcowichan.ca



Re: Indian Road off Maple Bay Road near Queen of Angel School

Hello Rob,

My name is Makiko Johnston. I am a resident of North Cowichan, on Indian Road off Maple Bay Road to be precise. I am reaching out to you with some concerns regarding the current situations as well as the future of Indian Road.

When I moved to Indian Road, I was pleasantly surprised by the family friendly neighborhood vibe despite its proximity to a busy road. However, I quickly became aware of the frequent non-local traffic headed straight to Art Mann Park. Majority of these vehicles come on evenings and weekends and are occupied by young drivers and passengers. They often drive dangerously fast upsetting many residents. Whether it is over-capacity vehicles with a Novice driver, alcohol consumption or smoking, Indian Road, being a quiet dead-end street, attracts many young people who wish to have their activities unnoticed. For this reason, Art Mann Park remains unused as the neighborhood residents simply do not find this area attractive or desirable location for family picnics or a friendly soccer match.

I am aware that Rowing Canada will be making this area their home soon. While I am pleased this could mean new visions and much needed improvement for the area, I am very concerned about the potentials for increased traffic flow. Rowing Canada has at least 80 staff members who will be driving down Indian Road to access Quamichan Lake front. There will be increased traffic of staff, rowers, spectators and construction crew in anticipation of this new change. Rob, what is your plan and what has been budgeted for traffic calming of Indian Road in anticipation of Rowing Canada coming in our neighborhood?

I will be contacting Quamichan Neighborhood Association regarding the need for traffic calming of Indian Road to seek their support. Rowing Canada needs the support of the neighborhood community to be successful. Increased traffic can certainly upset the neighborhood community if not managed properly with plans for traffic calming.

Also, while we are on the topic of Indian Road, I would like to suggest changing the name of Indian Road. This is a highly inappropriate name for a street if we seek to travel the path towards reconciliation. I am doubtful that Rowing Canada would like their home address to be on "Indian Road". Practically speaking, when I tell visitors my address or when my visitors enter my address in Google map, they often end up on the other Indian Road as well. This can create more challenges as many visitors will be anticipated with the increased traffic due to Rowing Canada.

I would appreciate the opportunity to speak to you further on this matter so we can make sure that there is a budget set aside for traffic calming on Indian Road which reflects the vision of both North Cowichan and the neighborhood community.

I look forward to hearing from you.

Sincerely,

Makiko Johnston

 *FOIPPA Sec. 22(1)*

5847 Indian Road

Duncan, BC V9L5L9

From: Don Stewart Don.Stewart@northcowichan.ca

Subject: RE: Indian Road - Art Mann Park

Date: Sep 2, 2020 at 1:39:22 PM

To: Dona Billingsley [REDACTED]

FOIPPA Sec. 22(1)

Afternoon Dona,

The Municipality is very aware of this unfortunate and scary situation that occurred and the planning/engineering departments are working on the response to it, which I expect in the near future.

I have forwarded your email onto the Director of Engineer for his knowledge as well.

Thanks!

Don Stewart

Director Parks & Recreation

Municipality of North Cowichan

250.746.3193

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

From: Dona Billingsley [REDACTED]

FOIPPA Sec. 22(1)

Sent: Tuesday, September 1, 2020 8:03 PM

To: Don Stewart <[Don.Stewart@northcowichan.ca](mailto:Don.Stewart@northcowichan.ca)>

Subject: Indian Road - Art Mann Park

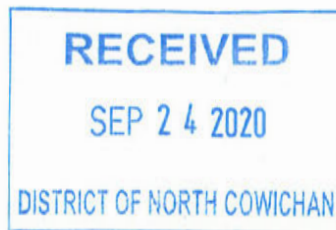
Don:

Just to let you know neighbors are so fed up with speeding at this point one of the neighbors with young children ran out into the road to slow down traffic...the car sped up and dragged the neighbor . What will it take for someone to do something ...the death of a child? A senior or a neighbor? When this happens please know that we will probably

Resent all concerns that have been presented to this council and their lack of concern and action. My last email to you you indicated you would present this

to engineering dept...we have not heard from you since. PLEASE Do Something BEFORE someone gets killed or seriously hurt! Please respond ...Dona

Sent from my iPad



September 24<sup>th</sup>, 2020

6718 Beaumont Ave.  
Duncan, BC  
V9L 5X8

Dear Mayor and Council:

Please see the attached Petition containing 67 signatures of residents and recreational boat ramp and beach users who are very concerned about the speed on Beaumont Ave by the boat launch. This is an extremely unsafe area and needs to have speed controls.

Yours truly

A handwritten signature in cursive script that reads "Susan Marshall".

Susan Marshall

FILE No.		CAO	<input checked="" type="checkbox"/>
Council	Oct 7/2020 <input checked="" type="checkbox"/>	GM Corp Services	<input type="checkbox"/>
COW	<input type="checkbox"/>	GM Fin. & Protective Services	<input type="checkbox"/>
Com.	<input type="checkbox"/>	GM Comm. Services	<input type="checkbox"/>
Info Pack	<input type="checkbox"/>	Director Eng <input checked="" type="checkbox"/> Director Plan	<input type="checkbox"/>
		Other <u>M. Martineau</u>	<input type="checkbox"/>
		For Action	

## SIGNATURE

## PRINT NAME

## ADDRESS

Shane Brower  
MICHAEL PARKER  
~~James A. Bell~~

JOHN REGINALD GARRICK 6710 BEAUMONT AVE

SHANNA BROWER 6710 Beaumont Ave.

M. J. Parker

6699 DRUMMOND DR.

GERALDINE AR PARKER

6699 Drummond Dr.

PATRICK PEREONS

1002 REDCAP ST.

Christy Sulko

1002 Redcap St.

Wilderness Kayaking Brian Pauter

6683 Beaumont Ave.

GPA PAVLIS

6738 Beaumont Ave.

KELLY EAKINS

6747 Chisholm Trail

LINDA BELL

6701 Drummond Dr.

James Bell

6701 Drummond Dr.

Sherie Robb

973 Arbutus Ave.

KEN ROBLE

967 ARBUTUS AV3

R. MARSHALL

6718 BEAUMONT AVE

GLENN SPICER

1016 REDCAP ST

WILMA MILLETTE

1010 REDCAP ST.

CANDACE SPILSBURY

6671 Beaumont Ave.

Darryl Ingram

853 Arbutus Ave

COLIN MULLETT

Beach user

Scott Guppy

6770 Beaumont Ave

Elizabeth Hagg

6700 Beaumont Ave

Chirley Imada

2479 Jackson Valley Rd.

GORDON ALLEN

2479 JACKSON VALLEY RD.

Carol Spear

1342 Kingsview Rd.

Jeff Spear

1342 Kingsview Rd.

Gail Stod.

m Boc

S. G. MOFFATT

MB ROWING CLUB

Pam Robb

4-629 MARLE MT RD. MARLE CAY.

LINDA MILNE

m B Rowing Club

1114 Berett Rd

SIGNATURE

Pat Durose  
Tracy Parow  
Dave Bate

PRINT

Pat Durose  
TRACY PAROW

DAVE BATE #5.5955  
INDIAN RD. DUNCAN

ADDRESS

Maple Bay Rowing Club  
Maple Bay  
Ocean Centre Club  
DUNCAN

Amy Firth  
Avril Loft  
Peter Loft  
L. H. H. R. A. N. E.

Amy Firth  
AVRIL LOFT  
PETER LOFT  
L. H. H. R. A. N. E.

Maple Bay, Beaumont Ave  
953 ARBUTUS  
953 ARBUTUS AVE.  
343 ARBUTUS AVE

Mayor and Council  
District of North Cowichan  
7030 Trans Canada Hwy.  
Duncan, BC  
V9L 6A1

August 8, 2020

Re: Speed Bumps on Beaumont Ave.

We, the undersigned, wish to request the installation of speed bumps and speed signs on Beaumont Ave in the vicinity of the boat launch and beach access. This is a very busy area especially during the summer months. Boat trailers are backing in and out on and off all day, families and children are walking to the beach, also rowers, dog walkers, kayakers etc. all accessing this area plus the traffic that comes and goes from the Government wharf. At the same time cars and motorbikes are speeding down the hill from Arbutus Ave and the pub. This is a very dangerous combination in a recreational area. The speed bumps in the area of the park have worked well and a similar configuration would work well in this area of Beaumont. There have been accidents in the past and before there is a serious accident we request that the area be made safe with speed bumps.

SIGNATURE

PRINT NAME

ADDRESS

Susan Marshall

SUSAN MARSHALL 6718 BEAUMONT AVE.

A R Downie

ANDREW DOWNIE 6693 BEAUMONT AVE

Judee Bowman Reid

Judee Bowman Reid 6693 Beaumont Dr.



MICHAEL SEILER 6691 BEAUMONT AVE

C. S. Seiler

CHRISTINE SEILIER 6691 Beaumont Ave



Bev Thompson 1023 Redcap St. Duncan

Gerhard Aichelberger

6701 Beaumont.

SIG

NAME

ADDRESS.

Byron Hudson  
Marena Burnett

BYRON HUDSON  
MARENA BURNETT  
Eric Duncan

6719 Beaumont Ave Duncan  
6719 BEAUMONT AVE. DUNCAN

Lt J. Cook  
Susan M. Coulter

STEVE Cook  
Susan Coulter

6739 Beaumont Ave Duncan  
6719 BEAUMONT AVE. DUNCAN

Luann Schmidt  
Bridger Schmidt

Luann Schmidt  
Bridger Schmidt

6713 Beaumont Ave.  
6725 Beaumont Ave. Duncan

Alison Irwin  
G.C. Newsome

ALISON IRWIN  
GEORGIA NEWSOME

6725 Beaumont Ave. Duncan  
383 ARBUTUS AVENUE, DUNCAN

Duncan Paul's  
BRIAN RATTEN

Duncan Paul's  
BRIAN RATTEN

4865 BENCH RD. LOW BAY  
(COASTAL BUS ADVENTURES)  
6738 Beaumont Ave. Duncan

Chadwick  
CANDACE WICKER

1166 Maple Bay Rd  
6644 Chuskien  
1020 Maple Bay Road

Kleeveridge @ Shaw Co  
CANDACE WICKER  
1263 JANET PLACE

Brian Hebert

1263 JANET PLACE  
BRIAN HEBBERT

1263 Janet Place  
6798 BEAUMONT AVE

Janet Krenz  
Richard Young

Janet Krenz  
Richard Young

[REDACTED]

FOIPPA Sec. 22(1)

Maree Maturse  
Cheryl Thibodeau

MAREE MATURSE  
Cheryl Thibodeau

Debbie Wood  
LARS MAY

Debbie Wood  
LARS MAY

Aude Volstad  
Philip Rooke

AUDE VOLSTAD  
PHILIP ROOKE

6833 Highwood drive  
912 ARBUTUS AVE

Rick Nessman

Rick NESSMAN

1020 Maple Bay Rd



## Halalt First Nation

7973 Chemainus Road Chemainus, British Columbia V0R 1K0

Telephone: 250-246-4736 Facsimile: 250-246-2336 Email: [receptionist@halalt.org](mailto:receptionist@halalt.org)

September 23, 2020

Mayor, Al Siebring  
7030 Trans. Canada Highway  
Duncan B.C.  
V9L 6A1, Canada

Dear Mayor and Council/Chair and Board:

Halalt First Nation's Community and the Elected Chief and Council are seeking a letter of support to the Green Municipal Fund by Federation of Canadian Municipalities (FCM), by making our gymnasium and community hall more energy efficient.

Our community is working diligently at trying to assist the overall environment by carrying out projects related to lessening the effects on global warming. To assist the environment we are working on, and participating in the following programs, which are, the removal of diesel fuel use in our community, participating in a waste management program, and using clean energy through the installation of heat pumps in the homes.

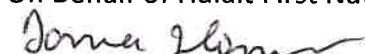
We are writing to express our concern about the imminent threat climate change poses to our country, to our people and the future of our children. We are working on reducing greenhouse gas emissions by making critical changes to our community housing and building by making them more energy efficient.

Our proposal submission will be related to making our gymnasium, and community building energy efficient by replacing windows, doors, along with the ensuring that the walls are adequately insulated, and complete. We will also like to change the use of heating from diesel fuels in the homes, and lessen the use of hydro through the purchase and installation of heat pumps in the remaining homes on reserve.

We are working closely with Yuya Taniura from Barkley Consulting on our submission to the Green Municipal Fund by Federation of Canadian Municipalities (FCM), proposal submission.

Thank you for your consideration in this matter, and will anxiously await your decision, and/or letter of support.

Yours truly,  
On Behalf of Halalt First Nation and it's Council

  
Chief, James Thomas