

Municipality of North Cowichan

Regular Council

MINUTES

March 3, 2021, 1:30 p.m.
Electronically

Members Present

Mayor Al Siebring
Councillor Rob Douglas
Councillor Christopher Justice
Councillor Tek Manhas
Councillor Kate Marsh
Councillor Rosalie Sawrie
Councillor Debra Toporowski

Staff Present

Ted Swabey, Chief Administrative Officer (CAO)
Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)
David Conway, Director, Engineering
Clay Reitsma, Senior Manager, Engineering
Don Stewart, Director, Parks and Recreation
Rob Conway, Director, Planning and Building
Shawn Cator, Director, Operations
Walter Wiebe, Senior Manager, Financial Services
Jamie Goodman, Manager, Budgets and Infrastructure
Jason Birch, Chief Information Officer
Tammy Isaachsen, Communications and Engagement Coordinator
Michelle Martineau, Corporate Officer
Tricia Mayea, Deputy Corporate Officer

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 1:33 p.m.

2. APPROVAL OF AGENDA

2.1 Approval of Consent Agenda

IT WAS MOVED AND SECONDED:

That the Consent Agenda be approved.

CARRIED

1. That the following minutes be received for information purposes only:
 - February 10, 2021 Official Community Plan Advisory Group
 - February 16, 2021 Environmental Advisory Committee
2. That the following correspondence is received for information purposes only:
 - 2.1 February 11, 2021 email from resident regarding the Climate Action & Energy Plan Survey
 - 2.2 February 12, 2021 email and February 19, 2021 letter from the Office of MP MacGregor regarding Bill C-250 Freighter Anchorages (includes video)

- 2.3 February 15, 2021 email and letter from the City of Surrey regarding Surrey's Police Transition
- 2.4 February 18, 2021 letter from MLA Routley regarding new funding through the Strengthening Communities' Services Program
- 2.5 February 22, 2021 email from Canadian Wildlife Service regarding amendments to Schedule 1 of Species at Risk Act
- 2.6 February 23, 2021 email from resident regarding signage at Berkey's corner
- 2.7 February 23, 2021 email from resident regarding RV's
- 2.8 Proposed Cell Towers
- 2.9 February 11, 2021 email from BC Economic Development Association regarding Economic Restart & Resiliency Bulletin
- 2.10 February 17, 2021 email from BC Economic Development Association regarding 2021 Virtual BC Economic Summit Mar 8 to 11, 2021 ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

The following items were added as late items to the agenda:

- (1) Two closed items under Section 90.1(c)

The following items were removed from the agenda:

- (1) Item 5.1 Cowichan Green Community
- (2) Item 13.3 Closed under sections 90(1)(j) disclosure harmful to business interests of a third party

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 Minutes of the Regular Council and Public Hearings meeting held February 17, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council and Public Hearings meeting held February 17, 2021 as circulated.

CARRIED

3.2 Minutes of the Special Council meeting held February 22, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the Special Council meeting held February 22, 2021 as circulated.

CARRIED

4. MAYOR'S REPORT

Mayor Siebring provided a verbal update on meetings and activities he recently attended.

5. DELEGATIONS AND PRESENTATIONS

5.1 Cowichan Green Community

This item was removed from the agenda.

6. PUBLIC INPUT

Council received no public input regarding agenda items.

7. BYLAWS

7.1 Reserve Funds Establishment Amendment Bylaw No. 3817, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt Reserve Funds Establishment Amendment Bylaw No. 3817, 2021.

CARRIED

7.2 Fees and Charges Amendment Bylaw No. 3818, 2021 for three readings and adoption

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to the Fees and Charges Amendment Bylaw No. 3818, 2021.

CARRIED

IT WAS MOVED AND SECONDED:

That Council adopt the Fees and Charges Amendment Bylaw No. 3818, 2021.

CARRIED

7.3 Revisions to MTI and Fees & Charges Bylaw Amendments

IT WAS MOVED AND SECONDED:

That Council rescind third reading of Fees and Charges Amendment Bylaw No. 3813, 2020 and Municipal Ticket Information System Amendment Bylaw No. 3812, 2020.

CARRIED

IT WAS MOVED AND SECONDED:

That Fees and Charges Amendment Bylaw No. 3813 be amended by striking out:

- a. Sections 2.b. and 3 in their entirety;
- b. "*or Section 12.1 of Controlled Substances Bylaw No. 3803, 2020*" from the first paragraph under Schedule G – Nuisance Abatement Fees; and
- c. "*section 5.11 of Bylaw No. 3803 or*" under subsections (a) Staff and Personnel Cost Recovery, (b) RCMP Personnel and Equipment Cost Recovery, (c) Vehicle and Equipment Cost Recovery, and (d) Contractor Cost Recovery under Schedule G – Nuisance Abatement Fees.

CARRIED

IT WAS MOVED AND SECONDED:

That Council gives Fees and Charges Amendment Bylaw No. 3813, 2020 third reading as amended.

CARRIED

IT WAS MOVED AND SECONDED:

That Council adopt Fees and Charges Amendment Bylaw No. 3813, 2020.

CARRIED

IT WAS MOVED AND SECONDED:

That Municipal Ticket Information System Amendment Bylaw No. 3812, 2020 be amended by striking out:

- a. "Sections 11 and 17" from subsection 2.b. and replacing it with "*Section 17*";
- b. Subsection 2.c. in its entirety;
- c. "*Section 23*" in subsection 2.d. and replacing it with "*Section 22*".

CARRIED

IT WAS MOVED AND SECONDED:

That Council gives Municipal Ticket Information System Amendment Bylaw No. 3812, 2020 third reading as amended.

CARRIED

8. REPORTS

8.1 REPORTS FOR DECISION

Councillor Toporowski declared a conflict of interest on the next item of business, stating the reason being her affiliation and role on Cowichan Tribes Council and she left the meeting at 1:58 p.m.

8.1.1 Joint Utility Board Outfall Relocation Professional Services Contract Award

IT WAS MOVED AND SECONDED:

That Council award the Joint Utility Board Outfall Relocation Professional Services contract to Parsons Incorporated for \$6,105,722.40 (excluding GST), subject to approval from the City of Duncan Council.

CARRIED

Councillor Toporowski returned to the meeting at 2:06 p.m.

8.2 REPORTS FOR INFORMATION

None.

9. NOTICES OF MOTIONS

9.1 Reinstating Public Engagement for the Forest Reserve

Councillor Douglas provided notice of the following motion which will be considered under New Business at the March 17, 2021 Regular Council meeting:

WHEREAS Council for the District of North Cowichan supported a collaboration with the University of British Columbia, 3GreenTree Consulting, and the Coastal Douglas Fir Conservation Partnership to perform a technical review of North Cowichan's forest management practices and to provide a recommendation for future forest management with input from the public;

AND WHEREAS Council has engaged Lees & Associates to conduct that public engagement on behalf of Council with an increased emphasis on digital engagement;

AND WHEREAS Council resolved to extend their pause on the public engagement until an agreed upon way moving forward is reached during the First Nations consultation process;

AND WHEREAS Council and the Cowichan Nation have come to an understanding through the development of a memorandum of understanding;

NOW THEREFORE BE IT RESOLVED that Council direct staff to contact Lees & Associates to resume the public engagement at their earliest convenience and report back to Council on any changes to the timelines and/or actions identified in the engagement plan that was adopted by Council on May 6, 2020.

10. UNFINISHED AND POSTPONED BUSINESS

None.

11. NEW BUSINESS

11.1 Advice from Key Stakeholders in relation to the Official Community Plan

IT WAS MOVED AND SECONDED:

That the following motion:

That Council seek the advice and recommendations from the following key stakeholders in relation to the land use policy development to be included in the revised Official Community Plan for North Cowichan, and ask that they provide their opinions on what they believe is necessary to achieve Council's goals of restoration and regeneration of the municipality's lakes, streams and rivers, and of protecting biodiversity:

- *Cowichan Land Trust*
- *Somenos Marsh Wildlife Society*
- *Cowichan Watershed Board*
- *Quamichan Watershed Stewardship Society.*

be amended to add the word "estuaries" after the words 'lakes, streams' and add the following bullet:

- Cowichan Estuary Restoration & Conservation Association.

(Opposed: Manhas, Siebring)

CARRIED

IT WAS MOVED AND SECONDED:

That Council seek the advice and recommendations from the following key stakeholders in relation to the land use policy development to be included in the revised Official Community Plan for North Cowichan, and ask that they provide their opinions on what they believe is necessary to achieve Council's goals of restoration and regeneration of the municipality's lakes, streams, estuaries and rivers, and of protecting biodiversity:

- Cowichan Land Trust
- Somenos Marsh Wildlife Society
- Cowichan Watershed Board
- Quamichan Watershed Stewardship Society
- Cowichan Estuary Restoration & Conservation Association. (Opposed: Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

That Council suspend the rules so Councillor Douglas can add a notice of motion to the agenda.

CARRIED

11.2 Property Assessed Clean Energy (PACE)

IT WAS MOVED AND SECONDED:

That consideration of the Property Assessment Clean Energy motion be postponed to the March 17, 2021 Council meeting pending a staff report.

(OPPOSED: Douglas, Sawrie, Justice, Marsh, Toporowski)
DEFEATED

IT WAS MOVED AND SECONDED:

That the following motion be amended:

WHEREAS the District of North Cowichan has shown itself to be a climate leader by establishing a Climate Action Reserve Fund, adopting the BC Energy Step Code, partnering with the provincial government on the Clean BC Better Homes Program, hosting a community for climate fair, implementing our own municipal home energy retrofit program and implementing many other emission reduction projects in the community and through our corporate operations that are outlined in our climate action plan;

WHEREAS retrofitting buildings across B.C. is crucial to reducing green-house gas (GHG) emissions and meeting our provincial climate targets;

WHEREAS upfront costs of retrofitting homes and businesses for climate resilience are cost prohibitive to many of our property owners, and Property Tax Assisted Clean Energy (PACE) lowers barriers to implementing GHG reductions, adding value to buildings and making them more desirable places to live or work;

WHEREAS PACE BC is working with interested municipalities across B.C. to assist in the establishment of a successful province-wide PACE program that meets the needs of residents and that local governments of all sizes can participate in with minimal startup costs or staff time;

WHEREAS PACE and the resulting ecosystem of retrofitting programs would create well-paying green jobs during a just recovery from the COVID-19 pandemic and a just transition away from fossil fuel infrastructure-related jobs;

THEREFORE, BE IT RESOLVED THAT Council for the District of North Cowichan write a letter to the Ministry of Environment, the Minister of Energy, Mines and Low Carbon Innovation, the Minister of Municipal Affairs, Minister of Housing and PACE BC expressing support for B.C. Legislation enabling PACE by third party administration and confirming North Cowichan's interest in having a PACE program when it becomes available in B.C.

by striking out the word "having" in the last sentence of the motion and adding the words "the creation of"

CARRIED

IT WAS MOVED AND SECONDED:

WHEREAS the District of North Cowichan has shown itself to be a climate leader by establishing a Climate Action Reserve Fund, adopting the BC Energy Step Code, partnering with the provincial government on the Clean BC Better Homes Program, hosting a community for climate fair, implementing our own municipal home energy retrofit program and implementing many other emission reduction projects in the community and through our corporate operations that are outlined in our climate action plan;

WHEREAS retrofitting buildings across B.C. is crucial to reducing green-house gas (GHG) emissions and meeting our provincial climate targets;

WHEREAS upfront costs of retrofitting homes and businesses for climate resilience are cost prohibitive to many of our property owners, and Property Tax Assisted Clean Energy (PACE) lowers barriers to implementing GHG reductions, adding value to buildings and making them more desirable places to live or work;

WHEREAS PACE BC is working with interested municipalities across B.C. to assist in the establishment of a successful province-wide PACE program that meets the needs of residents and that local governments of all sizes can participate in with minimal startup costs or staff time;

WHEREAS PACE and the resulting ecosystem of retrofitting programs would create well-paying green jobs during a just recovery from the COVID-19 pandemic and a just transition away from fossil fuel infrastructure-related jobs;

THEREFORE, BE IT RESOLVED THAT Council for the District of North Cowichan write a letter to the Ministry of Environment, the Minister of Energy, Mines and Low Carbon Innovation, the Minister of Municipal Affairs, Minister of Housing and PACE BC expressing support for B.C. Legislation enabling PACE by third party administration and confirming North Cowichan's interest in the creation of a PACE program when it becomes available in B.C. CARRIED

11.3 Help Cities Lead Campaign

IT WAS MOVED AND SECONDED:

WHEREAS emissions by buildings account for 40-60% of a community's greenhouse gas (GHG) emissions;

WHEREAS climate policy modelling completed for Help Cities Lead shows current actions to reduce greenhouse gas (GHG) emissions from buildings are insufficient to achieve the province's GHG targets for 2030 and 2050;

WHEREAS the November 2020 mandate letters to ministers include direction to provincial ministries to move forward with three of the five policy measures included in the Help Cities Lead climate policy modelling: GHG requirements for new buildings, Property Assessed Clean Energy (PACE) financing, and home energy labelling.

THEREFORE, BE IT RESOLVED THAT Council for the District of North Cowichan write a letter to the Minister of Environment and Climate Change Strategy, the Minister of Energy, Mines and Low Carbon Innovation, the Minister of Municipal Affairs, the Attorney-General and Minister responsible for Housing, and the Minister of Finance, expressing its endorsement of the Help Cities Lead campaign; support for the directions set out in the November 2020 ministerial mandate letters regarding GHG requirements for new buildings, PACE financing, and home energy labelling; and also requesting that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead's campaign, namely GHG requirements for existing buildings and building energy benchmarking. (OPPOSED: Siebring, Manhas)

CARRIED

11.4 TELUS Application to Federal Government under the Universal Broadband Fund

IT WAS MOVED AND SECONDED:

That the following motion:

That Council supports increased wireless connectivity by any provider under the Universal Broadband Fund and authorizes the Mayor to provide a letter of support to TELUS Communications Inc. to include with their application.

be amended to include the words "subject to the letter mentioning concerns about a pending World Health Organization investigation of 5G technology." at the end of the motion. (OPPOSED: Siebring, Manhas Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

That Council supports increased wireless connectivity by any provider under the Universal Broadband Fund and authorizes the Mayor to provide a letter of support to TELUS Communications Inc. to include with their application, subject to the letter mentioning concerns about a pending World Health Organization investigation of 5G technology.

(OPPOSED: Marsh)

CARRIED

11.5 Cowichan Family Life Association Request for Letter of Support

IT WAS MOVED AND SECONDED:

That Council authorize the Mayor to provide a letter of support to the Cowichan Family Life Association to include with future grant funding applications.

CARRIED

12. QUESTION PERIOD

No questions were submitted using the online platform.

13. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That the meeting be closed to the public at 3:20 p.m. on the basis of the following sections of the *Community Charter*:

- 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- 90(1)(c) labour relations or other employee relations;
- 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)(m) a matter that, under another enactment, that being section 16(1)(a)(iii) of the Freedom of Information and Protection of Privacy Act related to intergovernmental relations or negotiations with an aboriginal government, is such that the public may be excluded from the meeting;
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal

government or both, or between a provincial government or the federal government or both and a third party. CARRIED

- 13.1 Minutes from the February 17, 2021 regular and February 22, 2021 special closed Council meetings for adoption**
- 13.2 Closed under sections 90(1)(e) land matter and (m) FOIPPA s. 16 - relations with an aboriginal government and 90(2)(b) negotiations**
- 13.3 Closed under sections 90(1)(j) disclosure harmful to business interests of a third party**
This item was removed from the agenda.
- 13.4 Closed under sections 90(1)(a) personal information re: appointment of Financial Officer**
- 13.5 Closed under section 90(1)(c) labour relations or other employee relations**
- 13.6 Closed under section 90(1)(c) labour relations or other employee relations**

14. RISE AND REPORT

15. ADJOURNMENT

Council adjourned the meeting at 7:18 p.m.

Certified by Corporate Officer

Signed by Mayor