

Municipality of North Cowichan

Regular Council

MINUTES

June 1, 2022, 1:30 p.m.
Electronically

Members Present	Councillor Debra Toporowski, Acting Mayor Councillor Rob Douglas Councillor Tek Manhas Councillor Kate Marsh Councillor Rosalie Sawrie
Members Absent	Mayor Al Siebring Councillor Christopher Justice
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) George Farkas, General Manager, Development and Community Services Barb Floden, Manager, Communications and Public Engagement Caroline von Schilling, Development Planner Chris Osborne, Manager, Planning Clay Reitsma, Director, Engineering Dave Preikshot, Senior Environmental Specialist David Conway, Director, Engineering Projects Don Stewart, Director, Parks and Recreation Jason Birch, Chief Information Officer Marla Laycock, Director, Human Resources and Corporate Planning Martin Drakeley, Fire Chief, Senior Manager of Bylaw Services Michele Gill, Manager, Development Michelle Martineau, Corporate Officer Rob Conway, Director, Planning and Building Shaun Mason, Municipal Forester Shawn Cator, Director, Operations Tricia Mayea, Deputy Corporate Officer Walter Wiebe, Senior Manager, Financial Services

1. CALL TO ORDER

There being a quorum present, Acting Mayor Toporowski called the meeting to order at 1:34 p.m.

2. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and added to New Business:

- Item 2.1.1 [May 18, 2022 Regular Council Meeting Minutes for Adoption]

- Item 2.2.1 [Update on the Municipal Forest Reserve Review]
- Item 2.2.2 [Request from Broombusters Invasive Plant Society]

2.1 Items for decision

2.1.1 Council Meeting Minutes for Adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their special meeting held May 18, 2022.

ADOPTED ON CONSENT

2.2 Items for information

3. APPROVAL OF REGULAR AGENDA

The agenda was amended by adding the following consent agenda items to New Business:

- (1) 2.1.1 [Council Meeting Minutes for Adoption];
- (2) 2.2.1 [Update on the Municipal Forest Reserve Review]; and
- (3) 2.2.2 [Request from Broombusters Invasive Plant Society]

IT WAS MOVED AND SECONDED:

THAT the agenda be adopted as amended.

CARRIED

4. MAYOR'S REPORT

Acting Mayor Toporowski provided an update on meetings and community events.

5. DELEGATIONS AND PRESENTATIONS

5.1 Cowichan Public Art Gallery Society

Jock Hildebrand of the Cowichan Public Art Gallery Society provide Council with a verbal update on their progress towards building an international-standard art gallery in the Cowichan Valley and played a short video.

5.2 1st Quarter Report for RCMP Activities

Inspector Chris Bear presented the North Cowichan/Duncan RCMP Detachment's quarterly report for January – March 2022, the Downtown Corridor and Area January – March 2022 year to date comparison, the Annual Performance Plan, the Cowichan Community Policing & Engagement Society Manager Programs and Volunteers and Office Co-Ordinator report and answered questions from Council.

IT WAS MOVED AND SECONDED:

THAT Council endorse the 2022-2023 North Cowichan/Duncan RCMP Annual Performance Plan as presented.

CARRIED

6. PUBLIC INPUT

Council received public input from two members of the public regarding agenda item 2.2.1, 5.1 and 8.1

Councillor Marsh declared a conflict of interest on agenda item 8.1 advising that she is one of the parties involved in the Standard of Conduct investigation and has a personal interest in the outcome of the decision and left the meeting at 2:45 p.m.

Council, by unanimous consent, agreed to discuss item 8.1 at this point in the agenda.

Council, by unanimous consent, recessed the meeting at 2:47 p.m. and reconvened at 2:52 p.m.

8.1 Council Standards of Conduct Policy - Complaint by Mayor Siebring Against Councillor Marsh

Jennifer Millbank, Councillor Marsh's legal counsel, entered the meeting at 2:55 p.m. and provided a statement to Council on behalf of Councillor Marsh.

IT WAS MOVED AND SECONDED:

THAT Council impose Ms. Cartmill-Lane's recommendations as outlined in Councillor Sawrie's June 1, 2022 report to Council. (Opposed: Douglas)
CARRIED

Council, by unanimous consent, recessed the meeting at 3:36 p.m. and reconvened at 3:43 p.m.

Councillor Marsh returned to the meeting at 3:43 p.m.

7. BYLAWS

7.1 Zoning Amendment Bylaw (3110 Moorfield Road; R3 to R3-CH), No. 3872, 2022

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first and second readings to "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022"; and,
2. Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022," and that notification be issued in accordance with the *Local Government Act*. CARRIED

7.2 Official Community Plan Public Hearing Options

IT WAS MOVED AND SECONDED:

THAT the following motion:

THAT Council direct staff to arrange a public hearing for Official Community Plan Bylaw No. 3900, 2022 to be held at 2:00 p.m. on Monday, July 18, 2022 through electronic means and that this hearing be continued in person at 2:00 p.m. on Tuesday, July 19, 2022, at the Cowichan Exhibition Grounds.

be amended to add the following paragraph:

AND THAT a dinner break be provided from 5:30 – 6:00 p.m. for both dates. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to arrange a public hearing for Official Community Plan Bylaw No. 3900, 2022 to be held at 2:00 p.m. on Monday, July 18, 2022 through electronic means and that this hearing be continued in person at 2:00 p.m. on Tuesday, July 19, 2022, at the Cowichan Exhibition Grounds;

AND THAT a dinner break be provided from 5:30 – 6:00 p.m. for both dates.

(Opposed: Marsh)

CARRIED

8. REPORTS

8.2 Biodiversity Protection Policy Next Steps

IT WAS MOVED AND SECONDED:

THAT Council:

1. Authorize an increase to the 2022 budget for the Biodiversity Protection Policy Project from \$50,000 to \$100,000 to fund the \$40,000 shortfall and add a \$10,000 contingency;
2. Direct staff to amend the Financial Plan Bylaw to include a transfer of \$50,000 from the Quamichan Lake Water Quality Reserve Fund and increase the Biodiversity Protection Policy Project expense by \$50,000; and,
3. Award the contract to Diamond Head Consulting for the development of a Biodiversity Protection Policy, including the enhanced level of engagement with First Nations, in the amount of \$89,985 plus GST.

CARRIED

8.3 Reimbursement of Legal Fees in relation to Conflict of Interest Declaration

Acting Mayor Toporowski declared a conflict of interest on agenda item 8.3 advising that she has a pecuniary interest in the item and left the meeting at 4:30 p.m. Councillor Sawrie assumed the Chair.

IT WAS MOVED AND SECONDED:

THAT Councillor Toporowski is reimbursed her legal fees related to the withdrawal of her Cowichan Tribes conflict of interest declaration on May 5, 2022, in the amount of \$495.04.

CARRIED

Acting Mayor Toporowski returned to the meeting at 4:32 p.m. and resumed the Chair.

8.4 National Indigenous Peoples Day 2022 – Offer of Support to Halalt First Nation

IT WAS MOVED AND SECONDED:

THAT Council:

1. Authorize the Chair of the First Nations Relations Committee to sign the letter attached to the Deputy Chief Administrative Officer's report dated June 1, 2022, and that it be sent to Halalt First Nation offering up to \$1,000 in financial support towards their planned National Indigenous Peoples Day event in 2022; and
2. Direct staff to work with the First Nations Relations Committee Chair to prepare any additional letters of support for National Indigenous Peoples Day 2022 and authorize the Committee Chair to offer a proportionate amount of financial support.

CARRIED

8.5 Review of Council Remuneration Report

IT WAS MOVED AND SECONDED:

THAT Council accept the Review of Council Remuneration Report prepared by Sainas Consult Inc.

(Opposed: Marsh)

CARRIED

IT WAS MOVED AND SECONDED:

THAT staff be directed to amend the Council Remuneration Bylaw to cap the annual CPI adjustments to Councillor and Mayor remuneration by 2%.

(Opposed: Marsh, Sawrie, Toporowski)

DEFEATED

8.6 Election Cost-Sharing Agreements

IT WAS MOVED AND SECONDED:

THAT Council approve the Election Cost-Sharing Agreements with:

1. the Cowichan Valley Regional District (CVRD) for conducting assent voting on behalf of the CVRD for the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 1, and that the Mayor and Corporate Officer be authorized to execute the agreement; and,
2. School District No. 79 (Cowichan Valley) for conducting a part of the school trustee election during the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 3, and that the Mayor and Corporate Officer be authorized to execute the agreement. CARRIED

9. NOTICES OF MOTIONS

10. UNFINISHED AND POSTPONED BUSINESS

11. NEW BUSINESS

11.1 Consent Agenda Item 2.1.1 [Council Meeting Minutes for Adoption]

An error was noted that the May 18, 2022 regular meeting minutes had omitted the notation that Councillor Justice had voted against item 10.1.

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their regular meetings held May 18, 2022, as amended.

CARRIED

11.2 Consent Agenda Item 2.2.1 [Update on the Municipal Forest Reserve Review]

IT WAS MOVED AND SECONDED:

THAT Council directs staff to have UBC present their report to Council first.

(Opposed: Douglas, Manhas, Sawrie)

DEFEATED

11.3 Consent Agenda Item 2.2.2 [Request from Broombusters Invasive Plant Society]

IT WAS MOVED AND SECONDED:

THAT Council forward a resolution to UBCM and member local governments requesting that the UBCM call on the Province of British Columbia to establish Scotch Broom as a noxious weed and establish laws to mitigate spread on lands controlled by crown corporations and lands within Provincial control.

(Opposed: Manhas)

CARRIED

12. QUESTION PERIOD

Council received no questions from the public.

13. CLOSED SESSION

IT WAS MOVED AND SECONDED:

THAT Council close the meeting at 5:38 p.m. to the public on the basis of the following section of the *Community Charter*:

- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

13.1 In-Camera Minutes from April 20, 2022 and May 18, 2022 for adoption

13.2 Closed under section 90(1)(i) - legal advice

14. RISE AND REPORT

15. ADJOURNMENT

The meeting adjourned at 6:58 p.m.

Certified by Corporate Officer

Signed by Acting Mayor