



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

### REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, MARCH 5, 2019 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

#### AGENDA

1. **Call to Order**
2. **Adoption of Agenda**
3. **Public Participation (2 minutes per person totalling 10 minutes maximum)**
4. **Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**
  - A. Gordon Cornwall – West Coast Environmental Law (Page 7)
5. **Review & Approval of Minutes of Prior Meetings**
  - A. Special Council Meeting – February 7, 2019 (Page 47)  
THAT the Special Council Meeting Minutes of February 7, 2019 be approved as circulated.
  - B. Regular Council Meeting – February 19, 2019 (Page 49)  
THAT the Regular Council Meeting Minutes of February 19, 2019 be approved as circulated.
6. **Business Arising from the Minutes**
7. **Unfinished Business**
  - A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Person Responsible
67	January 22, 2019	G8: International Day for the Elimination of Racial Discrimination – Staff to follow up with Ms. Simons to book the event	CAO DeJong
68	January 22, 2019	G9: 2019 Premier's Awards for Excellence in Education – Councillor Cunliffe will inquire with the school PAC if there are any nomination potentialities.	Councillor Cunliffe
69	February 5, 2019	UBCM Resolutions due March 15 <sup>th</sup> – Council to advise CAO of any requests by the February 19 <sup>th</sup> Regular Council Meeting	Council

71	February 19, 2019	R1: Christine Taylor – Library Cards	CFO Rooke
72	February 19, 2019	R2: Stuart Hood – Community Police Officer – CAO to respond re. security cameras	CAO DeJong
73	February 19, 2019	R5: Tibor Zombori – Kelvin Grove Wastewater Treatment Plant – PWM to respond re. past and present repairs to WWTP and to add pertinent information to FAQs document	PWM Jaffer
74	February 19, 2019	R6: Cam Mehlenbacher – Septic or Sewer	PWM Jaffer

## 8. Reports

### A. Staff

- i. CFO: 2019 Preliminary Budget (Page 57)  
 Recommendation: THAT the report “2019 Preliminary Budget” be received for information purposes.
  
- ii. CAO: RFD - Best Practices in Respect of Closed Meetings (Page 77)  
 Recommendation: THAT the following best practices for closed meetings be implemented:
  - Use section 90(1)(n) if there is reason to question whether it is necessary to close a meeting;
  - Provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting;
  - Include in the resolution to close a meeting a description of each distinct matter to be discussed and the authorizing provision;
  - Read the resolution to close a meeting aloud;
  - State whether council will reconvene in an open meeting at the end of the closed session [for any purpose other than to adjourn the meeting generally].
  - For sections 90(1)(e) [land acquisition, disposition or expropriation], (f) [law enforcement], and (k) [provision of municipal services], a resolution first be passed confirming that dealing with the matter in public would be harmful to the Municipality or the enforcement matter;
  - Restrict discussion to the subjects that were authorized by the resolution to close the meeting;
  - Whenever possible, avoid passing resolutions in closed meetings [recognizing that there will be matters for which resolutions in closed meeting are required];
  - Keep a detailed record of closed meetings [to the extent appropriate in the circumstances].

- Release as much information as possible at the end of a closed meeting;
- Have a process for reviewing closed minutes regularly and releasing information as soon as practicable when confidentiality is no longer required.

iii. CAO: RFD - Media Training (Revisited) (Page 107)

Recommendation: (1) THAT staff proceed with arranging media training with Therese Mickelson for:

(a) \$1500 for a ½ day basic training session for all of Council (plus CAO, CFO and PWM); and/or

(b) \$950 for a 2 hour, one on one session for Mayor McLaughlin. Plus GST (and expenses, if any)

(2) AND THAT the CAO be authorized to execute a contract with Mickelson Consulting Inc.

iv. CAO: RFD - Filming Application for “The Hypnotist’s Love Story” in Brunswick Beach March 17-21, 2019 (Page 115)

Recommendation: (1) THAT the film permit application for “The Hypnotist’s Love Story” be approved, subject to the following conditions:

(a) Polling – all residences in Brunswick Beach below the highway to be polled by the applicant, with no more than 10% of residences objecting;

(b) Parking – parking on public lands to be minimized with permits required where necessary;

(c) Hours – TBD;

(d) Noise – exemption from Noise Control Bylaw No. 283, 1998, subject to all steps necessary being taken to minimize noise and disturbance to residents during both daytime and nighttime hours;

(e) LBFR - access to all fire hydrants in lower Brunswick Beach be kept free and clear for fire apparatus;

(f) Public Works – cooperation with Public Works in respect of any gate access or other requirements necessitating coordination with the Public Works department;

(g) Fees – TBD.

(2) THAT the CAO be authorized to sign the filming permit and any other incidental documentation related to the film application for “The Hypnotist’s Love Story”.

B. Mayor – None

- C. Council
    - i. Councillor Cunliffe: Volunteer Week Celebration Update (Verbal)
    - ii. Councillor Cunliffe: “New to the Village” Celebration Update (Verbal)
  
  - D. Committees
    - i. Board of Variance Meeting Minutes – October 29, 2018 (Page 123)  
Recommendation: THAT the Board of Variance Meeting Minutes of October 29, 2019 be received for information.
  
  - E. Emergency Services – None
- 9. Resolutions**
- 10. Bylaws**
- 11. Correspondence**
  - A. List of Correspondence to February 28, 2019 (Page 127)  
THAT the following actions be taken with respect to the correspondence:
- 12. New Business**
  - A. Curly Stewart Memorial Trust Fund Award Committee Membership Appointments (Page 159)  
THAT the following persons be appointed to the Curly Stewart Memorial Trust Fund Award Committee: [*to be selected in closed meeting and reported out*].
- 13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)**
- 14. Closed Council Meeting**  
Proposed topics for discussion in the absence of the public:
- A. Sale of 52 Brunswick Beach Road  
THAT Council considers the disclosure of information in respect of the sale of 52 Brunswick Beach Road could reasonably be expected to harm the interests of the municipality.
  
  - B. Proposed Development Services re. 175/185 Kelvin Grove Way  
THAT Council considers negotiations and related discussions respecting the proposed provision of municipal services that are at their preliminary stages could reasonably be expected to harm the interests of the municipality if held in public.
  
  - C. Negotiations with a higher order of government

D. Review of Curly Stewart Memorial Trust Fund Award Committee Membership Appointments

E. THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(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 [Curly Stewart Committee Appointments];

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality [52 Brunswick Beach Rd];

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public [175/185 Kelvin Grove Way];

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting [52 Brunswick Beach Rd].

90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(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 [Negotiations with a higher order of government].

*Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally.*

*[OR]*

*Council anticipates reconvening the open meeting to discuss the following item(s):*

**15. Reporting Out from Closed Portion of Meeting**

**16. Adjournment**



# THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

## DELEGATION REQUEST FORM

**Please forward your Delegation Request Form to the Village Office by 12:00 pm, the Thursday prior to the regular Council meeting. Delegations may speak for a maximum of 10 minutes total.**

Today's Date: 16 Jan 2019 Council Meeting Date: 5 Mar 2019

**SUBJECT OF DELEGATION** I wish to speak before the Council regarding:

Recovering Climate Costs

**SUPPORTING MATERIAL** I will provide additional information in advance of the Council meeting:  
(by 12:00 pm the Thursday prior to the Council meeting so that the material can be included in Council package.)

- 1) Climate Accountability Letters: An Introduction for Local Governments (backgrounder).
- 2) Template for a Climate Accountability Letter addressed to fossil fuel companies from a municipality.
- 3) Examples of actual Climate Accountability Letters sent by other BC municipalities.
- 4) Bill 21, An Act Respecting Civil Liability for Climate-Related Harms. This private member's bill introduced by Peter Tabuns in the Ontario legislature is a model for the BC legislation we propose.
- 5) Sign-on letter addressed to Premier John Horgan, requesting Climate Liability legislation in BC.

**ACTION.** The specific action I would like Council to take is:

- (1) Send Climate Accountability Letters to the twenty fossil fuel companies responsible for the most greenhouse gas emissions globally. The purpose of these letters is to start a public conversation about who should be responsible for the costs of climate change, and to put the companies on notice that your municipality expects them to pay a fair share of those costs.
- (2) Endorse a letter, prepared by West Coast Environmental Law, to the Province of BC requesting the government to enact legislation holding fossil fuel companies liable for climate-related harms caused by their operations and products. If enacted, this provincial legislation would make it easier and less costly for municipalities, including Lions Bay, to sue fossil fuel companies for the recovery of costs related to human-caused climate change - costs which otherwise would fall entirely on taxpayers.

**NAME AND ADDRESS OF SPEAKER FOR THE DELEGATION:**

Name: Gordon Cornwall

Signature: [Redacted]  
Digitally signed by Gordon Cornwall  
DN: cn=Gordon Cornwall, o=NA, ou=NA, email=gordon@phantomself.org, c=CA  
Date: 2019.01.16 09:42:14 -08'00'

Organization (if any): West Coast Environmental Law (volunteer)

Address: [Redacted]

Phone: [Redacted] Fax: \_\_\_\_\_

Email: [Redacted]

Note: A telephone number (where a message can be left with a person or voicemail), fax number or email address is required so that we can contact you in a timely manner.

February 27, 2019

Mayor Ron McLaughlin and Councillors,  
Village of Lions Bay.

This letter introduces a presentation entitled *Recovering Climate Costs* which I, a volunteer with West Coast Environmental Law, with Jon Povill, a Lions Bay resident, will make to Lions Bay Council at the March 5 Council meeting. Our presentation concerns how municipalities can defend against costs of climate change. Supporting documents accompany this letter.

Climate change is no longer just a future threat. Municipalities now face mounting costs due to rising sea levels, wildfires, and spring flooding. Lions Bay is on the hook for costs related to sea level rise (estimated at \$9.5B for Metro Vancouver by a 2012 BC government report). As an interface community, Lions Bay is also subject to the increased risk of wildfires that comes with hotter, drier summers.

Some municipalities are trying to recover costs by suing fossil fuel companies for harms resulting from greenhouse gas emissions. Such lawsuits are expensive, protracted, and uncertain. But the time, cost and risk to municipalities can all be reduced if senior levels of government pass appropriate legislation, such as the Liability for Climate Related Harms bill introduced to the Ontario legislature in 2018.

Also, in 2017, West Coast Environmental Law sent a letter to many BC municipalities inviting them to send Climate Accountability letters to the twenty largest fossil fuel companies, which are collectively responsible for 29.4% of historic greenhouse gas emissions. A Climate Accountability letter would ask the fossil fuel companies to pay their fair share of Lions Bay's climate-related costs. Climate Accountability letters and the Liability for Climate-Related Harms legislation are two parts of West Coast Environmental Law's Climate Law in Our Hands campaign.

We will ask Council to consider taking two actions:

- (1) sending Climate Accountability Letters to the twenty fossil fuel companies responsible for the most greenhouse gas emissions globally. The purpose of these letters is to start a public conversation about who should be responsible for the costs of climate change, and to put the companies on notice that your municipality expects them to pay a fair share of those costs.
- (2) endorsing a letter, prepared by West Coast Environmental Law, to the Province of BC requesting the government to enact legislation holding fossil fuel companies liable for climate-related harms caused by their operations and products. If enacted, this provincial legislation would make it easier and less costly for municipalities, including Lions Bay, to sue fossil fuel companies for the recovery of costs related to human-caused climate change – costs which otherwise would fall entirely on the municipalities and their taxpayers – and give you greater certainty of success.

The accompanying documents are:

- 1) **Climate Accountability Letters: An Introduction for Local Governments**, a West Coast Environmental Law backgrounder on the whys and wherefores of sending accountability letters to fossil fuel companies.
- 2) Template for a **Climate Accountability Letter** addressed to fossil fuel companies from a municipality.
- 3) **Examples of actual Climate Accountability Letters** sent by other BC municipalities.
- 4) **Bill 21, An Act Respecting Civil Liability for Climate-Related Harms**. This private member's bill introduced by Peter Tabuns this year in the Ontario legislature is a model for the legislation we propose in BC.
- 5) **A sign-on letter addressed to Premier John Horgan**. We will ask the District of West Vancouver to consider signing on to this letter, along with other BC municipalities and community groups.

We appreciate the opportunity to speak to Council on this subject, and look forward to the meeting on March 5<sup>th</sup>.

Best Regards,



Gordon Cornwall

1048 Canyon Blvd.,  
North Vancouver, BC  
V7R 2K4  
604-970-3843

The climate crisis is no longer just our grandkids' problem. We are starting to feel its effects in record wildfire seasons, mega-storms, sea level rise, record spring flooding, heat waves, etc. Climate damage is **expensive**, as are the costs of building defences (e.g. dykes and sea-gates against rising sea levels) against further damage. A large part of these costs fall upon local governments (hence on their taxpayers); other costs are borne by individuals, businesses, and insurers. But the fossil fuel companies that continue to profit from keeping us all dependent on their products do not share those costs, and that's unfair. They continue to push for expansion of their industry, without regard for the hardships that fall on others. An effective way to slow them down is to hit them in the pocketbook.

WCEL's campaign aims to enlist support of the local governments who bear the brunt of climate costs. It has two parts:

- (1) Climate Accountability Letters. A number of BC municipalities and community groups have agreed to send letters to the world's 20 biggest fossil fuel producers, asking them to accept responsibility for their fair share of the costs of climate change.
- (2) Climate Liability legislation. We are asking municipalities and local governments to sign on to a letter to Premier Horgan asking the BC government to pass legislation to hold fossil fuel companies strictly liable for climate costs.

I have led delegations to municipal councils in Burnaby and West Vancouver. I have lined up a third one for North Van District, where I live, and I'm working on Vancouver, Port Moody, and the City of North Van. Our delegation to West Van on Nov. 19 resulted in a Council decision to move forward on sending out Climate Accountability Letters and requesting Climate Liability legislation from the province. The motion passed 7-0.

The **Climate Law in Our Hands** initiative has a chance to make a real difference in the fight against fossil fuels and Greens should support it. For the campaign to succeed, it needs to be rolled out across the province. If you are interested in leading, or being part of, a delegation to your local government – especially if you live outside Metro Vancouver, or know Greens outside Metro who would help – please contact Gordon Cornwall (North Vancouver EDA) at [gordon@phantomself.org](mailto:gordon@phantomself.org) or 604-970-3843.

### **West Coast Environmental Law's (WCEL) Climate Law in Our Hands campaign**

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«Responsible\_Company»  
«Address\_1»  
«Address\_2»  
«City», «State» «Postal»  
«Country»

Attn. CEO of «Responsible\_Company»

Dear Sirs/Mesdames:

**Re: Climate Adaptation in [Community] – Your company’s responsibility**

As you know, fossil fuel pollution from your products is the main cause of climate change. Like other communities around the world, our community is already seeing the harmful effects of climate change, and we are being forced to prepare for progressively more serious impacts. As the elected government of [Community], we have a responsibility to our citizens to ensure that our infrastructure and services are developed and maintained in ways that will be able to withstand the “new normal” that climate scientists have predicted for our region, and that our citizens are well protected from future climate impacts.

We write to inform you that we are committed to the process of preparing for the impacts that our community is projected to experience due to climate change. Climate change – as a result of pollution from your products – is now inevitable, and growing more severe as you continue to market them and work against a transition away from fossil fuels. However, we know that by planning for and adapting to these measures at an early date, we can minimize future economic and other impacts of climate change.

As a community, we will expect you to pay your fair share of the costs associated with developing and implementing adaptation plans. It has been estimated that products produced by [your company] are responsible for fully «M\_\_of\_GHGs\_to\_2013»% of historic greenhouse gas emissions.<sup>1</sup> Your industry has been aware of the role of fossil fuels in causing climate change and the types of impacts that communities such as ours would suffer as a result from the 1960s at least.<sup>2</sup>

Since then, however, your company has continued marketing your harmful products and many within your industry have worked, directly or indirectly, to delay or prevent the transition to a carbon free economy.<sup>3</sup> While we recognize that individual consumers do play a small (although individually insignificant) role in the fossil fuel economy, your company has had the power to lead the transition away from that economy, but has instead profited to the tune of many billions of dollars from products that use our global atmosphere as a garbage dump, at the expense of our communities.

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<sup>1</sup> Heede, R. “Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010” *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at [http://climateaccountability.org/carbon\\_majors\\_update.html](http://climateaccountability.org/carbon_majors_update.html), last accessed 23 September 2016.

<sup>2</sup> <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

<sup>3</sup> <http://www.ucsusa.org/sites/default/files/attach/2016/03/backgrounder-fossil-fuel-industry-climate-science-deception.pdf>, last accessed 23 September 2016; <http://www.fossilfreemit.org/wp-content/uploads/2014/08/FossilFreeMIT-Lobbying-Disinformation.pdf>, last accessed 23 September 2016.

It is our position that you – in marketing a product that you knew would cause harm to our community and in opposing alternatives to that product – have played a key role in degrading the global atmosphere and creating a range of threats to our community. Your contribution is readily detectable globally and is therefore considered legally significant and actionable.

It is our responsibility – as one of the communities that face the consequences of that public nuisance to take action to protect ourselves and our citizens from the public nuisance that you have contributed to. The common law recognizes this responsibility and confirms that expenses associated with mitigating the risks of a nuisance can be recovered from those who have caused them.

Accordingly, as we undertake the task of planning for, and building and modifying our infrastructure and services and developing a community that can withstand current and anticipated climate change, we expect you to pay your fair share of the resulting costs – which we assert is equivalent to your proportionate contribution to climate change (ie. «M\_\_of\_GHGs\_to\_2013»% in the case of your company). You cannot make billions of dollars selling your product, knowing that it is causing significant financial harm to communities around the world, and not expect to pay at least that much.

If you do not agree that «M\_\_of\_GHGs\_to\_2013»% is your fair share, please inform us what proportion is your fair share, and why. In addition, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

Even if fossil fuel companies like yours do pay your respective shares (either voluntarily or through legal recourse), our community will still bear the costs of climate change – for example, costs that cannot be recovered from now defunct companies or loss and damage that are not prevented through adaptation. However, we are committed to doing our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

Mayor of [Community]

THE CITY OF VICTORIA



OFFICE OF THE MAYOR

Chevron  
6001 Bollinger Canyon Road  
San Ramon, CA 94583  
USA

November 28, 2017

Attn. CEO of Chevron

Dear Sirs/Mesdames:

As Mayor and Council of the City of Victoria, in British Columbia, we are writing to secure your commitment to pay your fair share of the costs of climate change that face our community. Climate change is the direct result of pollution caused by the burning of fossil fuels, including from your products.

We are beginning to see the impacts of climate change directly affect our region and the infrastructure and services that we provide as a local government to our residents (detailed below). It would be financially irresponsible of us to assume that our taxpayers will bear the full costs of these impacts of fossil fuel pollution, while your shareholders continue to benefit financially from the sale of fossil fuels.

We know that individual consumers, and our community members, use fossil fuels. However, your industry has played a large role in creating the risks and costs that we now face as a community. Your company has made many billions of dollars from products that you presumably knew would harm our communities.<sup>1</sup> You have had the power to move your company towards a more sustainable business model since you first became aware of the impacts of climate change, decades ago, but have not done so. You cannot make billions of dollars selling your product, knowing that it is causing significant financial harm to communities around the world, and not expect to pay for at least some of that harm.

When James Douglas of the Hudson's Bay Company selected the southern tip of Vancouver Island as the site of Fort Victoria, the region's Garry Oak meadows reminded him of the cultivated fields of England. He didn't realize at the time that this unique ecosystem had been managed for thousands of years by the Songhees and Esquimalt First Nations, who harvested Camas bulbs from the meadows as an important food source.

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<sup>1</sup> <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

The Garry Oak Meadow ecosystem – although unfortunately much diminished and one of the most endangered ecosystems in the world – remains a central feature of the City of Victoria, and we take seriously our responsibility to pass it on to future residents. Numerous studies have shown that that climate change will put that goal at risk<sup>2</sup> – and that our work to ensure that the ecosystem can survive shifts in our regional climate is urgent.<sup>3</sup>

Of course, climate change brings with it other, direct impacts on our infrastructure and services, and on our residents. We offer the example of the Garry Oak Meadow ecosystem to illustrate an important climate impact, and associated costs, that are unique to our region.

In addition, like other coastal communities in BC and around the world, sea-level rise is a serious concern. Our Inner Harbour, a central feature of our downtown, is the point of arrival for many tourists and a source of pride for our residents. For this business and tourism district, higher sea-levels, especially when combined with storm-surge events, will mean huge economic cost. It has been estimated that 1 metre of sea level rise in combination with a storm surge would result potential business disruption losses of Cdn \$415,557 per day (based on annual averages).<sup>4</sup>

Outside of the downtown, much of our coastline is characterized by cliffs, much of it soft and vulnerable to increased coastal erosion. The needed protection efforts will likely result in significant costs to our community.

Drought and increased winter storms associated with climate change are also predicted for our region.

Planning, building and maintaining local infrastructure is made more costly by climate change. Victoria is in the process of developing a Climate Leadership Plan to do our part to reduce greenhouse gas emissions from transportation, buildings and waste. The City is also investing in our own infrastructure to ensure we are able to maintain resilience and adapt to the changing climate and the impacts to our operations, utilities and services. At present we are only beginning to understand the potential magnitude of increased local costs for both climate change mitigation and adaptation. We know that cities didn't cause the climate problem on their own and we can't solve it on our own. And we know that costs will increase as climate change impacts worsen.

As a community Victoria has committed to work towards 100% renewable energy by 2050. We recognize that everyone is going to need to do their part to address climate change. We

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<sup>2</sup> Pellatt MG, Goring SJ, Bodtker KM, Cannon AJ (2012) Using a Down-Scaled Bioclimate Envelope Model to Determine Long-Term Temporal Connectivity of Garry oak (*Quercus garryana*) Habitat in Western North America: Implications for Protected Area Planning. *Environ Manage* 49:802–815; Bachelet D, Johnson BR, Bridgham SD, Dunn PV, Anderson HE, Rogers BM (2011) Climate Change Impacts on Western Pacific Northwest Prairies and Savannas. *Northwest Sci* 85:411–429.

<sup>3</sup> Pellatt, M.G. & Gedalof, Z. *Biodivers Conserv* (2014) 23: 2053. <https://doi.org/10.1007/s10531-014-0703-9>.

<sup>4</sup> AECOM. Capital Regional District: Coastal Sea Level Rise Risk Assessment (Victoria, BC: Capital Regional District, 2015), p. 36.

are asking you to take responsibility for the harm caused by your products and to take action to move to a more sustainable business model.

The peer-reviewed research of Richard Heede reveals that 3.34% of the greenhouse gas emissions already in the global atmosphere originate from your company's operations and products.<sup>5</sup> In our view, this represents your fair share of the costs facing Victoria. Will you confirm that you are willing to pay 3.34% of Victoria's climate-related costs going forward?

Sincerely,



Lisa Helps  
Victoria Mayor

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<sup>5</sup> Heede, R. Climatic Change (2014) 122: 229. <https://doi.org/10.1007/s10584-013-0986-y>; See also [http://climateaccountability.org/carbon\\_majors\\_update.html](http://climateaccountability.org/carbon_majors_update.html).



## City of Powell River

City Hall – MacGregor Building  
6910 Duncan Street, Powell River, BC V8A 1V4  
Telephone 604.485.6291 • Fax 604.485.2913  
www.powellriver.ca • info@cdpr.bc.ca

File No. 0220-01

April 9, 2018

Sonatrach Petroleum Corporation  
5 Princes Gate  
London, United Kingdom  
SWJ 1QJ

Attention: Mr. Mohamed Meziane, Chief Executive Officer

Dear Sir:

**Re: Sonatrach Petroleum Corporation Fair Share of Climate Change Costs in Powell River, BC, Canada**

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We write as the Mayor and Council of the City of Powell River, a municipality on the Sunshine Coast of British Columbia. Like other communities around the world, we are increasingly concerned about the harmful effects that climate change will have on our community and on other communities around the world. We are being forced to prepare for progressively more serious and frequent impacts. Among other impacts we are presently facing increased fire risk, extended summer droughts and extreme winter rain events. Increased winter precipitation is impacting our roads and stormwater management and increasing our costs as a local government. A coastal community, we are concerned about rising sea-levels and coastal erosion as well, although most of our lands are well above sea-level.

We expect the climate change costs facing our community to rise as global temperatures increase and as we examine how best to help our residents withstand the current and expected impacts. Climate change – as a result of fossil fuel pollution – is occurring now and growing more severe as you continue to market your products without aggressively moving to a different, more sustainable business model. Because of this pollution, we need to plan for and adapt to ongoing changes in our local climate, caused by rising global temperatures, so as to avoid future negative economic and other impacts of climate change in our municipality. As we move forward with preparing our community and infrastructure for climate change, we will be incurring additional costs and inconvenience as a result of the increased severity of climate change attributable to your products and operations.

While we recognize that individual consumers, and our community, do play a role in responsibility for the fossil fuel economy, your company has had the power to lead the transition away from that economy, but has instead profited to the tune of many billions of dollars from products that you have known, or should have known, would harm our communities. You cannot make billions of dollars selling your product, knowing that it is causing significant

financial harm to communities around the world, and not expect to pay at least some of that harm.<sup>i</sup>

All communities will expect you to pay your fair share of the costs associated with preparing for climate change. It has been estimated, by the source noted below, that the emissions from those products and operations amount to fully 0.66% of historic human-caused greenhouse gas emissions and we suggest that this figure is a reasonable basis for estimating your company's fair share of costs incurred due to climate change.<sup>ii</sup>

We expect your industry to take cradle to grave responsibility for your product – and that starts by taking responsibility for its effects in the atmosphere and the resulting harm to communities. In addition, we would like to hear what steps you plan to take to reduce or eliminate the future negative impacts of your company's products on our community. We know that our community will end up sharing some of the costs of climate change even if you and other fossil fuel companies do pay your fair shares. These would include costs that cannot be recovered. We will do our part to minimize these costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,  
CITY OF POWELL RIVER

**David Formosa**, Mayor

DF/rp

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<sup>i</sup> <https://www.smokeandfumes.org/fumes>

<sup>ii</sup> [http://climateaccountability.org/carbon\\_majors\\_update.html](http://climateaccountability.org/carbon_majors_update.html)



APPENDIX A

THE CORPORATION OF THE  
**DISTRICT OF WEST VANCOUVER**  
OFFICE OF THE MAYOR

«Responsible\_Company»

«Address\_1»

«Address\_2»

«City», «State» «Postal»

«Country»

Attn. CEO of «Responsible\_Company»

Dear Sirs/Mesdames:

**Re: Climate Adaptation in the District of West Vancouver – Your Company’s Responsibility**

As you know, fossil fuel pollution from your products is the main cause of climate change. Like other communities around the world, our community is already seeing the harmful effects of climate change, and we are being forced to prepare for progressively more serious impacts. As the elected government of the District of West Vancouver, we have a responsibility to our citizens to ensure that our infrastructure and services are developed and maintained in ways that will be able to withstand the “new normal” that climate scientists have predicted for our region, and that our citizens are well protected from future climate impacts.

We write to inform you that we are committed to the process of preparing for the impacts that our community is projected to experience due to climate change. Climate change – as a result of pollution from your products – is now inevitable, and growing more severe. We know that by planning for and adapting to these measures at an early date, we can minimize future economic and other impacts of climate change.

It is our position that you have played a key role in degrading the global atmosphere and creating a range of threats to our community. Your contribution is readily detectable globally and is therefore considered legally significant and actionable.

It is our responsibility to take action to protect ourselves and our citizens, to the degree possible, from the effects of climate change that you have contributed to.

Accordingly, as we undertake the task of planning for, and building and modifying our infrastructure and services and developing a community that can withstand current and anticipated climate change, we request you to pay your fair share of the resulting costs.

In addition to financially contributing to the mitigation of climate change, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

We are committed to doing our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

Mary-Ann Booth  
Mayor

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

3RD SESSION, 41ST LEGISLATURE, ONTARIO  
67 ELIZABETH II, 2018

# Bill 21

## **An Act respecting civil liability for climate-related harms**

**Mr. P. Tabuns**

**Private Member's Bill**

1st Reading      March 26, 2018

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill enacts the *Liability for Climate-Related Harms Act, 2018*. The Act provides that a fossil fuel producer is strictly liable for climate-related harms that occur in Ontario if the producer is responsible for greenhouse gas emissions at a globally detectable level. The Act contains a definition of “climate-related harms”. Certain evidentiary matters are provided for.

**Bill 21****2018****An Act respecting civil liability for climate-related harms****Preamble**

Climate change is real. It is already affecting Ontarians' lives as increased wildfires and flooding create significant and costly damage. Climate change threatens to make life more expensive as people and governments are required to pay for the harm it causes and for the protection of schools, roads, hospitals and homes from unprecedented flooding and other extreme weather events.

Enhanced legal tools are required so that governments, businesses and individuals can ensure that coal, oil and gas producers contribute their fair share to paying for the harms to which their products contribute and for the necessary steps to prevent future harms.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Interpretation**

**1** In this Act,

“climate change” means a long-term change in the Earth’s climate caused by the alteration of concentrations of greenhouse gas in the global atmosphere; (“changement climatique”)

“climate-related harms” means harms arising from climate change, including, without limitation,

- (a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets,
- (b) the costs associated with obtaining and maintaining insurance reasonably required due to the risk of the losses described in clause (a),
- (c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them,
- (d) harm related to ocean acidification,
- (e) loss of land or damage to infrastructure due to rising sea levels, including slow-onset loss,
- (f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures,
- (g) the costs of responding to emergencies arising from natural disasters associated with climate change,
- (h) the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs, and
- (i) the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs; (“dommages liés au climat”)

“production”, when used in respect of fossil fuels, includes exploration for sources of fossil fuels, exploitation of fossil fuels and sale of fossil fuels. (“production”)

**Strict liability for climate-related harms**

**2** (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is strictly liable for climate-related harms that occur in Ontario.

**Level of greenhouse gas emissions**

(2) The determination of a producer’s level of greenhouse gas emissions shall be based on,

- (a) emissions resulting from the producer’s production of fossil fuels; and
- (b) emissions resulting from the use of those fossil fuels.

**Same**

(3) Even if the costs described in clauses (f) to (i) of the definition of “climate-related harms” in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

**Evidentiary matters**

**3** (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to,

- (a) scientific or statistical information or modelling;
- (b) historical experience; and
- (c) information derived from relevant studies, including information derived from sampling.

**Evidence re climate change causing particular events**

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

**Regulations**

**4** The Lieutenant Governor in Council may make regulations respecting,

- (a) the determination of the greenhouse gas emissions that can be attributed to a producer; and
- (b) the determination of whether a producer’s greenhouse gas emissions level is globally detectable.

**Commencement**

**5 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**6 The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.**

Premier John Horgan,  
PO BOX 9041 STN PROV GOVT  
Victoria BC V8W9E1

\*\*\* BY FAX @ 250 387-0087 AND MAIL \*\*\*

Dear Premier Horgan:

**Re: Liability for Climate-related Harms Act and Climate Leadership**

We write to ask your government to take immediate action to hold global fossil fuel companies accountable for climate change-related harm and costs that occur in British Columbia, through the enactment of a *Liability for Climate-related Harms Act* – a statute to clarify the legal rules of liability for harm caused by climate change.

This statute is essential both to protect BC taxpayers against a rising tide of climate change costs and to give global fossil fuel companies financial incentives to work to solve the climate crisis.

**Climate impacts in BC**

We are frightened about what climate change means for our planet, British Columbia and our communities. As a result of fossil fuel pollution, the world has already seen a 1°C increase in average temperatures. In BC we are already seeing:

- droughts and heat threatening us with increased wildfires and water shortages,
- extreme weather and early melting of snow-pack leading to flooding, landslides, and resident evacuation,
- sea level rise requiring expensive coastal protection measures, and
- the spread of diseases and pest species, such as Lyme Disease and the Mountain Pine Beetle.

As unchecked increasing fossil fuel pollution continues to push global temperatures ever higher, climate impacts like these, which hit poor and vulnerable groups especially hard, will only get worse. The government of British Columbia and other levels of government are on the hook to fund infrastructure upgrades and changes to services, in efforts to shield British Columbians from the worst of these climate impacts. Estimates of the potential costs to British Columbia run in the tens of billions of dollars.<sup>1</sup>

**Polluters must pay**

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<sup>1</sup> Figures for the costs of coastal flooding to BC illustrate the point. Paying the Price, a 2010 report of the National Roundtable on Environment and Economy (NRTEE) estimates the costs to Canada by 2020 at \$5 billion per year, rising to \$21-43 billion per year by 2050 (and much more than that if global temperature increase is not kept to below 2°C). The same report estimates that flooding in BC by 2050 is likely to cost the province an average of between \$0.8 and \$7.6 billion **each year** if the world is **successful** in keeping temperature increases below 2°C. (p. 72). If governments build infrastructure to deal with the potential flooding, this figure will be reduced, but the infrastructure needed for the Lower Mainland has been estimated at \$9.5 billion by 2100 to deal with a 1 metre sea-level rise (Delcan. Cost of Adaptation - Sea Dikes and Alternative Strategies (Province of BC, 2012)). Some models suggest that the actual sea level rise may be considerably higher and faster than 1 metre by 2100. Economic loss figures for the Mountain Pine Beetle are also instructive. It has been estimated that the epidemic will see BC's GDP lose \$57.37 billion over a 45 year period: L. J. Corbett, P. Withey, V. A. Lantz, T. O. Ochuodho; The economic impact of the mountain pine beetle infestation in British Columbia: provincial estimates from a CGE analysis, *Forestry: An International Journal of Forest Research*, Volume 89, Issue 1, 1 January 2016, Pages 100–105, <https://doi.org/10.1093/forestry/cpv042>.

Until now, governments, industry and the public have largely assumed that these costs will be fully borne by taxpayers – much as it was at one time generally assumed that smokers and health care systems would bear the full health costs of smoking.

Not only is that unfair to taxpayers, but it also means that fossil fuel companies and their investors lack economic incentives to transition to a more sustainable business model.

Fossil fuel companies have made massive profits selling products that they know contribute to climate change. Ninety fossil fuel producers are responsible (through operations and products) for about two-thirds of greenhouse gases in the global atmosphere today.<sup>2</sup> Many of these same companies knew about the impacts of their products as early as the 1950s or 1960s. Instead of acting on this information to address the effects of their products, they funded misinformation campaigns about climate change, lobbied against action on climate change and sat on renewable energy patents that would have significantly reduced greenhouse gas emissions.<sup>3</sup>

While individual lifestyles and consumer choices play a role in causing greenhouse gas pollution, the contribution of, and the choices available to, individuals are insignificant compared to the role of fossil fuel companies. And yet currently taxpayers and individuals are on the hook for 100% of climate costs, while fossil fuel companies pocket their profits. In effect, fossil fuel companies are transferring costs of managing the climate impacts of their products to taxpayers.

To prepare for the coming climatic changes from fossil fuel pollution, BC communities will need funding at levels that are only beginning to be appreciated. Already, credit ratings agencies are warning governments that their credit ratings are at risk if they fail to prepare for expected climate risks.<sup>4</sup> Fossil fuel companies, who have profited most from the climate crisis, should pay their fair share of those costs.

### **BC can hold fossil fuel companies accountable**

The province of British Columbia has the legal power – through a *Liability for Climate-related Harms Act* – to define the legal consequences associated with climate costs and impacts that are currently being incurred within its borders. The Act can ensure that global fossil fuel companies pay a fair share of those costs – even where the companies that contributed to the impacts are outside the province’s borders.<sup>5</sup>

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<sup>2</sup> Heede, Richard, “Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010”, *Climatic Change*, Jan 2014.

<sup>3</sup> Muffet, C. and Feit, S. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*. (Washington, DC: Center for International Environmental Law, 2017), available on-line at <http://www.ciel.org/wp-content/uploads/2017/11/Smoke-Fumes-FINAL.pdf>, last accessed 30 April 2018; Union of Concerned Scientists. *The Climate Deception Dossiers*. (Washington, DC: Union of Concerned Scientists, 2015).

<sup>4</sup> Moody’s Investor Services Inc., *Announcement: Climate change is forecast to heighten US exposure to economic loss placing short- and long-term credit pressure on US states and local governments*, Nov 28, 2017.

<sup>5</sup> See Gage, A. and Wewerinke, M., *Taking Climate Justice into our own Hands* (Vancouver, BC: West Coast Environmental Law, 2015); Byers, M., Franks, K. and Gage, A. *The Internationalization of Climate Damages Litigation*. *Washington Journal of Environmental Law & Policy*, Volume 7, issue 2, July 2017, <http://hdl.handle.net/1773.1/1709>, last accessed 23 April 2018.

BC was the first province in Canada to enact a *Tobacco Damages Recovery Act*, to enable lawsuits to recover health care costs from cigarette manufacturers,<sup>6</sup> a precedent noted recently by Ontario NDP Environment and Climate Change Critic, Peter Tabuns, when he proposed a *Liability for Climate-related Harms Act*<sup>7</sup> in the Ontario Parliament.

While fossil fuel companies could be sued under existing common law principles,<sup>8</sup> there are significant advantages to the Legislature, rather than the courts, clarifying the legal rules for liability in such cases. Enacting a *Liability for Climate-related Harms Act* may clarify the legal rules more quickly and cheaply than could occur through protracted litigation, as well as giving the public's representatives an important opportunity to investigate and quantify the costs of climate change and to discuss the role of the fossil fuel industry in paying for those costs.

## Conclusion

BC's government, communities, taxpayers and individual victims cannot afford the rising tide of climate costs that is bearing down upon us. Communities in BC and around the world are demanding that fossil fuel companies pay their share of climate costs.<sup>9</sup> As the City of Victoria wrote in a letter to 20 fossil fuel companies about its expected climate impacts: "It would be financially irresponsible of us to assume that our taxpayers will bear the full costs of these impacts of fossil fuel production, while your shareholders continue to benefit financially from the sale of fossil fuels."<sup>10</sup>

A relatively small number of companies have the resources, scale, knowledge, technology and expertise to either block or advance climate action. We must ensure that they have every incentive to use that power to build the sustainable economy that we need.<sup>11</sup>

In enacting a *Liability for Climate-related Harm Act*, you would protect BC taxpayers and individuals from massive costs, avoid the need for protracted and expensive litigation to clarify legal responsibility for climate impacts, and, perhaps most importantly, you would send a global message to the fossil fuel industry that its business model can no longer ignore the harm that it is causing.

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<sup>6</sup> S.B.C. 1997, c. 41. For commentary on the potential for a climate act based on the Tobacco Damages Recover Act, see Olszynski, Martin and Mascher, Sharon and Doelle, Meinhard, From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability (April 24, 2017). Georgetown Environmental Law Review, 2017. Available at SSRN: <https://ssrn.com/abstract=2957921>; Also Gage and Wewerinke, above, note 2 at p. 9; L. Collins & H. McLeod-Kilmurray. The Canadian Law of Toxic Torts. (Canadian Law Book, 2014), pp. 290-291.

<sup>7</sup> Bill 21, the *Liability for Climate-related Harms Act*, 2018, available at [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=5835&detailPage=bills\\_detail\\_the\\_bill](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=5835&detailPage=bills_detail_the_bill); the Bill was referred to committee, but has since died with the 2018 Ontario election.

<sup>8</sup> Communities in California, Colorado, Washington and New York have sued fossil fuel companies for local climate costs in their own state's courts. In addition, a German court is currently considering a claim brought on behalf of a Peruvian community against a German coal company for climate costs.

<sup>9</sup> Here in BC, over 10 local governments, plus the Association of Vancouver Island and Coastal Communities (representing 53 local governments) have voted to send letters to 20 fossil fuel companies demanding that they pay their share of local climate impacts. A human right complaint is being investigated in the Philippines against many of these same companies for their contribution to climate change. Also the lawsuits referenced in note 6.

<sup>10</sup> Letter from City of Victoria to Chevron, November 28, 2017.

<sup>11</sup> In many other contexts, the BC government has long required industry to pay for the full costs of their products, as through Extended Producer Responsibility which is a well-established principle of BC's laws regarding recycling and waste management.

**Signed by:**

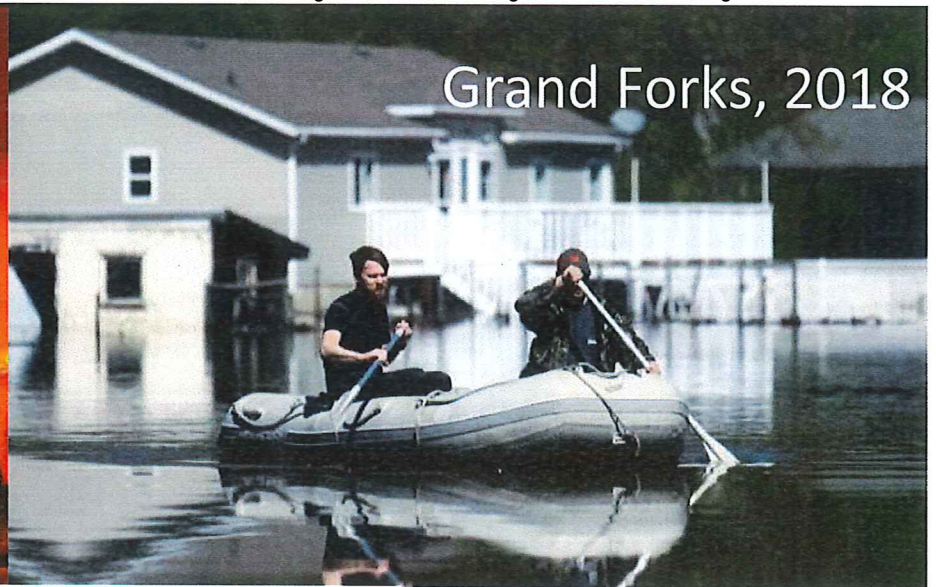
# Recovering Climate Costs

Presentation to Village of Lions Bay  
March 5, 2019

Gordon Cornwall, for West Coast Environmental Law

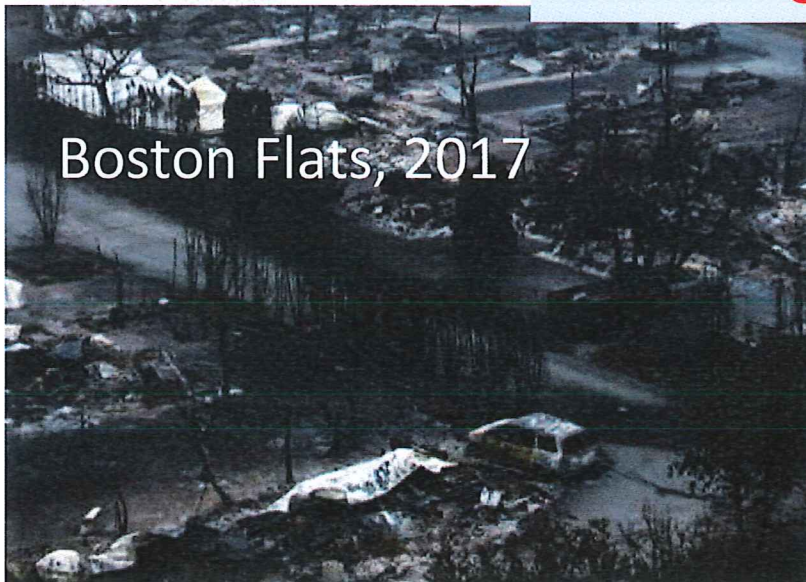


BC interior, 2017



Grand Forks, 2018

Climate change is here,  
it's *costly*,  
and it's going to cost more.



Boston Flats, 2017



Vancouver, 2018

*Some examples:*

Record BC wildfire season in 2017

- **\$668M** in fire fighting costs (not counting military) <sup>1</sup>
- 1.2 M hectares forest lost
- 400,000 hectares rangeland damaged
- hundreds of homes and other structures destroyed
- impact on tourism
- physical and mental health impacts from smoke inhalation and anxiety
- ***New record in 2018 (here and in California)***

New and enhanced infrastructure to combat rising sea levels in Metro Vancouver:

- **\$9.5B** for dykes, sea-gates, property acquisition <sup>2</sup>

Potential costs of a Fraser River flood:

- **\$32.7B** in interrupted cargo shipments, commercial and residential damages, etc. <sup>3</sup>

1 Globe and Mail, "[BC wildfires stoked by climate change, likely to become worse: study](#)," Jan 9, 2019.

2 BC Ministry of Forests, Lands and Natural Resource Operations, "[Cost of Adaptation - Sea Dikes & Alternative Strategies](#)," October 2012.

3 Fraser Basin Council, "[Lower Mainland Flood Management Strategy - Phase 1 Summary Report](#)," May 2016.

# Lions Bay RISKS

WILDFIRE

RISING  
SEA  
LEVELS



CITY OF PORT MOODY  
COMMUNITY WILDFIRE PROTECTION PLAN  
**WILDFIRE**

**Recommendations  
for another  
local  
community**



B.A. Blackwell & Associates Ltd.

April 2007



B.A. Blackwell  
& Associates Ltd.

**28 recommendations, including:**

16. New and improved access roads for evacuation and fire control.
18. Helicopter with bucket on standby when fire risk is high.
20. Contingency plan for evacuating critical emergency facilities, including Eagle Ridge Hospital, in case of heavy smoke.
21. Enhance sprinkler protection program from 20 homes to 50.
23. Additional equipment for wildfire attack and firefighter protection.
26. Develop fuel break network.
27. Protect electrical transmission corridor.

# The Village of Lions Bay: A Natural Hazards Assessment Area Strategy for Coastal, Creek and Hillslope Hazards



Cordilleran Geoscience, Nov. 30, 2017

## RISING SEA LEVELS

Higher High Tide:	2.05 m CGD;
500-year Storm Surge:	1.3 m CGD;
Global Sea Level Rise to 2100:	1.0 m CGD;
Total base estimate:	<b>4.35 m CGD.</b>

Yet, factors such as wave setup/runup allowance and freeboard are varied according to location exposure and uncertainty tolerance, to yield a range of estimates, as such:

Wave setup/runup Allowance:	0.0 m, 0.3 m, 0.65 m, 1.2 m;
Freeboard Allowance:	0.3 m, 0.6 m, 1.0 m;
<b>Final FCL range (average)</b> <i>(FCL: Flood Construction Level)</i>	<b>4.65-6.55 m (5.6 m) CGD.</b>

Furthermore, accounting for an additional 1 m sea-level rise allowance to year 2200 provides a planning elevation for assessment of 7.55 m CGD, which is rounded up to 8 m.

As things stand, municipalities and regional governments are on the hook for a large proportion of those costs.

**Taxpayers pay.**

So do insurers and their clients, businesses, and individuals.

**Meanwhile, fossil fuel corporations make profits without sharing the costs of the pollution caused by their operations and their products.**



# Climate Change Is Forcing the Insurance Industry to Recalculate

Insurers are at the vanguard of a movement to put a value today on the unpredictable future of a warming planet

The global insurance industry has raised premiums, and in some cases refused coverage for damage due to sea level rise, storm surges and flooding.

The State of Florida was forced to set up its own insurance pool to protect against losses from windstorms, thereby transferring risk to its taxpayers.

Los Angeles Times, Jun 16, 2014.

# FINANCIAL POST

NEWS · INVESTING · MARKETS · PERSONAL FINANCE · FP TECH DESK · FP COMMENT · ENTREPRENEUR · EXECUTIVE · FP MAGAZINE

## Moody's for first time warns cities to address climate change or face credit downgrades

*Texas, Florida, Georgia and Mississippi are among the states most at risk from climate change*



Nov. 30, 2017

'In a report to its clients Tuesday, Moody's Investors Service Inc. explained how it incorporates climate change into its credit ratings for state and local bonds. If cities and states don't deal with risks from surging seas or intense storms, they are at greater risk of default.

"What we want people to realize is: **If you're exposed, we know that. We're going to ask questions about what you're doing to mitigate that exposure,**" Lenny Jones, a managing director at Moody's, said in a phone interview. "That's taken into your credit ratings."

## Some cities are managing their exposure by suing companies that have contributed the most to climate change.

Sept. 19, 2017: [San Francisco and Oakland sue for damages](#) in California Superior Court from five fossil fuel companies over sea level rise. Case dismissed June 25, 2018. The cities appealed.

Dec. 20, 2017: [Santa Cruz and Santa Cruz County file lawsuits](#) in California Superior Court against 29 fossil fuel companies, seeking compensation for climate change-related damage.

Jan. 9, 2018: [New York City files suit](#) in federal court against five fossil fuel companies over climate change-related costs. Dismissed July 19, 2018. NYC appealed Nov 8, 2018.

Jan. 22, 2018: [City of Richmond, California files lawsuit](#) in California Superior Court against 29 fossil fuel companies.

April 17, 2018: In Colorado, the city of [Boulder, Boulder County and San Miguel County file a lawsuit](#) in District Court seeking to hold Exxon and Suncor accountable for costs related to climate change.

July 20, 2018, [Baltimore sues](#) 26 fossil fuel companies in Maryland state court for putting their investment in waterfront infrastructure at risk. <sup>1</sup>

February, 2018, Paris, France, passed a resolution “to examine suing oil and gas companies to pay for the costs of climate impacts.” <sup>2</sup>

Nov 14, 2018, California crab fishermen associations file suit against 30 fossil fuel companies for harm caused to California’s fisheries by ocean warming. <sup>3</sup>

1. [“Fossil Fuels on Trial: Where the Major Climate Change Lawsuits Stand Today,”](#) Insideclimatenews.org, accessed Nov 15, 2018.
2. [“Paris, Inspired by New York City, Considers Climate Suit Against Oil Companies,”](#) ClimateLiabilityNews.org, accessed June 8, 2018.
3. [“Claws out: crab fishermen sue 30 oil firms over climate change,”](#) The Guardian, Nov 14, 2018, accessed Jan 9, 2019.

These are early days for such lawsuits.  
The process is protracted and expensive,  
and outcomes are uncertain.

**However, appropriate legislation passed by senior  
levels of government can speed up the process,  
provide greater legal certainty, and reduce costs.**

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

3RD SESSION, 41ST LEGISLATURE, ONTARIO  
67 ELIZABETH II, 2018

## Bill 21

**An Act respecting civil liability for climate-related harms**

**Mr. P. Tabuns**

**Private Member's Bill**

1st Reading      March 26, 2018

2nd Reading

3rd Reading

Royal Assent

To this end,  
NDP MPP  
Peter Tabuns  
introduced  
Bill 21 to the  
Ontario  
legislature  
in March  
2018.  
(Reintroduced  
in October, 2018  
as Bill 37.)

## Key excerpts from the Ontario Bill

### Strict liability for climate-related harms

2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is **strictly liable** for climate-related harms that occur in Ontario.

### Level of greenhouse gas emissions

(2) The determination of a producer's level of greenhouse gas emissions shall be based on,

- (a) emissions resulting from the producer's production of fossil fuels; and
- (b) emissions resulting from the use of those fossil fuels.

"climate-related harms" means harms arising from climate change, including, without limitation,

- (a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets,
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- (c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them,
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- (f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures,
- (g) the costs of responding to emergencies arising from natural disasters associated with climate change,
- (h) the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs, and
- (i) the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs; ("dommages liés au climat")

In the 1970's, the largest fossil fuel companies knew their products caused climate change. But they suppressed that information, and spread doubt about the science.

In their eight-month-long investigation, reporters at InsideClimate News interviewed former Exxon employees, scientists and federal officials and analyzed hundreds of pages of internal documents. They found that the company's knowledge of climate change dates back to July 1977, when its senior scientist James Black delivered a sobering message on the topic. "In the first place, there is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels," Black told Exxon's management committee. A year later he warned Exxon that doubling CO2 gases in the atmosphere would increase average global temperatures by two or three degrees—a number that is consistent with the scientific consensus today. He continued to warn that "present thinking holds that man has a time window of five to 10 years before the need for hard decisions regarding changes in energy strategies might become critical." In other words, Exxon needed to act.

*Scientific American, Oct 26, 2015*

YouTube

Search



Climate of Concern - Royal Dutch Shell (1991)

41,300 views

382 7 SHARE SA

*Stills from "Climate of Concern," an educational video produced by Royal Dutch Shell in 1991 (with YouTube subtitles).*

YouTube

Search



Climate of Concern - Royal Dutch Shell (1991)

41,300 views

382 7 SHARE SAVE ...

2

### **Same**

(3) Even if the costs described in clauses (f) to (i) of the definition of “climate-related harms” in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

### **Evidentiary matters**

**3** (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to,

- (a) scientific or statistical information or modelling;
- (b) historical experience; and
- (c) information derived from relevant studies, including information derived from sampling.

### **Evidence re climate change causing particular events**

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

### **Regulations**

**4** The Lieutenant Governor in Council may make regulations respecting,

- (a) the determination of the greenhouse gas emissions that can be attributed to a producer; and
- (b) the determination of whether a producer’s greenhouse gas emissions level is globally detectable.

### **Commencement**

**5** This Act comes into force on the day it receives Royal Assent.

### **Short title**

**6** The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.

The contributions of individual fossil fuel companies to increased atmospheric GHG concentrations can be determined, as a measure of their responsibility for climate change. A 2014 peer-reviewed study by Rick Heede, published in the journal Climatic Change, identified 90 entities that have contributed nearly 2/3 of the CO<sub>2</sub> and methane that has been released into the atmosphere since the start of the industrial era. <sup>1</sup>

Studies of this kind can be used to assign legal responsibility fairly to individual companies.

1. Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", Climatic Change, Jan 2014.

**Top 20 investor- and state-owned entities and attributed CO<sub>2</sub> & CH<sub>4</sub> emissions 2010**

Entity	2010 EmissionsMtCO <sub>2</sub> e	Cumulative 1854-2010MtCO <sub>2</sub> e	Percent of Global1751-2010
1. Chevron, USA	423	51,096	3.52%
2. ExxonMobil, USA	655	46,672	3.22%
3. Saudi Aramco, Saudi Arabia	1,550	46,033	3.17%
4. BP, UK	554	35,837	2.47%
5. Gazprom, Russian Federation	1,371	32,136	2.22%
6. Royal Dutch/Shell, Netherlands	478	30,751	2.12%

Excerpt from Executive Summary on [Carbon Majors website](#), accessed June 8, 2018

**Under the current BC government, Climate Liability legislation similar to Bill 21 might have a good chance of passing.**

**Would that be helpful to the Village of Lions Bay?**

We respectfully ask Council to take two actions:

- 1. Send Climate Accountability Letters to the twenty largest fossil fuel companies**
- 2. Sign on to the letter to Premier Horgan requesting Climate Liability legislation.**

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**SPECIAL MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON THURSDAY, FEBRUARY 7, 2019 at 8:30 PM  
and MONDAY, FEBRUARY 11, 2019 AT 7 PM  
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

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### MINUTES

In Attendance:

Council: Mayor Ron McLaughlin  
Councillor Neville Abbott  
Councillor Fred Bain  
Councillor Norm Barmeier  
Councillor Jaime Cunliffe (present on February 11, 2019 only)

Staff: Chief Administrative Officer Peter DeJong (Recorder)  
Chief Financial Officer Pamela Rooke  
Public Works Manager Nai Jaffer

1. **Call to Order**  
Mayor McLaughlin called the meeting to order at 8:34 p.m.

2. **Adoption of Agenda**  
Moved/Seconded  
THAT the agenda be adopted as circulated.

**CARRIED**

3. **Closed Council Meeting**  
Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

**90 (1)** A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

**CARRIED**

*The meeting was closed to the public at 8:35 p.m.*

*The meeting was re-opened to the public at 7:50 p.m. on Monday, February 11, 2019, with Councillor Cunliffe having joined the meeting at 7 pm on February 11, 2019.*

**4. Reporting Out From Closed Portion of Meeting**  
None

**5. Adjournment**  
Moved/Seconded

THAT the meeting be adjourned generally.

**CARRIED**

*The meeting was adjourned at 7:50 p.m. on Monday, February 11, 2019*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Date Approved by Council:	
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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON TUESDAY, FEBRUARY 19, 2019 at 7:00 PM  
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

**MINUTES**

In Attendance:

Council: Mayor Ron McLaughlin  
Councillor Neville Abbott  
Councillor Fred Bain  
Councillor Norm Barmeier  
Councillor Jaime Cunliffe

Staff: Chief Financial Officer Pamela Rooke (Acting CAO)  
Public Works Manager Nai Jaffer  
Office Coordinator Shawna Gilroy (Recorder)

Delegations: 0

Public: 6

**1. Call to Order**  
Mayor McLaughlin called the meeting to order at 7:02 p.m.

**2. Adoption of Agenda**  
Moved/Seconded

THAT 8Bi – Canada Day be added; and  
THAT 8Bii – Village Update Article Rotation be added; and  
THAT the agenda be adopted, as amended.

**CARRIED**

**3. Public Participation (2 minutes per person totalling 10 minutes maximum)**  
A. 2019 Municipal Grant Applications  
Moved/Seconded

THAT the usual time limits be relaxed to allow the Municipal Grant Presentations up to five minutes per presentation, not including questions from Council.

**CARRIED**

The Seniors Social Circle and the Lions Bay Events Committee presented their 2019 Municipal Grant requests to Council.

Moved/Seconded

THAT the report “2019 Municipal Grant Applications” be received for information purposes.

**CARRIED**

**4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**

None

**5. Review & Approval of Minutes of Prior Meetings**

**A. Special Council Meeting – January 25, 2019**

Moved/Seconded

THAT the Special Council Meeting Minutes of January 25, 2019 be approved as circulated.

**CARRIED**

**B. Regular Council Meeting – February 5, 2019**

Moved/Seconded

THAT the Regular Council Meeting Minutes of February 5, 2019 be approved as circulated.

**CARRIED**

**6. Business Arising from the Minutes**

**A. February 5, 2019 Regular Council Meeting:**

- Item 8Di – Memorial Committee: Councillor Bain reported that he brought the previous staff recommendation to the Memorial Committee which was to move the location of the Cairn from the front of the municipal office flags to the side of the Village Hall. The Committee preferred to keep the Cairn where it was originally proposed, in front of the flags.
- Item 8Aii – Kelvin Grove Wastewater Treatment Plant Replacement: Councillor Abbott queried whether discussion of the Wastewater Treatment Plant would be part of the Infrastructure Committee meeting next week and suggested staff include a piece in the Village Update inviting Kelvin Grove residents to attend.

*Audio: 00:30*

**7. Unfinished Business**

**A. Follow-Up Action Items from Previous Meetings**

#	Meeting Date	Description of Action Item	Action
67	January 22, 2019	G8: International Day for the Elimination of Racial Discrimination – Staff to follow up with Ms. Simons to book the event	[in progress]
68	January 22, 2019	G9: 2019 Premier’s Awards for Excellence in Education – Councillor Cunliffe will inquire with the school PAC if there are any nomination potentialities.	[in progress]
69	February 5, 2019	UBCM Resolutions due March 15 <sup>th</sup> – Council to advise CAO of any requests by the February 19 <sup>th</sup> Regular Council Meeting	[in progress]
70	February 5, 2019	Correspondence R1: Pat Craig – Beach Park Renewal – Mayor McLaughlin to respond	[completed]

*Audio: 00:32*

## 8. Reports

### A. Staff

#### i. CFO: Municipal Grant Approvals

Council reviewed the 2019 Municipal Grants and approved the applications as presented.

Moved/Seconded

THAT Council approve the 2019 Municipal Grants.

**CARRIED**

*Audio: 00:37*

#### ii. CFO: 2019 Preliminary Budget

CFO Rooke provided an updated copy of the Public Works supplemental requests on-table and presented the preliminary budget. It was explained that the budget, as presented, did not include any general fund capital expenditures or supplemental operating expenditures. Council discussed and queried items in the preliminary budget.

Moved/Seconded

THAT the report “2019 Preliminary Budget” be received for information purposes.

**CARRIED**

*Audio: 01:37*

iii. PWM: 2019 Invasive Species Management Program

PWM Jaffer explained that Lions Bay has been a member of the Sea to Sky Invasive Species Council since 2011 and each year Lions Bay contributes a \$1,500 membership fee. Similar to last year, staff would like to engage them to do mechanical and chemical removal of invasive species for a cost of \$8,050.16. Council discussed what the cost entails and suggested an informational piece in the Village Update for residents who may have invasive species on their properties.

Moved/Seconded

THAT Council approve the inclusion of the Municipal contribution to the Sea to Sky Invasive Species Council to the annual operating budget of Public Works; and

THAT Council approve the additional expenditure of \$8,050.16 for a fee-for-service to the Sea to Sky Invasive Species Council for the inventory, monitoring, and treatment of invasive species within the Municipality; and

THAT the CFO include \$8,050.16 for the fee-for-service works and the \$1,500 for the Municipal Contribution to the Sea to Sky Invasive Species Council, not including GST, in the 2019 operational budget.

**CARRIED**

*Audio: 01:47*

B. Mayor

i. Canada Day

Councillor Abbot and Councillor Cunliffe to explore other avenues for Canada Day and discuss at the March 5 Regular Council Meeting.

ii. Village Update Article Rotation

The following Village Update schedule was discussed:

- Mayor McLaughlin – February 22
- Councillor Abbott – March 1
- Mayor McLaughlin – March 8
- Councillor Bain – March 15
- Mayor McLaughlin – March 22
- Councillor Cunliffe – March 29

C. Council

None

D. Committees

i. Trees, Views and Landscapes Committee – Tree Application #92 – 61 Brunswick Beach Road

Council reviewed and approved Tree Application #92.

Moved/Seconded

THAT as requested, the applicant is permitted to carry out work as requested in the application, in accordance with the captioned photographs submitted with application #92.

**CARRIED**

E. Emergency Services

None

**9. Resolutions**

None

**10. Bylaws**

A. Utility User Rate Amendment Bylaws No. 557, 558, and 559 – Adoption

Moved/Seconded

THAT Water Rates and Regulations Bylaw No. 2, 1971, Amendment Bylaw No. 557, 2019 be adopted.

**CARRIED**

Moved/Seconded

THAT Sewer User Rates Bylaw No. 122, 1984, Amendment Bylaw No. 558, 2019 be adopted.

**CARRIED**

Moved/Seconded

THAT Garbage and Recycling Collection Bylaw No. 455, 2013, Amendment Bylaw No. 559, 2019 be adopted.

**CARRIED**

*Audio: 01:52*

**11. Correspondence**

A. List of Correspondence to February 14, 2019

Moved/Seconded

THAT the following actions be taken with respect to the correspondence:

- G1: Lions Bay Beach Park Grant – MP Goldsmith-Jones – thank you was provided in Village Update, no further response
- G2: Lions Bay Beach Park Grant – MLA Sturdy – thank you was provided in the Village Update, no further response
- G3: Community Budget Consultation Feedback – no response
- G4: New Funding Opportunity – 2019 Vision Zero Seed Grants – no response
- R1: Christine Taylor – Library – CFO Rooke to respond
- R2: Stuart Hood – Community Police Officer – CAO to further respond re. security cameras
- R3: Pat Craig – Lions Bay Beach Park Renewal – no further response
- R4: Jaime Cunliffe – Kelvin Grove Wastewater Treatment Plant – no further response
- R5: Tibor Zombori – Kelvin Grove Wastewater Treatment Plant – PWM to respond re. past and present repairs to Wastewater Treatment Plant and to add pertinent information to the FAQs document
- R6: Cam Mehlenbacher – Septic or Sewer – PWM Jaffer to respond

**CARRIED**

**12. New Business**

None

**13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)**

None

**14. Closed Council Meeting**

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

**90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- 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;
- c) labour relations or other employee relations;
- e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

**CARRIED**

*The meeting was closed to the public at 9:05 p.m.*

*The meeting was re-opened to the public at 9:30 p.m.*

**15. Reporting Out From Closed Portion of Meeting**  
None

**16. Adjournment**  
Moved/Seconded

THAT the meeting be adjourned.

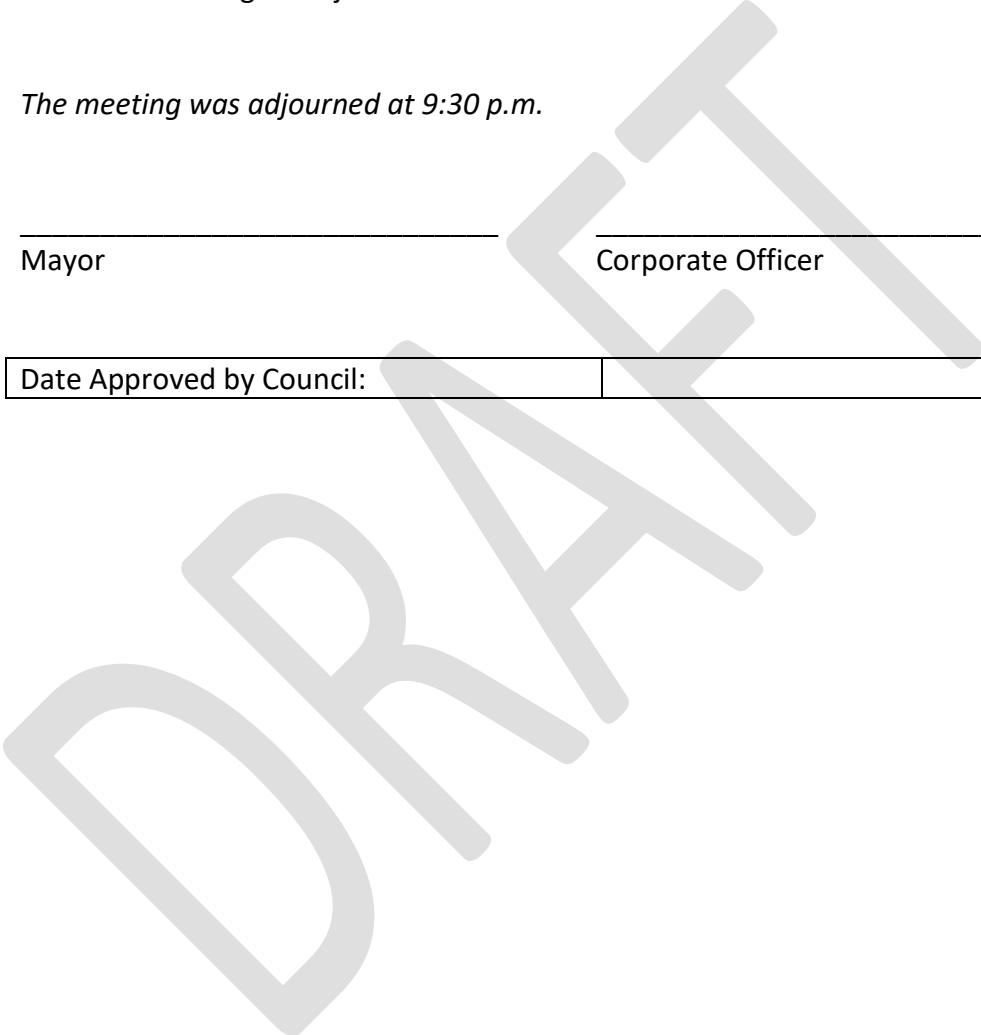
**CARRIED**

*The meeting was adjourned at 9:30 p.m.*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Date Approved by Council:	
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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	Report to Council		
<b>Title</b>	2019 Preliminary Budget		
<b>Author</b>	Pamela Rooke	<b>Reviewed By:</b>	Peter DeJong
<b>Date</b>	February 28, 2019	<b>Version</b>	
<b>Issued for</b>	March 5, 2019 Regular Council Meeting		

### RECOMMENDATION

THAT the report “2019 Preliminary Budget” be received for information purposes.

### ATTACHMENTS

1. 2019 Preliminary Budget
2. Preliminary Capital and Supplemental Operating Requests

### KEY INFORMATION

The attached 2019 preliminary budget is a second draft of the preliminary budget that was presented to Council at the February 19, 2019 Council meeting. The purpose of this second draft is to determine the cash surplus available for capital expenditures and supplementary operating expenditures to guide staff and Council in setting priorities and determining the additional items to be included in the 2019 budget.

### FOLLOW UP ACTION

Staff will be available to respond to any questions at the March 5, 2019 Council meeting. The draft budget will be reviewed again at the March 19, 2019 Council meeting along with a summary of the capital and supplemental operating requests.

## The Village of Lions Bay Consolidated Operating Budget 2019

	2018 Budget	2019 Budget	Change	%
<b>Revenues</b>				
Taxation	1,505,015	1,507,378	2,363	0.2%
Utility Fees and Rates	1,089,217	1,138,127	48,910	4.5%
Fees, Licenses and Permits	203,556	172,223	(31,333)	-15.4%
Grants	2,612,116	2,320,629	(291,487)	-11.2%
Loan Proceeds	-	tbd	-	n/a
Land Sales	3,124,994	tbd	(3,124,994)	n/a
Other Revenue	148,524	118,751	(29,773)	-20.0%
	<b>8,683,422</b>	<b>5,257,108</b>	<b>(3,426,314)</b>	<b>-39.5%</b>
<b>Expenditures</b>				
Administrative Services	1,086,033	1,109,496	23,464	2.2%
Council	72,680	64,908	(7,772)	-10.7%
EOC	57,540	53,476	(4,064)	-7.1%
Fire	360,976	311,023	(49,952)	-13.8%
Bylaw	37,173	38,974	1,801	4.8%
Parks, Recreation and Culture	241,466	237,537	(3,928)	-1.6%
Planning and Development	114,563	92,974	(21,589)	-18.8%
Public Works	493,458	513,761	20,303	4.1%
Water Fund	1,063,023	906,088	(156,935)	-14.8%
Sewer Fund	87,816	169,730	81,914	93.3%
Solid Waste	185,919	189,638	3,719	2.0%
	<b>3,800,646</b>	<b>3,687,607</b>	<b>(113,039)</b>	<b>-3.0%</b>
<b>Surplus / (Deficit)</b>	<b>4,882,776</b>	<b>1,569,501</b>		
<b>Non-cash items included in Surplus/(Deficit)</b>				
Add back amortization	588,976	588,977		
MFA Actuarial Gain on Debt	(23,456)	(26,901)		
	<b>5,448,297</b>	<b>2,131,577</b>		
<b>Cash items NOT included in Surplus/(Deficit)</b>				
Repayment of Debt Principal	(152,364)	(178,273)		
	<b>5,295,933</b>	<b>1,953,304</b>		
Capital Expenditures - Sewer/Water		(2,435,426)		
Capital Expenditures - General		TBD		
Supplemental Expenditures		TBD		
Transfer from (to) Reserves:				
Gas Tax Funding		(56,450)		
Transfer from Surplus - Loan		401,697		
Transfer from Surplus - Re-budgets		288,604		
Transfer to Reserves - Land Sales		tbd		
Water Surplus		(122,832)		
Sewer Deficit		88,037		
Solid Waste Surplus		(1,684)		
<b>Cash Surplus</b>		<b>115,250</b>		



**Village of Lions Bay  
2019 Draft Budget**

**Revenues**

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
Translink Grant	-	12,524	-	40,000	-	(40,000)	-100.0%	
Gas Tax Funding	56,451	56,502	59,264	56,450	56,450	-	0.0%	
Provincial Government Grants	-	10,200	9,800	9,800	-	(9,800)	-100.0%	
Federal Government Grants	2,177	-	-	-	-	-	n/a	
Emergency Financial Assistance (EMBC)	99,113	-	110,553	147,405	-	(147,405)	-100.0%	
Other Grants	2,350	23,642	9,926	26,700	7,950	(18,750)	-70.2%	
	<b>530,322</b>	<b>756,175</b>	<b>1,132,682</b>	<b>2,612,116</b>	<b>2,320,629</b>	<b>(291,487)</b>	<b>-11.2%</b>	
<b>Other Revenue</b>								
External Borrowing	-	456,291	-	-	-	-	n/a	
Net Proceeds from Land Sales	-	-	-	3,124,994	-	(3,124,994)	-100.0%	
Insurance Proceeds	-	110,692	49,965	41,308	-	(41,308)	n/a	
Fire Department Callouts Highway	35,711	16,085	10,110	16,000	12,000	(4,000)	-25.0%	
Donations to LB Fire Department	9,118	1,000	1,650	6,000	8,000	2,000	33.3%	
Fire Fighter Day Revenue	25,152	23,234	15,324	24,000	20,000	(4,000)	-16.7%	
Fire Department Miscellaneous	-	-	-	-	-	-	n/a	
Tax Penalties and Interest	24,983	23,528	25,873	22,100	23,250	1,150	5.2%	
Admin Fees - Schools Taxes	2,856	2,959	-	2,800	2,800	-	0.0%	
MFA Actuarial Interest	17,506	20,422	23,456	23,456	26,901	3,445	14.7%	
Bank Return on Investment	13,152	22,174	33,517	11,360	25,300	13,940	122.7%	
Miscellaneous	4,082	17,609	9,168	1,500	500	(1,000)	-66.7%	
Water/Sewer Connection Fees	94	15,958	1,200	-	-	-	n/a	
	<b>132,653</b>	<b>709,952</b>	<b>170,263</b>	<b>3,273,518</b>	<b>118,751</b>	<b>(3,154,767)</b>	<b>-96.4%</b>	
<b>Total Revenues</b>	<b>3,213,211</b>	<b>4,219,903</b>	<b>4,080,926</b>	<b>8,683,422</b>	<b>5,257,108</b>	<b>(3,426,314)</b>	<b>-39.5%</b>	

**Notes:**

- 1 The revenue includes a 0% property tax increase. A 1% increase in taxation raises \$14,465.
- 2 The Clean Water Wastewater Fund (CWWF) grant revenue and related capital expenses have been re-budgeted for 2019 as the project was not completed in 2018.

Village of Lions Bay  
2019 Draft Budget

General Fund - Administration

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Amortization	309,558	340,597	361,814	361,814	361,814	0	0.0%	
Communications	51,395	48,213	51,787	59,458	56,250	(3,208)	-5.4%	
Fiscal Charges	3,729	4,835	5,657	4,250	6,250	2,000	47.1%	
Insurance	34,697	30,211	34,755	44,893	38,157	(6,736)	-15.0%	
Internal Allocations	(53,500)	(53,500)	(53,500)	(53,500)	(53,500)	-	0.0%	
Maintenance	5,006	3,559	3,978	8,500	7,500	(1,000)	-11.8%	1
Material, Supplies and Equipment	9,670	11,394	14,103	20,243	20,200	(43)	-0.2%	2
Professional Fees / Contract Services	53,033	51,550	107,244	122,800	105,300	(17,500)	-14.3%	3
Salaries and Benefits	462,362	504,793	487,031	494,530	546,075	51,546	10.4%	4
Sundry	5,233	3,672	2,755	3,500	3,600	100	2.9%	
Training / Professional Development	14,325	13,592	9,797	17,545	15,850	(1,695)	-9.7%	
Utilities	1,825	1,845	1,878	2,000	2,000	-	0.0%	
	<b>897,332</b>	<b>960,761</b>	<b>1,027,299</b>	<b>1,086,033</b>	<b>1,109,496</b>	<b>23,464</b>	<b>2.2%</b>	

Notes:

1 Budget includes a \$1.5k re-budget for an alarm and monitoring system for the Village Office.

2 Budget includes a \$4.2k re-budget for the purchase and installation of a fire proof safe for the Village office.

3 Budget is comprised of:

Legal Fees	35,000	
Contract Services - Minute Taking	1,500	
Audit Fees	37,000	
General Contract Services	1,500	
Asset Management (re-budget)	12,500	Balance remaining on AMIP
Records Management (re-budget)	17,800	
	<u>105,300</u>	

4 Salaries include the new 3 day a week administrative assistant position approved by Council.

**Village of Lions Bay  
2019 Draft Budget**

**General Fund - Council**

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Council Communication	11,655	372	-	250	250	-	0.0%	
Office Supplies	144	297	260	200	300	100	50.0%	
Council Chambers	-	1,136	8,591	4,050	1,100	(2,950)	-72.8%	1
Professional Services	4,358	1,926	1,262	-	-	-	n/a	
Salaries and Benefits	38,884	37,648	43,868	43,930	50,876	6,946	15.8%	2
Council Funded Events	4,540	6,034	4,704	5,750	6,382	632	11.0%	
Election	13,208	7,816	2,420	15,500	-	(15,500)	-100.0%	3
Conferences & Conventions	940	-	1,850	1,000	4,000	3,000	300.0%	4
Association Dues / Memberships	351	410	398	500	500	-	0.0%	
Travel	1,901	1,334	2,050	1,500	1,500	-	0.0%	
	<b>75,982</b>	<b>56,972</b>	<b>65,402</b>	<b>72,680</b>	<b>64,908</b>	<b>(7,772)</b>	<b>-10.7%</b>	

**Notes:**

- 1 The 2018 budget included \$4,050 for the new Council Chambers.
- 2 Council salaries increased in January 2019 (per Council Remuneration Bylaw No 552, 2018) to compensate Council for the loss of their tax free allowance.
- 3 The 2018 budget included \$15,500 for the municipal election.
- 4 Budget includes conference fees for the LMLGA orientation and UBCM (in September).

Village of Lions Bay  
2019 Draft Budget

General Fund - EOC Services

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	1,701	3,178	3,167	3,750	3,500	(250)	-6.7%	
Search and Rescue	1,603	2,282	595	600	2,100	1,500	250.0%	1
Emergency Social Services (ESS)	728	604	524	4,890	5,205	315	6.4%	2
Maintenance	5,121	5,162	15,441	8,100	6,800	(1,300)	-16.0%	
Material, Supplies and Equipment	(18)	-	-	8,000	7,500	(500)	-6.3%	3
Salaries and Benefits	-	-	-	9,700	25,871	16,171	166.7%	4
Training / Professional Development	317	-	50	21,000	1,000	(20,000)	-95.2%	5
Utilities	989	1,014	6,329	1,500	1,500	-	0.0%	
	<b>10,441</b>	<b>12,240</b>	<b>26,106</b>	<b>57,540</b>	<b>53,476</b>	<b>(4,064)</b>	<b>-7.1%</b>	

Notes:

- 1 Search and Rescue phone paid for by the Village and their share of facility maintenance.
- 2 Lions Bay Emergency Social Services (ESS) provides an annual budget to the Village for their expenses which are included in the budget. The Village reimburses ESS for the actual costs incurred.
- 3 Includes \$7,500 for EOC supplies which was re-budgeted from 2018.
- 4 Budget is for a part-time Emergency Planning Co-ordinator (2 days per week) commencing May 1. The cost will be offset by a re-budget of the unspent 2018 budget for the position and the 2018 unspent Emergency Management Planning budget.
- 5 2018 budget included \$20,000 for Emergency Management Planning which was not spent and will be re-budgeted to offset the cost of the Emergency Planning Co-ordinator.

Village of Lions Bay  
2019 Draft Budget

General Fund - Fire Department

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	46,998	49,283	45,567	58,950	53,700	(5,250)	-8.9%	
Fiscal Charges	190	157	96	200	125	(75)	-37.5%	
Interest Payments	-	-	3,063	3,063	2,678	(384)	-12.5%	
Insurance	11,318	12,221	14,905	15,200	15,130	(70)	-0.5%	
Maintenance	36,828	53,212	44,736	44,955	46,950	1,995	4.4%	
Material, Supplies and Equipment	30,267	62,837	103,599	80,808	42,600	(38,208)	-47.3%	1
Salaries and Benefits	98,852	98,517	93,548	105,050	101,643	(3,407)	-3.2%	
Training / Professional Development	29,100	29,632	25,197	49,850	44,997	(4,853)	-9.7%	
Utilities	1,373	2,214	3,142	2,900	3,200	300	10.3%	
	<b>254,925</b>	<b>308,073</b>	<b>333,853</b>	<b>360,976</b>	<b>311,023</b>	<b>(49,952)</b>	<b>-13.8%</b>	

Notes:

1 2018 budget included \$41.3k for the cost to replace the fire trailer contents which were destroyed by fire.

Village of Lions Bay  
2019 Draft Budget

General Fund - Bylaw Services

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	797	1,139	1,054	1,000	1,200	200	20.0%	
Material, Supplies and Equipment	1,661	2,908	1,419	3,800	3,250	(550)	-14.5%	
Professional Fees / Contract Services	1,523	1,625	1,370	2,000	2,250	250	12.5%	1
Salaries and Benefits	19,017	17,621	29,766	28,373	29,774	1,401	4.9%	2
Training / Professional Development	2,484	-	-	2,000	2,500	500	25.0%	3
	-	<b>25,482</b>	<b>23,293</b>	<b>37,173</b>	<b>38,974</b>	<b>1,801</b>	<b>4.8%</b>	

Notes:

- 1 Includes fees for collection agency and bylaw enforcement contract.
- 2 Budgeted for 3 days per week from May 17 to September 30 - 8 hours Friday, 14 hours Saturday, Sunday and stats.
- 3 Budget includes cost of bylaw courses for PW staff.

Village of Lions Bay  
2019 Draft Budget

General Fund - Parks and Recreation

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	595	594	626	600	650	50	8.3%	
Grants	33,691	25,903	21,668	29,323	15,462	(13,861)	-47.3%	1
Insurance	2,400	2,400	290	2,500	500	(2,000)	-80.0%	
Maintenance	19,797	54,050	57,008	45,064	47,000	1,936	4.3%	
Material, Supplies and Equipment	3,564	3,545	7,756	7,500	7,500	-	0.0%	
Professional Fees / Contract Services	2,418	10,200	13,194	19,500	8,100	(11,400)	-58.5%	2
Recreation Programs	3,354	2,294	2,740	2,300	2,300	-	0.0%	
Salaries and Benefits	105,318	119,504	150,588	126,179	147,775	21,597	17.1%	3
Sundry	471	105	-	250	-	(250)	-100.0%	
Training / Professional Development	-	-	-	1,250	1,250	-	0.0%	4
Utilities	3,735	5,990	5,272	7,000	7,000	-	0.0%	
	<b>175,342</b>	<b>224,586</b>	<b>259,141</b>	<b>241,466</b>	<b>237,537</b>	<b>(3,928)</b>	<b>-1.6%</b>	

Notes:

- 1 Budget includes the 2019 Municipal Grant requests.
- 2 Budget includes \$8,100 for invasive species eradication.
- 3 Salaries include the full annual salary for the addition of a PW employee hired November 2018 (portion allocated to Parks).
- 4 The 2018 budget included a Playground course for one staff which has been re-budgeted - course was not offered in 2018.

Village of Lions Bay  
2019 Draft Budget

General Fund - Planning and Development

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	900	2,357	3,983	4,000	4,000	-	0.0%	
Professional Fees / Contract Services	18,973	73,528	14,943	77,810	43,000	(34,810)	-44.7%	1
Salaries and Benefits	45,171	28,493	28,366	29,978	42,974	12,996	43.4%	2
Sundry	213	525	144	750	500	(250)	-33.3%	
Training / Professional Development	995	1,480	2,301	2,025	2,500	475	23.5%	
	<b>66,253</b>	<b>106,383</b>	<b>49,737</b>	<b>114,563</b>	<b>92,974</b>	<b>(21,589)</b>	<b>-18.8%</b>	

Notes:

1 The 2018 budget included a part-time planner position that was not filled. Part of the unspent budget was re-budgeted in 2019 to cover the cost of planning consultants.

Budget is comprised of:

Building Inspection Services (vacation coverage)	2,500	
Communication Consultant (initiatives per strategic plan)	7,500	(re-budget)
Planning Consultants	25,000	(re-budget)
Land Surveys	5,000	
Land Appraisals	3,000	
	<u>43,000</u>	

2 Budget includes an increase in hours for the Building Inspector from 9 hours per week to 12 hours per week as well as an increase in administrative assistance.

Village of Lions Bay  
2019 Draft Budget

General Fund - Public Works

	2016 Actual	2017 Actual	YTD Actual 2018	2018 Budget	2019 Budget	Change	%	Notes
<b>Expenditures</b>								
Communications	15,296	11,064	7,596	9,655	10,750	1,095	11.3%	
Interest Payments	15,016	13,952	16,649	19,747	22,550	2,803	14.2%	
Insurance	10,959	12,141	13,392	16,400	24,248	7,848	47.9%	1
Internal Allocations	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	-	0.0%	
Maintenance	76,218	96,719	139,093	196,365	191,134	(5,231)	-2.7%	2
Material, Supplies and Equipment	23,392	38,750	33,495	30,000	34,000	4,000	13.3%	
Professional Fees / Contract Services	29,588	38,345	25,780	35,619	23,500	(12,119)	-34.0%	3
Salaries and Benefits	171,882	187,586	168,074	188,522	210,079	21,557	11.4%	4
Training / Professional Development	3,311	1,370	3,514	5,650	5,000	(650)	-11.5%	
Utilities	5,909	8,034	7,441	6,500	7,500	1,000	15.4%	
<b>Total Expenditures</b>	<b>336,569</b>	<b>392,961</b>	<b>400,034</b>	<b>493,458</b>	<b>513,761</b>	<b>20,303</b>	<b>4.1%</b>	

Notes:

- 1 Budget includes increased vehicle insurance costs to insure the five new PW trucks (previously insured three trucks).
- 2 The 2018 budget included \$35,300 to complete the work on the KG railway grade crossing. The work was not completed and has been re-budgeted in 2019 along with \$32,445 for one of the two BB railway grade crossings. All three crossings must be upgraded by 2021.
- 3 Includes \$16k for the Oceanview drainage study awarded to ISL Engineering at the February 5 Council meeting.
- 4 Salaries include the full annual salary for the addition of a PW employee hired November 2018 (portion allocated to Public Works).

**Village of Lions Bay  
2019 Budget  
Operational Re-Budgets included in Preliminary Budget**

**General Fund**

Administration:

Alarm and monitoring system for Village Office	1,500
Purchase of fire proof safe / Reinforcing office floor	4,200
Asset Management (Balance of AMIP)	12,500
Records Management	17,800
Environmental Insurance (2018 over budget)	12,638
Office Supplies	2,000

EOC

EOC Supplies	7,500
PT Emergency Planning Co-ordinator	9,700
Emergency Management Consultant (to offset cost of Emergency Planning)	20,000
ESS Grant (underspent in 2018)	5,200

Fire

Training Contract (trainer not hired until October 2018)	12,514
Training Courses (underspent in 2018)	11,499

Bylaw Services

Supplies (underspent in 2018)	1,500
Training Courses (underspent in 2018)	2,000

Parks

Playground course	1,250
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**Planning**

Communication consultant for selective initiatives (per strategic plan)	7,500
Planning Consultants - originally budgeted for a part-time planner	45,000

**Public Works**

CN Railway Grade Crossing upgrades (Kelvin Grove)	35,300
Vehicle Insurance (underspent due to delay in purchasing PW trucks)	3,000
CN Rent	14,800
New PW employee - not hired until November 2018	31,040

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258,441
**Water Fund**

Bayview Road Watermain Design	4,463
Water Totes	6,500
Confined Space Review	7,600
Grundfos Pumps	4,500

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23,063
**Sewer Fund**

Video Inspection of Outfall Pipe	5,000
Confined Space Rescue Winch	2,100

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7,100
**Total**


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288,604

**Village of Lions Bay  
2019 Budget  
Operational Re-Budgets included in Preliminary Budget**

**General Fund**

Administration:

Alarm and monitoring system for Village Office	1,500
Purchase of fire proof safe / Reinforcing office floor	4,200
Asset Management (Balance of AMIP)	12,500
Records Management	17,800
Environmental Insurance (2018 over budget)	12,638
Office Supplies	2,000

EOC

EOC Supplies	7,500
PT Emergency Planning Co-ordinator	9,700
Emergency Management Consultant (to offset cost of Emergency Planning)	20,000
ESS Grant (underspent in 2018)	5,200

Fire

Training Contract (trainer not hired until October 2018)	12,514
Training Courses (underspent in 2018)	11,499

Bylaw Services

Supplies (underspent in 2018)	1,500
Training Courses (underspent in 2018)	2,000

Parks

Playground course	1,250
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Planning

Communication consultant for selective initiatives (per strategic plan)	7,500
Planning Consultants - originally budgeted for a part-time planner	45,000

Public Works

CN Railway Grade Crossing upgrades (Kelvin Grove)	35,300
Vehicle Insurance (underspent due to delay in purchasing PW trucks)	3,000
CN Rent	14,800
New PW employee - not hired until November 2018	31,040

258,441

**Water Fund**

Bayview Road Watermain Design	4,463
Water Totes	6,500
Confined Space Review	7,600
Grundfos Pumps	4,500

23,063

**Sewer Fund**

Video Inspection of Outfall Pipe	5,000
Confined Space Rescue Winch	2,100

7,100

**Total**

288,604

## Village of Lions Bay 2019 Budget - Proposed Capital and Supplemental Requests

Description	Amount	Notes
Lions Bay Avenue Stairs to Bus Stop	80,000	Capital expenditure
<i>A Translink grant has been awarded (50% of cost to a maximum of \$40k)</i>	(40,000)	TransLink Grant (awarded)
<i>The project must be completed by 2021.</i>	<u>(40,000)</u>	2018 re-budget
	-	-
Kelvin Grove Stairs to Beach	25,000	
	<u>(25,000)</u>	Draw from restricted land reserve
	-	-
Lions Bay Beach Park - Kayak Rack	20,000	
(could use re-budget to put towards Village's share of LBBP project if grant application is successful)	<u>(20,000)</u>	2018 re-budget
	-	-
Emergency Generator(s)	30,000	Capital expenditure
	<u>(15,000)</u>	2018 re-budget
	15,000	15,000
Fire Department - Burn Building	36,000	Capital expenditure
	<u>(36,000)</u>	2018 re-budget
	-	-
Asset Management	30,000	Asset Management - Next Steps
	<u>(15,000)</u>	Grant (50% of project cost)
	15,000	15,000
CN Parking Lot at LBBP	16,000	Paving
	1,200	Line Painting
	12,000	Fencing
	<u>(29,200)</u>	2018 re-budget
	-	-

**Village of Lions Bay  
2019 Budget - Proposed Capital and Supplemental Requests**

Description	Amount	Notes
Community Signage (per strategic plan)	TBD	
<i>RFP's responses received in 2018:</i>	<u>(9,332)</u>	2018 re-budget
<i>Fabrication: \$17,795 to \$50,498 Installation: \$15,460 to \$56,790</i>		
<i>Fabrication and Installation: \$47,996 to \$74,575</i>		
Options include fabrication only, fabrication and RFP for installation, fabrication of a portion of the signs		
Wheelchair Accessibility to Council Chambers	6,000	Automated Door
	3,000	Pathway to Chambers
	<u>(3,000)</u>	2018 re-budget
	6,000	6,000
Village Office	13,000	Replacing windows - office and chambers
	2,000	Adding door to former chambers
	<u>2,500</u>	Desk, Filing Cabinets, Chairs
	17,500	17,500
Three Desktop computers for Office (2 replacement, 1 new), PW Laptop	6,150	
	<u>(2,841)</u>	2018 re-budget
	3,309	3,309
Public Works Equipment (attached)		53,708
Memorial Cairn		3,000
Media training and coaching		2,450
Police Officer		40,000
Fire Capital (attached)		47,500
		<u><u><b>203,467</b></u></u>

**PUBLIC WORKS**  
**2019 Supplemental Requests**

Priority	Description	Quantity	Unit Cost	Total	
1	Steel Road Plate 8x10	2	3,700	7,400	
1	Road Plate Lifter	2	350	700	
1	Skeleton Bucket for Backhoe	1	4,500	4,500	
1	Heavy Duty Event Tents (10 x 10)	4	680	2,720	
1	Refurbish 335 Stick (mini excavator)	1	10,000	10,000	
1	Electric Cement Mixer	1	800	800	
1	APC Backup for PC's	1	1,200	1,200	
1	Stihl Cutoff Saw TS 700	1	1,800	1,800	
1	Ricoh WG-50 Camera	1	400	400	29,520
2	Stihl Pole Saw KM 131R	1	560	560	
2	Stihl KM - 12" pruning bar	2	260	520	
2	Stihl KM - Pole Extension	2	120	240	
2	Stihl KM - Hedger	2	364	728	2,048
3	Stihl Backpack Blower BR-600	1	700	700	
3	Shindaiwa Trimmer T-282	1	900	900	
3	Bear-proof Garbage Bins	2	1,500	3,000	
3	Bear-proof Recycle Bins	2	1,500	3,000	7,600
4	Honda Mower GCV-190-HRX27	1	1,200	1,200	
4	Stihl Pole Saw KM 94R	1	420	420	
4	Steel Road Plate 8x12	1	4,500	4,500	
4	Hilti Hammerdrill TE70 AVR	1	3,700	3,700	
4	Heavy Duty Event Tents (10 x 20)	2	1,110	2,220	
4	Miller 300337 Dual EZ-Change Rack	1	500	500	
4	Fuel transfer tank / pump	1	2,000	2,000	14,540
				<b>53,708</b>	

**LIONS BAY FIRE RESCUE  
2019 Supplemental Requests**

Priority	Description	Total	
1	Turn-Out Gear	7,000	
1	Interface Fire Fighting	10,000	
1	Shelter for Truck 63	<u>4,600</u>	21,600
2	Hose & Fittings	5,000	
2	SCBA	4,500	
2	Scene Lights	<u>1,900</u>	11,400
3	Generator Lighting	1,500	
3	Pagers	3,800	
3	Ropes	<u>2,300</u>	7,600
4	IPADS for trucks	2,000	
4	Spine Board	<u>1,900</u>	3,900
			<u>44,500</u>
	Grant Funded:		
	Thermal Camera	10,000	
	Lions Club Donation Received	<u>(7,000)</u>	3,000
	New Radio Headsets	7,452	
	Whistler Blackcomb Grant (apply)	<u>(7,452)</u>	0
			<u><u>47,500</u></u>



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Best Practices in Respect of Closed Meetings</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	
<b>Date</b>	<b>February 28, 2019</b>	<b>Version</b>	
<b>Issued for</b>	<b>March 5, 2019 Regular Council Meeting</b>		

### **Recommendation:**

(1) THAT the following best practices for closed meetings be implemented:

- Use section 90(1)(n) if there is reason to question whether it is necessary to close a meeting;
- Provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting;
- Include in the resolution to close a meeting a description of each distinct matter to be discussed and the authorizing provision;
- Read the resolution to close a meeting aloud;
- State whether council will reconvene in an open meeting at the end of the closed session [for any purpose other than to adjourn the meeting generally].
- For sections 90(1)(e) [land acquisition, disposition or expropriation], (f) [law enforcement], and (k) [provision of municipal services], a resolution first be passed confirming that dealing with the matter in public would be harmful to the interests of the Municipality or to the enforcement matter;
- Restrict discussion to the subjects that were authorized by the resolution to close the meeting;
- Whenever possible, avoid passing resolutions in closed meetings [recognizing that there will be matters for which resolutions in closed meeting are required];
- Keep a detailed record of closed meetings [to the extent appropriate in the circumstances].
- Release as much information as possible at the end of a closed meeting;
- Have a process for reviewing closed minutes regularly and releasing information as soon as practicable when confidentiality is no longer required.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### Attachments:

(1) Ombudsperson's Special Report No. 34, September 2012 re. Open Meetings: Best Practices Guide for Local Governments, pp. 15-24

### Key Information:

Generally speaking, all meetings of local governments must be open to the public pursuant to section 89 (1) of the *Community Charter*, unless expressly authorized to be closed by section 90 of the *Charter*. This rule is intended to promote open and transparent decision-making and allow for meaningful participation and contribution from informed citizens. Section 90 (1) lists 15 circumstances in which a council may exercise its discretion to close a meeting. Section 90 (2) lists 5 circumstances where a meeting must be closed. With respect to the discretionary circumstances, *it will generally be appropriate to close a meeting where discussion of a subject in an open meeting raises a reasonable and identifiable possibility of damage to the interests of the local government, the public, or a third party.*

The Ombudsperson's report cites the following best practices in relation to closing a meeting:

- Use section 90(1)(n) if there is reason to question whether it is necessary to close a meeting;
- Provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting;
- Include in the resolution to close a meeting a description of each distinct matter to be discussed and the authorizing provision;
- Read the resolution to close a meeting aloud;
- State whether council will reconvene in an open meeting at the end of the closed session [for any purpose other than to adjourn the meeting generally].

While the report suggests that use of section 90(1)(n) should entail returning to open meeting immediately to pass a resolution if a matter is determined to be an appropriate matter for a closed meeting discussion, it makes more sense to place the matter on the Closed Agenda in the first instance, along with the purported basis for doing so, and then have the discussion as to whether or not the matter is properly in the Closed meeting. If the



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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determination is that it may be discussed in Open meeting, then return to the Open meeting right away and debate it there. The other way around should only be necessary where staff overlooked or did not know of the confidential nature of the matter, or an aspect of the matter that required consideration *in camera*.

It should be noted that the 2<sup>nd</sup> and 3<sup>rd</sup> bullets are strongly related, if not often amounting to the same thing, and that provision of such details without undermining the confidential nature of the matter to be discussed can be a difficult balancing act.

Certain subsections of paragraph 90(1) include within their text a condition that the council considers the disclosure or discussion of the matter would harm the interests of the municipality or the conduct of a law enforcement matter. Therefore, a council should first make an express determination (by resolution) that such discussion would be harmful, and then adopt a resolution to deal with the matter in the absence of the public. This applies to the grounds for closure under ss. 90(1)(e) [land acquisition, disposition or expropriation], (f) [law enforcement], and (k) [provision of municipal services]. An example of how this can be implemented is included in the Agenda for this meeting.

Other considerations to bear in mind include restricting the use of s.90(1)(g) to specific threats of litigation or advice from legal counsel that indicates a likelihood of litigation and that the municipality's interests may be prejudiced by public discussion. Similar considerations for specificity would apply in respect of matters dealing with higher orders of government. The report cautions against discussing any matters in closed meeting which have not been identified and properly supported by way of resolution in the open meeting. If it is determined that there is a matter requiring discussion in closed meeting that was not supported by resolutions to close the meeting, a council should return to open meeting first to specifically pass the requisite supporting resolution(s) and then return to closed meeting for that discussion.

The Ombudsperson's report states the following as best practices with respect to conducting closed meetings:

- Restrict discussion to the subjects that were authorized by the resolution to close the meeting;
- Whenever possible, avoid passing resolutions in closed meetings [recognizing that there will be matters for which resolutions in closed meeting are required];



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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- Keep a detailed record of closed meetings [to the extent appropriate in the circumstances].

Staff notes that the report recognizes that there will be matters for which resolutions in closed meeting are required and that the basis for those resolutions should be well documented, to the extent appropriate in the circumstances.

Council should consider the following:

- releasing as much information as possible at the end of a closed meeting;
- having a process for reviewing closed minutes regularly and releasing information as soon as practicable when confidentiality is no longer required.

**Options:**

- (1) Approve the recommendations;
- (2) Amend and then approve the recommendations;
- (3) Send the matter back to staff for further information;
- (4) Do nothing and leave the current practices in place regarding closed meetings.

**Preferred Option:** Approving the recommendations will move the Municipality further toward openness and transparency in local government.

**Financial Considerations:** None.

**Legal Considerations:** Matters falling under sections 90(1)(e), (f), and (k) should be supported by a specific resolution as indicated.

**Follow Up Action:** Staff to implement changes to procedures for closed meetings accordingly.

**Communication Plan:** A brief mention in a subsequent Mayor's Message or Councillor's Message would let the public know that Council is making a concerted effort to be open and transparent.

# OPEN MEETINGS:

## BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS



# OPEN MEETINGS:

## BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS



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## ***Contributors***

### ***Executive Director of Investigations***

Linda Carlson

### ***Manager of Investigations***

Bruce Clarke

### ***Investigators***

Linda Blackman

Carly Chunick

Zoë Jackson

Dave Murray

Brent Reems

Harry Vogt

Scott Wingrove

### ***Other Contributors***

Jonathan Lapthorne

### ***Thank You***

Our office would like to thank the regional districts, cities, towns and villages who spoke to us about open and closed meetings; staff in the local government section of the Ministry of Community, Sport and Cultural Development who shared their experience; and the Union of British Columbia Municipalities which provided us an opportunity to discuss this project at its annual convention. You have all made valuable contributions to this guide.

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## FROM THE OMBUDSPERSON

*Municipal law was changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law.*

The Supreme Court of Canada in *London (City) v. RSJ Holdings Inc.*<sup>1</sup>

One of the cornerstones of open and transparent government in British Columbia is the requirement for local governments to conduct meetings that are open and accessible to the public. Providing citizens with the opportunity to observe and engage their elected representatives fosters trust and confidence in decision-making processes and allows for meaningful participation and contribution from informed citizens. Open meetings act as venues for education and enable both elected officials and members of the public to make more fully informed decisions.

In the course of investigating and evaluating complaints concerning the implementation of open meeting provisions in the *Community Charter* and receiving information from local governments, we became aware of some common challenges as well as effective ways of addressing them.<sup>2</sup>

This guide grew out of an interest in sharing some of that information in order to help local governments comply with statutory requirements, to improve consistency in practice as well as to showcase the best practices for local governments to follow when fulfilling their open meeting requirements. At the heart of these best practices are the same values that the Office of the Ombudsperson strives to uphold: openness, transparency, and accountability. We promote and uphold these values because they are essential to ensuring that citizens are treated fairly and reasonably by public authorities.

This guide:

1. Outlines the history of local government open meeting laws and includes comments on the law in force today;
2. Clarifies what constitutes a “meeting” in order to assist local governments to identify the circumstances in which the open meeting laws apply;
3. Outlines best practices implemented by local governments to ensure accountability and transparency; and
4. Contains a checklist based on best practices to assist local governments in fulfilling their open meeting obligations.

I hope that the guide will help to address uncertainties surrounding the open meeting requirements in British Columbia and that it will assist local governments in following both the letter and spirit of the open meeting laws.



Kim Carter  
Ombudsperson  
Province of British Columbia



*This guide grew out of an interest in sharing information to help local governments comply with statutory requirements and to showcase best practices to follow in fulfilling open meeting requirements.*

<sup>1</sup> *London (City) v. RSJ Holdings Inc.*, 2007 S.C.C. 29 at para 38, [2007] 2 SCR 588.

<sup>2</sup> *Community Charter*, S.B.C. 2003, c. 26 (*Community Charter*).



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## THE LEGAL FRAMEWORK FOR OPEN AND CLOSED MEETINGS

There is a presumption under the *Community Charter* that meetings of local government boards and councils will be open to the public. Sometimes, in order to preserve confidentiality in respect of private matters, meetings may be closed. However, as this runs contrary to the principles of openness, transparency and accountability, statutory provisions are in place that limit the circumstances under which local governments can hold closed meetings and ensure appropriate procedures are followed prior to the closure of a meeting. This part of the guide outlines the legislative history and current laws pertaining to open and closed meetings in B.C.

Municipalities, regional districts,<sup>3</sup> the Islands Trust<sup>4</sup> and other bodies identified in section 93 of the *Community Charter* are subject to the open meeting provisions contained in Division 3 of Part 4.<sup>5</sup> Throughout this guide, these entities are referred to collectively as “local governments”.

Improvement districts, which include irrigation, waterworks, fire protection and dyking districts, are not subject to the open meeting provisions contained in Division 3 of Part 4 of the *Community Charter*. However this does not mean that improvement districts are under no obligation to meet openly, and at the end of this report we discuss separately the law with respect to improvement districts.

### Legislative History

While historically there was no clear common law obligation for local governments to hold open meetings, for more than 130 years there have been statutory legal requirements in B.C. that local government meetings be open to the public.

The first open meeting requirement in British Columbia was introduced in the *Municipalities Act* of 1881,<sup>6</sup> which was later renamed the *Municipality Act*, the *Municipal Act*, and finally the *Local Government Act* in 2000.<sup>7</sup> While the wording varied slightly over time, the original open meeting requirements remained largely unchanged until 1999. They stated that:

- regular meetings must be open to the public;
- special meetings could be closed by resolution when the council determines that was in the public interest; and
- individuals could be excluded for improper conduct.

<sup>3</sup> Division 3 of Part 4 of the *Community Charter* applies to regional districts through s 793(7) of the *Local Government Act*, R.S.B.C. 1996, c. 323.

<sup>4</sup> Division 3 of Part 4 of the *Community Charter* applies to the Islands Trust Council, the executive committee, local trust committees and the trust fund board through s 11 of the *Islands Trust Regulation*, B.C. Reg. 469/2003.

<sup>5</sup> The City of Vancouver is subject to a statute entitled the *Vancouver Charter* that contains open meeting requirements almost identical to those in the *Community Charter*. Accordingly, the material covered in this guide is applicable to the City of Vancouver, *Vancouver Charter*, S.B.C. 1953, c 55 (“*Vancouver Charter*”).

<sup>6</sup> *Municipalities Act*, S.B.C. 1881, c 16.

<sup>7</sup> *Local Government Act*, R.S.B.C. 1996, c 323.

Bill 88, the *Local Government Statutes Amendment Act*, was passed in 1999.<sup>8</sup> It set out ten circumstances where a meeting could be closed to the public<sup>9</sup> and stated that a meeting must be closed where the subject matter relates to:

- a request under the *Freedom of Information and Protection of Privacy Act* if the council is designated as head of the local public body for the purposes of that Act in relation to the matter; or
- a matter that, under another enactment, is such that the public must be excluded from the meeting.<sup>10</sup>

In 2003, the *Community Charter* was passed. It repealed and replaced some sections of the *Local Government Act*, including the provisions regarding open and closed meetings. However, the content of the *Community Charter* provisions respecting open and closed meetings borrowed heavily from the *Local Government Act*. The open meeting provisions enacted in 2003 remain in force today.

## Current Open Meeting Requirements for Local Governments

Subsection 89(1) of the *Community Charter* sets the general rule for local government meetings in B.C. which is that: meetings must be open to the public unless expressly authorized to be closed by the legislation. The bodies to which this rule applies are set out in section 93 and include elected councils, advisory bodies and boards of variance.

Local governments ensure the openness and accessibility of meetings in various ways. Often meetings are held at a regular time and place, in a readily accessible location such as a council chamber or other room in a public building. For interested members of the public who are unable to attend in person, local government meetings may be broadcast on local cable television, or more recently, may be streamed over the internet to allow access to proceedings from individual computers.

When any of the bodies listed in section 93 of the *Community Charter* decide to close a meeting to the public, they can only do so in accordance with section 92. Section 92 requires local governments to pass a resolution containing two things:

1. The resolution must state that a meeting or part of a meeting is to be closed; and
2. The resolution must state the reason for closing the meeting.

The circumstances under which a meeting may or must be closed are found in section 90 of the *Community Charter*. Subsection 90(1) lists 15 circumstances when a meeting may be closed, while subsection 90(2) lists five circumstances when a meeting must be closed. Only the subjects identified in section 90 may be discussed in a closed meeting, as all other topics are governed by the open meeting requirement in subsection 89(1).

While some topics may or must be discussed in a closed meeting, the actions local governments can take on the topics are limited. Specifically, subsection 89(2) prohibits voting on the reading or adoption of a bylaw during a closed meeting.

Many of these legislative requirements are straightforward and applied consistently across the province. However, some areas have resulted in inconsistent practices and could benefit from clarification.

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<sup>8</sup> *Local Government Statutes Amendment Act*, S.B.C. 1999, c 37.

<sup>9</sup> *Municipal Act*, R.S.B.C. 1996, c 323 s 242.2(1) [Municipal Act].

<sup>10</sup> *Municipal Act*, s 242.2(2).



## WHAT IS A MEETING?

In order to comply fully with the open meeting legislation and follow best practices, it is important to know when they apply. The *Community Charter* does not define the word “meeting” for the purposes of the open meeting requirements, so local governments are sometimes unsure about when an informal gathering is in fact a meeting subject to the open meeting requirements.

Dictionary and other definitions, while helpful, cannot always account for the context or nuances that exist within local government gatherings. In contacts with local governments, one of the most frequent challenges identified was determining the point at which a gathering becomes a meeting.

There are several factors that should be considered by local governments when they are determining whether their gathering is indeed a meeting and is subject to the open meeting requirements. The Ministry of Community, Sport and Cultural Development provides useful information on this topic on its website. It states that some courts have determined “a council meeting is any gathering to which all members of council have been invited; and that is a material part of council’s decision-making process.”<sup>11</sup> Accordingly, “[c]ouncil gatherings where all council members could be seen to be making decisions, or moving towards making decisions, would meet this two-part definition.”<sup>12</sup>

### The Nature of the Group

The composition of any gathering is one of the two key factors in determining whether the gathering is a meeting. The presence of a quorum or the full membership of a council or other body is more likely to constitute a meeting, while a gathering of smaller groups will be less likely to constitute a meeting. Recognized groups, such as committees, are more likely to have their gatherings regarded as meetings than random congregations of elected officials. Similarly, groups that exercise a decision-making authority are more likely to have their gatherings considered meetings than groups who study issues or recommend action.

### The Nature of the Discussion

The other key factor in determining whether a gathering constitutes a meeting, and is therefore subject to the open meeting requirements, is the nature of the discussion. This depends on whether a gathering involves discussing matters within a local government’s jurisdiction<sup>13</sup> in a capacity that deprives the public of “the opportunity to observe a material part of the decision-making process”.<sup>14</sup> Any real progress in the decision-making process of a matter within the local government’s jurisdiction strongly indicates that a gathering is a meeting. This does

<sup>11</sup> Ministry of Community, Sport and Cultural Development. *Community Charter-Open Meetings* online: Ministry of Community, Sport and Cultural Development [http://www.cscd.gov.bc.ca/lgd/gov-structure/community\\_charter/governance/open\\_meetings.htm](http://www.cscd.gov.bc.ca/lgd/gov-structure/community_charter/governance/open_meetings.htm).

<sup>12</sup> Ministry of Community, Sport and Cultural Development. *Community Charter-Open Meetings* online: Ministry of Community, Sport and Cultural Development [http://www.cscd.gov.bc.ca/lgd/gov-structure/community\\_charter/governance/open\\_meetings.htm](http://www.cscd.gov.bc.ca/lgd/gov-structure/community_charter/governance/open_meetings.htm).

<sup>13</sup> *Southam Inc v. Hamilton-Wentworth (Regional Municipality) Economic Development Committee* (1988), 66 OR (2d) 213, 54 DLR (4th) 131 (CA) at para 135 [*Hamilton-Wentworth* cited to DLR].

<sup>14</sup> *Southam Inc., Eade and Aubry v. Council of the Corp. of the City of Ottawa et al.*, [1991] OJ No. 3659 (QL) at para 12 (Ont Div Ct) [*Southam Inc. v. Ottawa Council*]

not necessarily mean however that if progress towards a decision is not made that the gathering is not a meeting. It may still be one if the meeting was for that purpose even though the desired progress or result was not achieved.<sup>15</sup>

## The Nature of the Gathering

Where and how a meeting is conducted are less significant but relevant factors in determining whether a gathering is a meeting. Generally speaking, if a gathering shares some of the common features of a regular meeting, this may indicate that the gathering is in fact a meeting.<sup>16</sup> For example, gatherings that occur regularly are more likely to be seen as meetings, as are gatherings that are planned in advance.

Procedural matters can also strongly indicate whether a gathering is a meeting. Gatherings that follow an order of proceeding, obey rules of order, have an agenda, or record minutes are more likely to be meetings, and the presence of a chair or corporate administrator is also indicative of a meeting.<sup>17</sup>

Gatherings that are held at a local government body's normal meeting place are more likely to be seen as meetings. However, even if the meeting location is irregular, gatherings in areas completely under the control of the group — such as a private meeting room — will be more likely seen to be meetings than those held in open, public settings.

A vote of any sort indicates that a gathering is in fact a meeting.<sup>18</sup> The “heart of the matter” cannot be seen to have been decided at a gathering, shielded from the view of the public.<sup>19</sup> Instead, local governments should allow for public discussion and consideration of the matter before holding any final vote.<sup>20</sup>

## “Workshops” and “Shirt Sleeve Sessions” Can Be Meetings

Some councils gather outside of scheduled meetings for training, planning, briefings or other purposes. These events can be referred to as workshops, shirt sleeve sessions, retreats, or by other terms. There can be uncertainty about whether these informal gatherings are in fact meetings that should be held in public.

It is not possible to exhaustively define workshops, shirt sleeve sessions and the other terms commonly attached to less formal gatherings or to make generalizations about whether open meeting requirements apply to them. A gathering, whether called a workshop, a shirt sleeve session or something else, can be a meeting.

<sup>15</sup> André Marin, “Don't Let the Sun Go Down on Me: Opening the Door on the Elton John Ticket Scandal”: Investigation into the City of Greater Sudbury Council Closed Meeting of February 20, 2008”, (ON: 2008) online: Ombudsman Ontario [http://www.ombudsman.on.ca/Files/sitemedia/Documents?Newsroom?Press%20Releases/dont\\_let\\_the\\_sun\\_sudbury\\_04252008.pdf](http://www.ombudsman.on.ca/Files/sitemedia/Documents?Newsroom?Press%20Releases/dont_let_the_sun_sudbury_04252008.pdf).

<sup>16</sup> See, for examples, *City of Yellowknife Property Owners Assn. v. Yellowknife (City)*, [1998] NWTJ No. 74 at para 12 (NWTSC) [*City of Yellowknife*]; *Hamilton-Wentworth*, *supra* note 13 at 136.

<sup>17</sup> See, for example, *City of Yellowknife*, *Ibid.*

<sup>18</sup> *City of Yellowknife*, *supra* note 16 at paras 17 and 19.

<sup>19</sup> *3714683 Canada Inc. v. Parry Sound (Town)*, [2004] OJ No. 5061 at para 66 (Ont SCJ).

<sup>20</sup> *London (City) v. RSJ Holdings Inc.*, 2007 S.C.C. 29, [2007] 2 SCR 588.

## WHAT IS A MEETING?

*A gathering is more likely a meeting if the attendees are discussing matters that would normally form the basis of the council's business and dealing with the matters in a way that moves them toward the possible application of the council's authority.*

A gathering is less likely a meeting if:

- there is no quorum of board, council or committee members present
- the gathering takes place in a location not under the control of the council or board members
- it is not a regularly scheduled event
- it does not follow formal procedures
- no voting occurs and/or
- those in attendance are gathered strictly to receive information or to receive or provide training

A gathering is more likely a meeting if:

- a quorum of council, board or committee members are present
- it takes place at the council or board's normal meeting place or in an area completely under the control of the council or board
- it is a regularly scheduled event
- formal procedures are followed
- the attendees hold a vote and/or
- the attendees are discussing matters that would normally form the basis of the council's business and dealing with the matters in a way that moves them toward the possible application of the council's authority



## ELECTRONIC MEETINGS

Electronic communication has allowed local governments an unprecedented level of flexibility and connection. Communication without the need to meet in person is now a more accessible alternative than ever before, and many local governments have embraced this accessibility to foster a stronger dialogue with their citizens. However, electronic communication also presents specific challenges to transparency and accountability, and local governments must be aware of how electronic communication relates to the open meeting requirements in the *Community Charter*.

### Recognizing Electronic Meetings

The most important thing for local governments to recognize is that the same key factors determining whether an informal gathering is a meeting also apply to electronic communications. If members of a local government are, through electronic communications, advancing matters within their jurisdiction, all of the rules about open meetings apply. For example, the content of instant messaging and group emails between local government members, whether the emails are sent from or to public or private accounts, may unwittingly transition from topics that do not need to be discussed in an open meeting to matters that must be discussed in an open meeting. Local governments need to be conscious that all meetings of council members, not simply those that take place in an official setting, are subject to the open meeting requirements.

### Holding Electronic Meetings

Section 128 of the *Community Charter* which governs electronic meetings applies only to municipal councils and council committees; however, similar provisions also exist for Regional Districts<sup>21</sup> and the Islands Trust.<sup>22</sup> Section 128 states that a procedure bylaw may authorize a local government to participate in electronic meetings in two ways. First, a local government may hold a special meeting electronically. Second, a member of council or a council committee that is unable to attend a council or committee meeting may participate in the meeting electronically.

The authority to hold electronic meetings is subject to several limitations. Electronic meetings are permitted only if:

- authorized by and conducted in accordance with the applicable procedure bylaw
- facilities enable the meeting's participants to hear, or watch and hear each other
- facilities enable the public to hear, or watch and hear, the meeting and the participation of any members joining an in-person meeting by electronic means, and
- notice of a special meeting conducted by electronic means includes a description of the way in which the meeting will be conducted, as well as the place where the public may attend to hear the parts of the meeting that are open to the public



<sup>21</sup> *Regional Districts Electronic Meetings Regulation*, B.C. Reg. 271/2005.

<sup>22</sup> *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009.

It is best practice for electronic meetings to occur only when meeting in person is impossible or impractical. For example, special meetings may need to be held with only the requisite 24 hours advance notice, and electronic communication can provide a relatively quick way to connect participants, especially in geographically larger jurisdictions where travel to a central meeting location might be difficult for some. Similarly, if a councillor, trustee or director is unable to be physically present with the group, electronic communication can allow her or him to participate in a meeting that would otherwise be missed.

Given the flexibility inherent in the general provisions outlined in section 128, it is useful for local governments to clearly outline under what circumstances and how electronic meetings will be conducted. Some local governments have decided to develop a specific bylaw to address electronic meetings,<sup>23</sup> while many others have included briefer electronic meetings sections in their general procedure bylaw.<sup>24</sup> The Ministry of Community, Sport and Cultural Development has provided a checklist of considerations that local governments should address when drafting their electronic meeting procedures.<sup>25</sup>

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<sup>23</sup> See, for example, City of Fort St. John, Council Policy No. 96/03, *Electronic Meetings and Participation by Members*, online: City of Fort St. John [http://www.civicinfo.bc.ca/Library/Policies\\_and\\_Procedures/Elected\\_Officials\\_and\\_Council\\_Meetings/Electronic\\_Meetings\\_and\\_Participation\\_by\\_Members\\_Policy--Fort\\_St.\\_John--January\\_2004.pdf](http://www.civicinfo.bc.ca/Library/Policies_and_Procedures/Elected_Officials_and_Council_Meetings/Electronic_Meetings_and_Participation_by_Members_Policy--Fort_St._John--January_2004.pdf).

<sup>24</sup> See, for example, City of Pitt Meadows, Procedure Bylaw No. 2456, 2010, *A Bylaw of the City of Pitt Meadows to set Council Procedure*, online: City of Pitt Meadows [http://www.pittmeadows.bc.ca/assets/Bylaws/2456\\_\\_2010\\_-\\_Procedure\\_Bylaw.pdf](http://www.pittmeadows.bc.ca/assets/Bylaws/2456__2010_-_Procedure_Bylaw.pdf).

<sup>25</sup> Ministry of Community, Sport and Cultural Development, *Community Charter-Electronic Meetings*, online: Ministry of Community, Sport and Cultural Development [http://www.cscd.gov.bc.ca/lgd/gov\\_structure/community\\_charter/governance/open\\_meetings.htm](http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/open_meetings.htm).

# COMPLYING WITH THE OPEN MEETING RULES – BEST PRACTICES



As set out previously, the best way to ensure compliance with the open meeting rule is to regularly hold open, accessible public meetings. There are however situations where local governments must or may hold a closed meeting. In these situations, which are exceptions to the open meetings rule authorized by statute, the best way to continue to comply with both the letter and intent of that rule is to carefully consider whether a meeting needs to be closed and carefully follow all procedural rules if that is the case.

## Public Notice of Meetings

Providing clear, conspicuous and adequately detailed advance public notice of meetings is an important first step in ensuring openness and transparency. While the same statutory notice requirements do not apply to all local governments, the underlying principles and best practices discussed here do.

Section 127 of the *Community Charter* sets minimum requirements with respect to notice of meetings. Section 127 applies to municipalities, and key parts of the section also apply to the Islands Trust.<sup>26</sup>

Local government bodies, including regional district boards, municipal councils and the Islands Trust Council<sup>27</sup> are required under section 124 of the *Community Charter* or section 794 of the *Local Government Act* to adopt procedures bylaws that must provide for advance public notice of the time, date and place of council, board or committee meetings. In some cases procedures bylaws must, and in other cases should, identify the places where public notices of meetings are to be posted.

Under section 127 of the *Community Charter*, municipal councils must at least once each year make available to the public a schedule of the date, time and place of regular council meetings. With one exception discussed below, section 127 requires municipal councils and the Islands Trust Council to provide at least 24 hours advance public notice of the date, time and place of special meetings. Section 127 requires that notice of special meetings be posted at the regular meeting place as well as at the public notice posting places established by bylaw. Some procedures bylaws include the local government's website as a public notice posting place. As people turn to the internet more frequently for information, it is useful for local governments to post meeting notices and agendas on their websites, regardless of whether this is required by their procedures bylaws. Some local governments have gone further by enabling members of the public to subscribe to an e-mail service through which they will receive automatic notification of all council meetings.

It should be emphasized that section 127 of the *Community Charter* also specifically requires that notice of special meetings, including those that may be closed to the public, provide a description in general terms of the meeting's purpose. Some regional districts have incorporated similar requirements into their procedures bylaws. A requirement to provide some degree of disclosure, even in instances where a meeting will be closed to the public, reflects the overarching objective of ensuring as much openness and accountability as possible in all cases.

*In general, the spirit of the open meeting provisions will be satisfied most effectively if local governments avoid regularly scheduled closed meetings. Instead, it is preferable to close part of a regular council meeting if the subject matter being considered is or relates to one of the specific exemptions in s. 90, and there are compelling reasons to close the meeting.*

<sup>26</sup> Section 127 (2) and (3) other than subsection 2(b) of the *Community Charter* apply to the Islands Trust under section 11(2) of the *Islands Trust Regulation*.

<sup>27</sup> Section 794 of the *Local Government Act* applies to the Islands Trust under section 11(3) of the *Islands Trust Regulation*.

*As people turn to the internet more frequently for information, it is useful for local governments to post meeting notices and agendas on their websites, regardless of whether this is required by their procedures bylaws. Some local governments have gone further by enabling members of the public to subscribe to an e-mail service through which they will receive automatic notification of all council meetings.*

Some local governments have demonstrated their commitment to openness in special meeting notices by providing clear and adequately detailed information about the matters to be discussed, rather than simply including a reference to the paragraph in section 90 that authorizes the closure of a meeting.

Municipal councils will sometimes hold a closed meeting immediately in advance of a regular meeting. If a council chooses to do so, a separate meeting notice in accordance with the requirements of subsection 127(2) of the *Community Charter* must be provided in the same way as for any other special council meeting. If part of a regular council meeting is closed to the public, or the closed portion of a council meeting occurs at the end of a meeting, a separate notice is not required. However, it is best practice to specify on the meeting agenda if a part of the meeting is expected to be closed to the public.

There are other considerations that should also inform a local government's decision about when to schedule a closed meeting. Section 92 of the *Community Charter* requires that before holding a closed meeting, councils and boards must pass a resolution to that effect in a public meeting. While there may be practical advantages to scheduling a closed session in advance of a regular meeting, this can be done only if the resolution to close the meeting is carried out in an open meeting. The *Community Charter* does not require the authorizing resolution to be passed immediately before the closed meeting; however, it must be done in public in advance of the meeting.

#### *Best Practices for Providing Public Notice*

Best practices with respect to notice of meetings include:

- posting meeting notices with sufficient and specific information to enable an understanding of the purpose of the meeting and the matter(s) to be discussed
- posting notices of meetings and agendas on websites in advance of meetings
- providing the option for members of the public to subscribe to an e-mail service and receive automatic notice of all meetings
- providing more than the minimum 24 hours advance notice of special meetings
- using the special authority to waive notice only when the urgency of the matter or other circumstances clearly require that action, and documenting the reasons

In general, the spirit of the open meeting provisions will be satisfied most effectively if local governments avoid regularly scheduled closed meetings. Instead, it is preferable to close part of a regular council meeting if the subject matter being considered is or relates to one of the specific exemptions in s. 90, and there is a clear rationale to close the meeting.

Subsection 127(4) allows for the waiver of notice of a special meeting by unanimous vote of all council members.<sup>28</sup> The vote to waive notice must be carried out in advance of the meeting, as waiver of the notice cannot be done retroactively. The authority to waive notice is usually used where there is an emergency and a meeting must be held without delay. However, it has also been used to discuss annual budgets and other topics, where the need to waive notice is not as clear.

<sup>28</sup> Section 11(2) of the *Islands Trust Regulation* does not extend this authority to the Islands Trust Council.

Although section 127 does not set limits on the grounds upon which notice may be waived, municipal councils should be careful to use this authority sparingly. If notice is waived, it is best practice to document the reasons for the waiver so the public is assured that notice was reasonably waived.

## Closing a Meeting

The decision to close a meeting to the public should not be made hastily or without careful consideration of the principles and values that underlie the open meeting provisions in the *Community Charter*.

In many cases, there may be some uncertainty or disagreement as to whether it is appropriate or necessary to close a meeting to the public. Paragraph 90(1)(n) of the *Community Charter* authorizes the closure of a meeting to determine whether it is necessary to discuss a particular matter in a closed meeting. Use of this provision to allow discussion and debate is an effective way of ensuring that meetings are not improperly closed to the public.

### *Resolutions to Close a Meeting*

Once a local government has decided that a subject should be discussed in a closed meeting, the procedural requirements in section 92 of the *Community Charter* must be followed. Section 92 states that a local government must pass a resolution in an open meeting before closing a meeting or part of a meeting.

This resolution must include two things and should include a third. It must state:

1. That a meeting or part of a meeting is to be closed, and
2. The reason for the decision to close the meeting.

It should also reference the specific paragraph of section 90 that authorizes the closure.

In practice, while resolutions consistently state that a meeting or part of it is to be closed with reference to the authorizing paragraph of section 90, the basis for the decision is not always specifically stated. Local governments should provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting in the first place. This will help to limit speculation, increase public trust and enhance the credibility of the local government.

While the *Community Charter* does not stipulate that each reason for closing a meeting to the public must be included in the resolution, or even that the primary reason must be the one that is included, the courts have said it is “disingenuous” to pass a resolution to close a meeting for one stated purpose and then discuss unrelated matters in the same closed meeting.<sup>29</sup>

Two positive practices should be considered when a meeting is being closed. First, it is helpful when local governments read the resolution to close the meeting aloud. This ensures that those in attendance at the open meeting are informed of the basis and the authority for the resolution.

In addition, it is useful for local governments to inform those in attendance whether council intends to reconvene in an open meeting following the conclusion of the closed meeting. If there are plans to reconvene, informing attendees of the expected

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<sup>29</sup> *Barnett v. Cariboo (Regional District)* 2009 BCSC 471 at para 31.

duration of the closed session is also a good idea. This allows members of the public to make informed choices about whether they wish to stay and participate in the subsequent open portion of the meeting.

### *Best Practices (Closing a Meeting)*

Best practices with respect to closing a meeting include:

- using paragraph 90(1)(n) if there is reason to question whether it is necessary to close a meeting
- providing as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting
- including in the resolution to close a meeting a description of each distinct matter to be discussed and the authorizing provision
- reading the resolution to close a meeting aloud
- stating whether council will reconvene in an open meeting at the end of the closed session

## *Section 90 of the Community Charter*

Most of the open meeting exceptions in section 90 are straightforward. However, some can benefit from clarification.

Subsection 90(1) lists 15 circumstances in which a council may exercise its discretion to close a meeting. The fact that those provisions are discretionary means it is not sufficient that a matter to be discussed is covered by one of the paragraphs of subsection 90(1). That is only the starting point of the decision making process. Once satisfied that the requirements of one or more of the paragraphs in subsection 90(1) are met and a closed meeting may be held, councils must then consider whether the meeting should be closed.

Generally, it will be appropriate to close a meeting where discussion of a subject in an open meeting raises a reasonable and identifiable possibility of damage to the interests of the local government, the public, or a third party.

This approach is consistent not only with legislation but the underlying principles of openness and transparency of the legislation which is that wherever possible, meetings should be open and accessible to the public.

### *Paragraphs 90(1)(e), (f), and (k)*

These paragraphs provide conditional authority for closed meeting discussion concerning law enforcement, the provision of municipal services and land acquisition, disposition or expropriation. However, this authority may be exercised only if it is determined that discussion of the matter could reasonably be expected to harm either the conduct of the investigation, the enforcement of an enactment or the interests of the municipality. In *Local Government under the Community Charter* 4th ed., William Buholzer proposes that use of these provisions requires local governments to “first make an express determination (by resolution) that such discussion would be harmful, and then adopt a resolution to deal with the matter in the absence of the public”. The Ministry of Community, Sport and Cultural Development takes a consistent approach.

## Paragraph 90(1)(g)

Paragraph 90(1)(g) authorizes the closure of a meeting to discuss subject matter that is or relates to litigation or potential litigation affecting the local government. One of the challenges is to not interpret “relates to” and “potential litigation” so broadly that it includes almost any controversial issue, as that would not advance the principles of openness and transparency.

Factors that might indicate appropriate use of this paragraph include:

- a specific threat of litigation, or
- advice from legal counsel that indicates there is a likelihood of litigation and that the local government’s interests may be prejudiced by public discussion

On the other hand, where potential for litigation appears to be remote or speculative, use of this paragraph is unlikely to be appropriate.

## Paragraph 90(1)(j)

Paragraph 90(1)(j) provides the authority to close a meeting for discussion of information that would be protected in document form under section 21 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and there is a strong presumption that any information protected under FIPPA should be discussed in a closed meeting. Paragraph 90(1)(j) is an unusual provision in that it requires local governments to review whether information, if in record form, could be disclosed under section 21 of FIPPA. If the information would be protected, they must then determine whether consent has been given for the release of the information.

Section 21 of FIPPA prohibits the disclosure of information gathered for the purpose of determining tax liability or collecting a tax, as well as information that would or could reasonably be expected to harm the business or financial interests of a third party. Examples include information that would reveal trade secrets, harm the competitive position of a third party or result in any undue financial loss to any person. The prohibition on discussion does not apply however if the affected third party has consented to the disclosure.

## Paragraph 90(1)(l)

Paragraph 90(1)(l) states that a meeting may be closed for discussions related to “municipal objectives, measures and progress reports”, but only if those discussions are for “the purposes of preparing an annual report under section 98”. Because authority under this paragraph is limited to discussion for the purpose of preparing an annual report, the inference is that other meetings with municipal officers and employees for discussing municipal objectives, measures and progress reports will be done openly.

## Paragraph 90(1)(m)

Paragraph 90(1)(m) provides authority to close a meeting if the closure is authorized by another enactment. It was established with a view to future enactments. Currently there does not seem to be any enactment that would justify its use.<sup>30</sup>

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<sup>30</sup> Discussion with Ministry of Community, Sport and Cultural Development staff, 2011.

## Paragraph 90(1)(n)

This paragraph is used to discuss whether a meeting should be closed under another subsection of section 90. Its use is limited to that discussion and no details of specific subject matter should be debated. Once a decision has been made that a specific subject matter should appropriately be discussed in a closed meeting, councils and boards must return to an open meeting to pass a resolution to do so. It is best practice for this subsection to be the primary way that local governments debate whether it is necessary to close a meeting to discuss a specific subject matter.

## Subsection 90(2)

Subsection 90(2) requires councils to discuss certain subjects in closed meetings. Those provisions are straightforward for the most part and appear to be used relatively infrequently.

## Paragraph 90(2)(b)

This paragraph authorizes a closed meeting for the express purpose of “the consideration of information received and held in confidence relating to negotiations” between the various levels of government and possible third parties. Accordingly, it is necessarily used in order for legitimate and specific negotiations to be discussed. It does not appear that this provision can be used as a means of holding a private meeting with visiting provincial or federal government officials in the absence of information related to a specific negotiation.

## Conducting a Closed Meeting

During a closed meeting, local governments should be careful to discuss only subjects authorized by the resolution to close the meeting, the prohibition against voting on the reading or adoption of bylaws and the importance of keeping detailed minutes.

### *Straying from Authorized Topics*

During closed meetings, local governments should only be discussing subjects that were authorized by the resolution to close the meeting. The default presumption in subsection 89(1) is that all meetings are open to the public; the only authority to close a meeting is found in the specific paragraph(s) in section 90 identified in the resolution to close the meeting. If the conversation strays from the topic covered by the paragraph referenced in the resolution, the closed meeting may no longer be authorized. If a subject for discussion arises that is not covered by the resolution authorizing the closed meeting, local governments should table the item and discuss it when they return to an open meeting. If the subject is one requiring a confidential discussion, a new authorizing resolution may be passed in an open meeting.

### *Voting*

Subsection 89(2) states that a local government “must not vote on the reading or adoption of a bylaw when its meeting is closed to the public”. Contraventions of this subsection are uncommon. Local governments may however vote or pass resolutions on other matters in closed meetings. These resolutions may then be

*During a closed meeting, local governments should be careful to discuss only subjects authorized by the resolution to close the meeting, the prohibition against voting on the reading or adoption of bylaws and the importance of keeping detailed minutes.*

revealed during an open meeting without a discussion of the factors, considerations, or reasons behind them. In other cases the resolutions to vote on other matters may not be made public for a prolonged period of time.

Sometimes the level of confidentiality afforded by closed meetings is necessary to pass resolutions that ensure the orderly functioning of the local government. Some matters must be discussed entirely in confidence. Passing resolutions in closed meetings however, can never be used to conceal the decision-making process from the legitimate gaze of the public. Indeed, local governments should always try to provide as much information as possible about any resolutions passed during closed meetings, including when possible, the considerations on which they were based.

This may result in a spectrum of disclosure that varies from decision to decision, this is perfectly acceptable. For example, the decision-making process for some resolutions may only require the withholding of a few specific details while the general factors, considerations, and reasons could still be disclosed. On the other hand, some resolutions may require the decision-making process to be completely withheld from the public. A determination of how much to disclose should be made on a case-by-case basis keeping in mind the importance of transparency.

## Minutes

Local governments should record minutes for closed meetings in at least as much detail as open meetings and may wish to keep an electronic record as well. Minutes should include a detailed description of the discussion, any specific documents considered, any motions, resolutions or votes, and any directions issued. This will not only provide a reference for attendees, but, when the minutes are eventually released, will inform members of the public and reassure them that the matter was properly discussed in a closed meeting and that procedural requirements were satisfied. Under subsection 91(3), the minutes of a meeting or part of a meeting closed to the public must record the names of all persons in attendance.

### *Best Practices (Conducting a Closed Meeting)*

Best practices with respect to conducting a closed meeting include:

- restricting discussion to subjects that were authorized by the resolution to close the meeting
- whenever possible, avoiding passing resolutions in closed meetings
- keeping a detailed record of closed meetings

*Local governments should record minutes for closed meetings in at least as much detail as open meetings.*

## After a Closed Meeting

Following the conclusion of a closed meeting, careful consideration should be given to the release of minutes and other records that may have been generated during the closed meeting. As much information as possible should be released in order to achieve the goal of openness, transparency and accountability without compromising the interests of the local government, the public or a third party.

## *Release of Minutes and Other Records*

Many subjects requiring the confidentiality of a closed meeting only require it for a limited period of time. Consequently, it is important that local governments have a process in place to regularly review the information produced at closed meetings. Information that would no longer undermine the reason for discussing it in a closed meeting should be released as soon as practicable.

Some local governments have acted proactively in this regard. They have assigned responsibility to specific staff for reviewing and releasing minutes of closed meetings and related information that no longer requires confidentiality. It is not only large and well-resourced local governments that have adopted this approach; smaller local governments have done so as well.

If it is not appropriate to release all information related to a closed meeting, it may be preferable to release incomplete information rather than to wait for a time when it will eventually be proper to release all the information. Local governments should strive to release as much information as possible as often as possible, in order to demonstrate their commitment to the principles of transparency and accountability and to receive the benefit of a more informed, engaged and trusting public.

### *Section 12 of FIPPA<sup>31</sup>*

Closed meeting minutes may be excluded from disclosure under section 12 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).<sup>32</sup> Section 12 allows a local government to refuse to disclose information that would reveal the substance of deliberations of a closed meeting. It should be noted that if the information in question has also been discussed at an open meeting or is at least fifteen years old, the information is not protected from disclosure under FIPPA.

The test for invoking section 12 has three parts and places the onus of proof on the public body seeking to withhold the information. First, it must be shown that a meeting was held. Second, the public body must prove that the meeting was authorized to be closed. And third, the public body must establish that the disclosure would “reveal the substance of deliberations at that meeting”.<sup>33</sup>

Information in minutes may be withheld under section 12 if it would reveal the substance of deliberations in a closed meeting, either directly or by enabling accurate inferences to be drawn. However, local governments must still retain information that cannot be disclosed and release the remainder of the record in accordance with subsection 4(2) of FIPPA. Normally the dates, times, locations, and names of attendees will not be protected by section 12, nor will the general subjects addressed in a closed meeting. Only information that, whether by itself or when combined with other publicly available information, reveals “the substance of deliberations” will be protected.<sup>34 35</sup>

<sup>31</sup> For complete information on the provisions of FIPPA, please go to the Office of the Information and Privacy Commissioners’ website at <http://www.oipc.bc.ca/>.

<sup>32</sup> *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c 165.

<sup>33</sup> *City of Coquitlam* (14 May 2002), Order 02-19, online: Office of the Information and Privacy Commissioner <http://www.oipc.bc.ca/orders/2002/Order02-19.pdf>.

<sup>34</sup> *Inquiry Regarding Vancouver Police Board In Camera Meeting Minutes*, Order 00-14, online: Office of the Information and Privacy Commissioner <http://www.oipc.bc.ca/orders/2000/order00-14.html>.

<sup>35</sup> The Information and Privacy Commissioner is the final authority over matters under FIPPA.

## Duty to Respect Confidentiality

Section 117 of the *Community Charter* imposes an obligation on councillors to maintain confidentiality in respect of information considered in a closed meeting.<sup>36</sup> Specifically, it requires that a council member or former council member must, unless specifically authorized by council, keep in confidence information considered in a lawfully closed meeting until that information has been discussed at an open meeting or otherwise released to the public.

The obligation under section 117 must be respected regardless of any individual opinion as to whether or not a matter should have been discussed in a closed meeting. It is also important to remember that any statements in this guide that encourage the release of information generated or discussed in a closed meeting applies to local governments as a whole and not to individual council members or other elected officials.

### *Best Practices (After a Closed Meeting)*

Best practices with respect to actions after a closed meeting include:

- complying with the provisions of FIPPA
- establishing a process and assigning responsibility to specific staff for reviewing and releasing minutes of closed meetings and related information no longer requiring confidentiality
- releasing as much information as possible as often as possible once confidentiality is no longer required



<sup>36</sup> Section 117 of the *Community Charter* applies to Regional Districts under section 787.1 of the *Local Government Act*.



## CURRENT OPEN MEETING REQUIREMENTS FOR IMPROVEMENT DISTRICTS

Improvement districts are not subject to the open meeting provisions contained in Division 3 of Part 4 of the *Community Charter*. In 2007, the *Local Government Act* was amended to provide the Minister with the explicit power to make those provisions apply to improvement district boards.<sup>37</sup> Although that authority has not been used to date, this does not mean that there are no legal or other obligations on improvement districts to meet openly in some circumstances.

Section 741 of the *Local Government Act* applies to improvement districts. That section requires that all annual general meetings of an improvement district be open to the public. The Act provides no discretion to close to the public all or a part of that meeting.

Section 739 of the *Local Government Act* requires the board of trustees of an improvement district to establish, by bylaw, procedures for calling and conducting meetings. The Ministry of Community, Sport and Cultural Development provides guidance to improvement districts about governance and standards, and it provides sample bylaws. A guide for improvement districts released in 2006 states:

All board meetings should be open to the public and no person should be excluded except for improper conduct. Persons other than members and officers may be excluded from a special meeting if, in the opinion of the board, the public interest so requires it. These meetings are known as “in camera” meetings and should only be used when discussing legal matters, property acquisition, or personnel matters.<sup>38</sup>

Although the open meeting provisions in the *Community Charter* do not apply to improvement districts, they provide a useful guide for improvement districts to consider when developing bylaws. Establishing appropriate meeting procedures demonstrates an improvement district’s commitment to openness, transparency and accountability.



<sup>37</sup> *Local Government Act*, *supra* Note 7, s 739.1.

<sup>38</sup> *Ministry of Community Services, Improvement District Manual* (BC: 2006), online: Ministry of Community, Sport and Social Development [http://www.cscd.gov.bc.ca/lgd/gov\\_structure/library/improvement\\_district\\_manual.pdf](http://www.cscd.gov.bc.ca/lgd/gov_structure/library/improvement_district_manual.pdf).

## CONCLUSION

Local governments across Canada are moving towards more open and transparent decision-making. The open meeting provisions in the *Community Charter* support open government by guaranteeing, with specified exceptions, that the public can attend meetings of local governments. Open meetings advance the democratic process by providing the public with an understanding of the considerations underlying local government actions and by allowing members of the public to observe the performance of their elected officials. They facilitate citizen participation in the policy development and decision-making processes and serve to build public trust and confidence in local government.

To assist local governments to follow appropriate practices in those specific and limited circumstances when they believe it is necessary to close a meeting, included on the following page is a CHECKLIST of what needs to be taken into account.



CHECKLIST



CHECKLIST

*Before Closing Meetings*

Yes No

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Has notice of this meeting been posted in advance on your website and other public locations?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Was the meeting agenda posted in advance with sufficient detail to enable members of the public to determine the matters to be discussed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If this is a special meeting, did the notice include general information about matters to be discussed?                                   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is closure of this meeting necessary? [Use <i>Community Charter</i> paragraph 90(1)(n) to address any doubt.]                             | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is closure of this meeting authorized under section 90?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the resolution to close the meeting include:   |                          |                          |
| • a statement to the effect that the meeting will be closed?   | <input type="checkbox"/> | <input type="checkbox"/> |
| • a description of the basis for closing the meeting including a description of each distinct matter to be discussed?                        | <input type="checkbox"/> | <input type="checkbox"/> |
| • the paragraph(s) under section 90 authorizing or requiring the closure of the meeting?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Was the resolution to close the meeting read aloud?   | <input type="checkbox"/> | <input type="checkbox"/> |

*During Closed Meetings*

Yes No

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 8. Was discussion in closed meetings limited to the topics stated in the authorizing resolution? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Were no votes held on the reading or adoption of bylaws during a closed meeting?              | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Were minutes of the closed meeting recorded and retained?                                    | <input type="checkbox"/> | <input type="checkbox"/> |

*After Closed Meetings*

Yes No

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 11. Will minutes and other records be reviewed and released once confidentiality is no longer required? | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|



**MAILING ADDRESS:** Office of the Ombudsperson | PO Box 9039 Stn Prov Govt | Victoria BC V8W 9A5

**TELEPHONE:** General Inquiries Victoria: 250 387-5855 | Toll Free: 1 800 567-3247

**FAX:** 250 387-0198 | **OR VISIT OUR WEBSITE AT:** <http://www.bcombudsperson.ca>



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Media Training</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	
<b>Date</b>	<b>January 17, 2019</b>	<b>Version</b>	
<b>Issued for</b>	<b>January 22, 2019 Council Meeting</b>		

### Recommendation:

- (1) THAT staff proceed with arranging media training with Therese Mickelson for:
- (a) \$1500 for a ½ day basic training session for all of Council (plus CAO, CFO and PWM); and/or
  - (b) \$950 for a 2 hour, one on one session for Mayor McLaughlin.
- Plus GST (and expenses, if any)
- (2) AND THAT the CAO be authorized to execute a contract with Mickelson Consulting Inc.

### Attachments:

Quote for Media Training and Consulting from Mickelson Consulting Inc.

### Key Information:

Communications is a key component of Council's strategic priorities and dealing with the media is an important part of the role of the Mayor and, when necessary, the Acting Mayor. Management staff may also be called upon from time to time to speak to technical or operational matters of the organization. All potential spokespeople of the Municipality should be trained to respond to media in a professional manner and in a way that always protects the best interests of the Municipality. Therese Mickelson is an excellent, well-qualified communications expert working extensively in the local government field and worked well with staff and the previous Council during the successful infrastructure financing referendum.

### Options:

- (1) Approve the recommendations;



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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(2) Delete the ½ day basic training session for all;

(3) Direct staff to explore other options;

(4) Reject the notion of doing any media training.

**Preferred Option:** Option 1 will provide the Municipality with training that will ensure all potential spokespersons are similarly trained to respond if and when required.

**Financial Considerations:** This can be allocated to the Council budget for 2019.

**Legal Considerations:** Media training may assist in preventing persons from inadvertently saying the wrong thing, which in certain circumstances, may have legal consequences.

**Follow Up Action:** Per the recommendations, subject to Council direction.

**Communication Plan:** To be determined.

The logo for Mickelson Consulting Inc. features the word "mickelson" in a bold, black, sans-serif font, with "CONSULTING INC" in a smaller, blue, sans-serif font below it. A blue speech bubble icon is positioned to the right of the text.

**mickelson**  
CONSULTING INC

A large, faint, light-blue graphic in the background consists of various geometric shapes, lines, and symbols, including a large letter 'R', a speech bubble, and several arrows, creating a complex, abstract design.

Village of Lions Bay

# Media Training & Coaching

January 11, 2019

Attention: Peter DeJong  
Chief Administrative Officer

The Municipality of the Village of Lions  
PO Box 141, 400 Centre Road  
Lions Bay, BC VoN 2E0

Submitted by: Mickelson Consulting Inc.

## Company Profile & Experience

This quote is being submitted by Mickelson Consulting Inc., with project management and training sessions delivered by Therese Mickelson as Managing Partner. We deliver communication and business management solutions through strategic advice and planning, crisis communication and issues management, creative communication campaigns, community consultation and executive training programs.

### ***We understand local government and strategic communication.***

At Mickelson Consulting, we understand local government and the demands on programs, services and resources. We have expertise in strategic communication plan development and implementation, community engagement and consultation, media relations, branding, website development, internal communication and HR branding, event management, and strategic plan and business plan development. As the former Manager Corporate Communications for the City of Coquitlam, Therese Mickelson has an extensive understanding of the issues, opportunities and challenges facing local government and she built the City's communication's strategy and implementation program from the ground up, including roles and responsibilities for communication staff and how to support departments. More recently, Therese has completed service reviews for clients to help them leverage the strengths of their staff, identify gaps and develop customized solutions to improve professional communication programs and services.

Therese has won multiple awards, for her communication work, including recent international, national and provincial awards for the City of Richmond's Green Cart launch. Working as a consultant, Therese has been applying her expertise to help local governments across BC to improve their communication and community engagement. Therese also gains insights into local government through her work as the editor of *Exchange*, the member publication for the Local Government Management Association (LGMA) and as an instructor at the Justice Institute of BC.

### ***We deliver meaningful training with practical exercises and tactics.***

Mickelson Consulting offers a range of training sessions and workshops, including media relations and interview skills, how to implement communication strategies, crisis communication and the role of the Information Officer, and social media strategies and tactics. Training sessions are designed to be engaging by including theory and advice interspersed with practical exercises that reinforce tactics participants can be apply in the workplace. Each program is tailored to align with the organization's goals, plans and policies. Mickelson Consulting offers a range of training options to support operational instruction, such as on-camera media interviews, case studies, tabletop engagement and role-playing.

***We develop a strategic approach with practical tactics.***

Our strategic approach is the foundation for all successful strategic communication and community engagement initiatives. Understanding the organization's needs, objectives and audiences is critical to the development of a successful communication campaign. Collecting input from local audiences is essential and includes citizens, community partners, stakeholder organizations and interest groups, as well as internal audiences. In fiscally responsible environments like local government, it is equally important to factor in limited budgets, opportunities for partnership and the ability to leverage free and low-cost communication tools. The use of social media tools and new web and mobile applications are just a couple examples of how to expand the tool kit with low cost tactics.

We take all of these strategic elements into consideration to create a viable, audience-focused Communications Strategy that engages targeted groups and delivers results-based outcomes that align with the organizational goals and objectives. The Communications Strategy tactics are provided using analysis tools, key message guidelines and policy links where applicable.

***We understand policy.***

Communication in local government must align with policies and legislative requirements based on the nature of the communication objectives. This includes consideration to the Local Government Act and Community Charter, requirements for the Public Hearing process, and privacy protection and Freedom of Information requirements. There are also policies and procedures for consultation and community input, and media relations guidelines to manage the message and determine appropriate and approved spokespeople. At Mickelson Consulting, we recognize the importance of reviewing and updating policies and procedures to ensure they reflect the changing demands of the community, such as the emergence of social media, and meet requirements for the organization. Policies are designed to provide criteria and guidance that help to ensure the delivery of well-managed communications while protecting the organization.

***We are experts in crisis communication.***

Over the course of 25 years, Therese has been the crisis communication lead in both the public and private sector. At the City of Coquitlam, she was the Information Officer for multiple emergencies, including activations of the Emergency Operation Centre (EOC), and several EOC and crisis response training exercises. In her role with the City, Therese also led the local communications support component of the TRANSGUARD I training exercise, which was the first in a series of three Transit Security exercises to be held across the country supporting the rail and transit security initiative. As well, Therese was the crisis communications lead for Manitoba Telecom Services (MTS) during EOC activations for the 100-year flood in Manitoba in 1997, and two labour disputes involving work stoppages in 1999.

## Project Lead



- Therese Mickelson, Accredited Business Communicator (ABC)  
Managing Partner, Mickelson Consulting Inc.
- Bachelor of Journalism (Honours)  
Carleton University, Ottawa, Ontario
- Accredited Business Communicator  
International Association of Business Communicators (IABC)

Therese Mickelson is an award-winning, internationally accredited senior communicator who has managed a wide range of media, public relations, marketing and strategic communication initiatives in the public and private sectors over the course of more than 25 years. She has a thorough understanding of local government, works extensively with local and regional governments and their communities, and is an experienced trainer and facilitator. Therese is also an instructor at the Justice Institute of British Columbia. References are available on request.

## Project Deliverables

Thank you for this opportunity to work with the Municipality of the Village of Lions Bay to provide media training for your organization. This quote includes high-level recommendations for two proposed sessions; however, the training can be tailored to your organization and refined as needed to address organizational requirements.

The sessions are designed to cover the fundamentals of media relations, but will also incorporate activities in a workshop environment to provide practical training. Ideally, these training sessions will incorporate a scenario experienced in your community. Examples of scenarios that work well are issues that have attracted media attention. For the One-on-One Coaching, the practice interview will be recorded on camera and there will be a review of the interviews as an opportunity to provide coaching and feedback.

The following is a summary each session:

### ***Session 1: Basic Media Training (3.5 hours)***

*Up to 24 participants per session*

The session covers the fundamentals of media relations to support positive relationships with media and effective outcomes from interviews, with a focus on Village-specific protocols and scenarios that affect Council and staff.

#### Training Session Deliverables:

- Provide an overview of who media are, including the context for the different types of media and what they will be looking for to produce their news stories
- Highlight the considerations effective spokespersons
- Provide tips and tactics for effective media interviews, including how to prepare for an interview and effective interview tactics
- Provide overview of crisis communication protocols and how to deal with tough questions
- Provide tips and exercises for developing key messages
- Review media policy requirements and the Village of Lions Bay's protocols (if applicable)

The session includes group activities to build skills, and participants will receive a media tips handout to support effective media relations and a wallet-sized tips card.

#### ***Session 2: One-on-One Coaching (2 hours)***

*One participant per session*

Building on the scenario and fundamentals covered in Basic Media Training, this session will focus on skills to integrate key messages into answers to media questions, the use of standby responses and bridging statements to lead the interview and achieve objectives, and other tactics for effective interviews.

#### Training Session Deliverables:

- Provide advice and direction on how to determine objectives for each interview, develop and integrate key messages into responses, and use standby responses and bridging statements to stay focused on objectives.
- Provide tips and tactics for effective media interviews, including how to prepare for an interview and interview tactics
- Provide one-on-one coaching using on-camera interview with a coaching debrief.

## Fees

### **Summary of Training Deliverables**

- Basic Media Training: \$1,500 plus GST
- One-on-One Coaching: \$950 for first session

The fee for all deliverables noted above includes the following:

- Program development for customized training using scenario provided by the Village of Lions Bay, including presentation and exercise materials;

- One page media handout and wallet-sized tips card

#### Additional Expenses:

Anticipated expenses include mileage and printing of additional materials as required. Disbursements such as any additional print and production requirements outside of those included in the above deliverables will be billed to the Village of Lions Bay based on pre-approval of expense.

#### **Assumptions**

It is assumed that the Village of Lions Bay will manage arrangements for the venue, training session supplies (such as flip charts and markers, PA/AV requirements including a projector, screen and speakers that can connect to a laptop), and promotion for all sessions; however, if you require assistance with any of these requirements, we would be happy to provide this service based on time and materials billing at a rate of \$130/hour and any expenses incurred.

Mickelson Consulting will provide the laptop and required connections to the projector for all sessions as well as a video camera with tripod required for the on-camera training.

It is also assumed that the Village of Lions Bay will provide information for the training scenario, such as background information and past media coverage if applicable, established key messages that should be included in the training, and copies of related policies and procedures.

Please note that additional services beyond those outlined in this proposal, such as additional training, strategic communication advice and services, graphic design, printing and other production services, are available if/as required, and would be managed either directly or as a subcontract through Mickelson Consulting Inc., with rates to be determined based on the service required.

#### **Terms of Payment**

Mickelson Consulting Inc. will issue an invoice at completion of the project based on the deliverables noted above. Please make all cheques payable to Mickelson Consulting, Inc. Terms are net 30 days, 2% per month — 24% per annum charged on all accounts past due. All taxes are additional, as applicable.

#### **Insurance & Licensing**

Mickelson Consulting Inc. carries professional and general liability insurance, business vehicle licensing and WorkSafe BC coverage.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Filming Application for The Hypnotist's Love Story</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	
<b>Date</b>	<b>February 29, 2019</b>	<b>Version</b>	
<b>Issued for</b>	<b>March 5, 2019 Regular Council Meeting</b>		

### **Recommendation:**

(1) THAT the film permit application for "The Hypnotist's Love Story" be approved, subject to the following conditions:

- (a) Polling – all residences in Brunswick Beach below the highway to be polled by the applicant, with no more than 10% of residences objecting;
- (b) Parking – parking on public lands to be minimized with permits required where necessary;
- (c) Hours – TBD;
- (d) Noise – exemption from Noise Control Bylaw No. 283, 1998, subject to all steps necessary being taken to minimize noise and disturbance to residents during both daytime and nighttime hours;
- (e) LBFR - access to all fire hydrants in lower Brunswick Beach be kept free and clear for fire apparatus;
- (f) Public Works – cooperation with Public Works in respect of any gate access or other requirements necessitating coordination with the Public Works department;
- (g) Fees – TBD.

(2) THAT the CAO be authorized to sign the filming permit and any other incidental documentation related to the film application for "The Hypnotist's Love Story".

### **Attachments:**

- (1) Film Permit Application for "The Hypnotist's Love Story";
- (2) Draft Map of the Film Area in Brunswick Beach;
- (3) Insurance Certificate.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### **Key Information:**

The application is for 5 days of filming from March 17 – 21, 2019, primarily in, and secondarily around, the home located at 7 Brunswick Beach Road, as outlined in the Location and Scene Details provided in Schedule A to the application. The production company has secured sufficient parking from neighbouring residents such that they will not likely require much in the way of multi-day parking passes from the Municipality. Rather, they will mostly use private driveways and, for their larger trucks and equipment, they will stage them at Brunswick Hill and shuttle crews and equipment back and forth.

At the time of this report writing, the proposed hours of filming have not yet been settled, but it is expected there will likely be some filming at night, thereby requiring waiver of the Noise Bylaw. Staff expect to have further particulars by the time of the Council meeting on March 5<sup>th</sup>. As a result, polling will be required and Council is being requested to set the polling approval rate at no more than 10% objections from affected residents consisting of all parcels in Brunswick Beach below the highway. This is the same threshold that was used in Kelvin Grove for the last filming application.

Both Public Works and the Lions Bay Fire Rescue have been consulted and do not see any issues. Public Works will provide access through the chain link gate outside 7 Brunswick Beach Road and clear fire apparatus access to all fire hydrants is a condition of the permit.

The current film policy sets out daily filming fees of \$300, plus \$500/day for any filming on the beach (one day expected), with a \$250 non-refundable application fee and parking permits of \$25/day for vehicles and \$100/day for trucks, although it appears there will be minimal need for Municipal parking permits. The last filming in Kelvin Grove was approved with a variance of the daily filming fee to \$1200/day, [of which the filming company has been apprised].

### **Options:**

- (1) Approve the film permit application in accordance with the recommendations above;
- (2) Approve the film permit application with amendments to the recommendations;
- (3) Do not approve the film permit application;



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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(4) Direct staff otherwise.

**Preferred Option:** Approve the film permit application in accordance with the recommendations above. It would appear that most of those neighbours in the immediate vicinity of the proposed filming are cooperating with the production company in terms of accommodating them for parking, which indicates their support for the enterprise.

**Financial Considerations:** Without necessarily using the last application as a precedent, nor establishing a precedent for future film permit applications prior to the pending review of the Filming Policy, Council may wish to consider what an appropriate fee may be in the circumstances, bearing in mind that this “pilot” episode may lead to further filming requests for this location.

**Legal Considerations:** None

**Follow Up Action:** Staff will advise the applicant of Council’s decision and follow up in terms of implementation of the permit.

**Communication Plan:** Residents will be advised of the Council decision via the Village Update and via letters hand delivered by the applicant to each parcel in the affected area.

### Film Permit Application Village of Lions Bay

#### Applicant Information

Local Production Company: Stage 49 LTD.

Date of Application: 02/19/2019 Phone: (604) 292-5010 Fax: (604) 292-5011

Address: #602 2400 Boundary Road

City: Burnaby Province: BC Postal Code V5M 3Z3

Parent Company: ABC Studios

Corporate Registry #: \_\_\_\_\_

Previous Address: 500 S Buena Vista St

City: Burbank Province/State: CA Postal Code/Zip: 91521

#### Production Information

Production Title: "The Hypnotist's Love Story"

Production Type: Series  Feature  MOW  Pilot  Commercial  Mini-Series  Photo

Documentary  Video  Short  Other \_\_\_\_\_

Proposed Activities (check all that apply): Gun fire  Car stunt  Rain or snow  Tow Shots

Fire  Drive up/away  Helicopter  Drive by  Explosion  Wet Downs  Stunts

Animals  Park Use  Exterior Set  Employees 14 or under

Other: \_\_\_\_\_

Start Date: March 10th, 2019 End Date: March 27th, 2019

# of Filming Days (anticipated): 14 Total No. of crew on location: 75-100

# and Type of Vehicles (include generators):  
APPROX. 18 trucks/trailers, 2-3 generators and 70 personal vehicles.

Desired Parking Location(s) – Please attach Map(s) with area labeled.

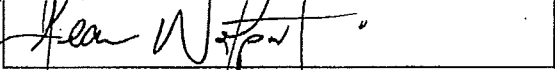
Earliest start time: TBD Latest end time TBD

**Production Contacts**

Primary Production Contact: Gigi Boyd (Production Manager) Cell: (604) 512-3302  
 Location Manager: Sean Wolput Cell: (604) 314-1436  
 Assistant Location Manager: Ross Effler Cell: (604) 340-8866  
 Production Manager: Gigi Boyd Cell: (604) 512-3302  
 Producer(s): Kathy Gilroy Cell: (604) 292-5010 (Office)

**Indemnification Clause:**

Except due to sole negligence or willful misconduct of the Village of Lions Bay or its servants or employees, the applicant agrees to indemnify and save harmless the Village of Lions Bay, its elected and appointed officers, agents, servants, and employees from and against all liability, claims, damages, losses, costs, actions, causes of actions, suits, proceedings, expenses and demands of every kind, description, and nature whatsoever, including legal fees and disbursements, arising out of or in any way connected with the issuance of this permit or with the use of the Village of Lions Bay properties pursuant to this agreement. This permit may be revoked at any time.

<u>FEB. 19TH. 2017</u>		<u>LOCATION MANAGER</u>
Date	Signatures of Authorized Representative	Title
Date	Signature of Risk Management Representative	Title

**Attachments**

The following are included:

- Production Information Sheet (schedule A) – Total pages \_\_\_\_\_
- Map with Desired Parking Location(s)
- Proof of Insurance Coverage for Production Companies
- Film Application Fee

Send application package to:

Village of Lions Bay  
 Box 141, 400 Centre Road  
 Lions Bay, B.C.  
 V0N 2E0  
 Fax: 604 921-6643  
 Or e-mail to: [accounting@lionsbay.ca](mailto:accounting@lionsbay.ca)

**Production Information Sheet**  
**Schedule A**  
**Location and Scene Details**

Name of Production: "The Hypnotist's Love Story"

Phone: (604) 292-5010 Permit #: N/A

**Location Description**

Location #1 (If more than one location, provide details for each location on separate pages):  
7 Brunswick Beach Road, Lions Bay

Date: TBD Time: TBD

Scene Details:

The house at 7 Brunswick would play as the home to our main character. We would be visiting the location several times over the course of our two week filming schedule and we would be filming the interior and exterior of the house. The scenes shot here involve simple conversations, possible drive-ups, and establishing coverage.





# Certificate of Insurance

ISSUE DATE (DD/MM/YY)  
20/02/19

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

**PRODUCER**  
Aon/Ruben Winkler Entertainment Insurance Brokers  
20 Bay Street, Toronto, Ontario M5J 2N9  
Phone: (416) 868-2460 Fax: (416) 868-2469

**COMPANIES AFFORDING COVERAGE**  
Company Chubb Insurance Company of Canada  
Letter A  
Company Allianz Global Risks US Insurance Company  
Letter B  
Company  
Letter  
Company  
Letter

**INSURED**  
STAGE 49, LTD  
2400 BOUNDARY ROAD, RM 910  
BURNABY, BC V5M 3Z3

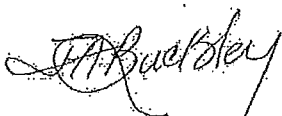
**COVERAGES**

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (DD/MM/YY)	POLICY EXPIRATION DATE (DD/MM/YY)	ALL LIMITS IN US FUNDS
A	COMMERCIAL GENERAL LIABILITY Including Employers Liability, Non Owned Automobile Liability, Cross Liability Clause  Tenants Legal Liability (TLL)	CGL 322562	30/06/2018	30/06/2019	Combined Single Limit, Bodily Injury and/or Property Damage \$10 000 000 except,  \$5 000 000 (TLL sublimit)
B	MISCELLANEOUS EQUIPMENT Including Hired/Non Owned Automobile Physical Damage  PROPS, SETS, WARDROBE  THIRD PARTY PROPERTY DAMAGE LIABILITY	CPT0707238015	01/06/2017	20/05/2019	Limit \$5 000 000  Limit \$5 000 000  Limit \$5 000 000

Certificate holder shown below is named as an additional insured and/or loss payee as their interest may appear, but only with respect to the operations of the Named Insured for the production "The Hypnotist's Love Story" - Pilot. It is understood and agreed that the addition of one or more additional insured(s) shall not increase the limits of liability stated in these policies.

**CERTIFICATE HOLDER**  
  
  
  
  
  
  
  
  
  
  
  
Village of Lions Bay  
Box 141, 400 Centre Road  
Lions Bay, BC  
V0N 2E0

**CANCELLATION**  
Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.  
  
This cancellation clause does not apply to cancellation for non-payment of premium.  
  
**AUTHORIZED REPRESENTATIVE**  
  
  
  
Judith Buckley, CIP, CRM

**THE POLICY CONTAINS A CLAUSE THAT MAY LIMIT THE AMOUNT PAYABLE  
OR, IN THE CASE OF AUTOMOBILE INSURANCE,  
THE POLICY CONTAINS A PARTIAL PAYMENT OF LOSS CLAUSE**



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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MEETING OF THE BOARD OF VARIANCE  
MONDAY, OCTOBER 29TH, 2018 AT 6:30PM.  
IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY, BC

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In Attendance: Board of Variance Members: Ian Mackie, Peter Wreglesworth, Morgan Gatto  
Staff: Susan Loutet, BOV Secretary  
Applicants: William Berry – 195 Kelvin Grove Way  
Robin Rickards – 15 Brunswick Beach Road  
Kelly Taylor & John Robins – 17 Brunswick Beach Road

1. Call to Order  
BOV Secretary called the meeting to order at 6:30 p.m.
2. Approval of the Agenda  
All in favor
3. Minutes – BOV Meeting – March 27, 2018  
Moved/Seconded  
THAT the BOV Meeting Minutes of March 27, 2018 be approved as circulated.
4. New Business: Applications to be heard
  - (1) Civic Address: 195 Kelvin Grove Way, Lions Bay, BC  
Legal Description: Lot 62, Block B, Plan 18530, DL 1575  
Owner: William & Susanne Berry  
Request: Approval sought for Side Yard Variance of 1.2 metres (4 ft) from 2.4 metres (8 ft) to 1.2 metres (4 ft)  
Per Zoning Bylaw 520, Part VII 7.5.2
  - 2) Civic Address: 15 Brunswick Beach Road, Lions Bay, BC  
Legal Description: Lot 1, Block 19, Plan 15017, DL 1815 & 5867  
Owner: Robin Rickards  
Request: Approval sought for Variance of NE Elevation of 4.5 metres (15 ft) from 4.5 metres (15 ft) to 0 metres (0 ft) AND  
Approval sought for Variance of SE Elevation of 1.5 metres (5 ft) from 1.5 metres (5 ft) to 0 metres (0 ft)  
Per Zoning Bylaw 520, Part VII 7.6.2

- 3) Civic Address: 17 Brunswick Beach Road, Lions Bay, BC  
Legal Description: Lot A, Block 19, Plan 12800, DL 1815  
Owner: Kelly Taylor  
Request: Approval sought for Exterior Side Parcel line facing the ocean, a Variance of 1.54 metres (5.05 ft) from 3 metres (9.14 ft) to 1.46 metres (4.8 ft) AND  
Approval sought for Rear Parcel line, a Variance of 2.02 metres (6.63 ft) from 7.5 metres (24.27 ft) to 5.48 metres (18 ft)  
Per Zoning Bylaw 520, 7.6.2

5. Discussion (2) 15 Brunswick Beach Road

Ian Mackie, Board of Variance Chair, advised the meeting that unfortunately the Board of Variance could not deal with the application from 15 Brunswick Beach Road at this meeting, because there are issues with the density. The Municipalities Chief Administrative Office, Peter DeJong, has advised the board that the Municipality has not dealt with the density issue yet and therefore the Board cannot rule on the application and that therefore the application cannot be heard at this hearing. The Board has been advised that, the Village will be working on the density issue and that the owner of 15 Brunswick Beach Road will receive guidance from the Chief Administrative Officer, Peter DeJong in this regard. There is also an issue whether this property is considered a 'panhandle lot' which has specific parameters on density and building restrictions. For the foregoing reasons this application has been adjourned generally.

6. Discussion (1) 195 Kelvin Grove Way

William Berry, owner of 195 Kelvin Grove Way, presented the variance application to the Board of Variance. He is seeking approval from the Board of Variance for a side yard variance of 1.2 metres from 2.4 metres to 1.2 metres to safely construct a garage on this very steep lot. He advised that the main house had no foundation and that it was built on fill only. The plan is to install Shot Crete under the house to reinforce it, but in order to make grade and for it to work he needs to go to the edge of the side yard so that he can get a 2 car garage built and able to turn around safely. The driveway elevation would drop 14 ft., therefore reducing the slope of the driveway to a much safer access to the garage. The current driveway has a slope of 18 degrees.

7. Decision

The decision of the Board of Variance, having heard from the owner William Berry, approves the variance sought for the side yard variance of 1.2 metres from 2.4 metres to 1.2 metres per zoning Bylaw 520, Part VII, Section 7.5.2, due to the hardship of the steepness at the front and side yards which dictates the necessity of the variance sought.

8. Discussion (3) 17 Brunswick Beach Road

John Robins and Kelly Taylor advised that their property at 17 Brunswick Beach road is a very irregular shaped lot. The structure which is being built which is the subject of the variance being sought is a variance of the exterior side parcel facing the ocean, of 1.54 metres from 3 metres to 1.46 metres, AND a variance sought for the rear parcel line of 2.02 metres from 7.5 metres to 5.48 metres. The structure for which a variance is being sought is an open gazebo to provide shade in the summer and cover. The original footprint was there when the house was purchased. The structures sides are open on 2 sides and will have curtains. There is very limited space to build anything given the irregular shape of the lot and the location of the septic field.

9. Decision

The Board of Variance having heard the submission from the owners of 17 Brunswick Beach road, and in the circumstances are granting the applicants' application as set out, to provide for a variance of 1.54 metres from 3 metres to 1.46 metres to the exterior side panel facing the ocean AND a variance for the rear parcel line of 2.02 metres from 7.5 metres to 5.48 metres per zoning bylaw 520, section 7.6.2. This variance is being granted based on hardship resulting from the irregular shape of the lot; the existing footprint of the principal building and the placement of the septic field. This leaves no other option but to encroach into the side and rear yards. The location of the lot on the shores of Howe Sound is exposed to the Howe Sound elements of severe winds all year round. In Brunswick Beach many of the lots are irregular shaped with 17 Brunswick Beach being one of them, which limits what can be built on this lot. Having considered all of the foregoing the Board grants the variances as sought by the applicant.

10. Adjournment  
Moved/Seconded

THAT the meeting be adjourned.

The meeting was adjourned at 7:20 p.m., October 29th, 2018

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Ian Mackie – Board Chair

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Susan Loutet – Board Secretary

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Date Adopted:

Intentionally Blank

## VILLAGE OF LIONS BAY

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### Incoming Correspondence - March 5, 2019

*General Correspondence:*

- G-1: Forest Enhancement Society of BC (Page 1)
- G-2: Introductory Meeting with Oliver Gruter-Andrew of E-Comm (Page 2)
- G-3: Ruth Simons - Howe Sound Clean Up (Page 3)
- G-4: LGA Call for Nominations and Resolutions (Page 5)

*Resident Correspondence:*

- R-1: George Liu - WWTP - Response (Page 13)
- R-2: Stuart Hood - Community Police Officer - Response (Page 21)
- R-3: Tibor Zombori - WWTP - Response (Page 23)
- R-4: Cam Mehlenbacher - Septic or Sewer - Response (Page 29)



February 6, 2019

Mayor Ron McLaughlin  
Lions Bay (Village)  
400 Centre Road  
Lions Bay, BC V0N 2E0

**Re: Forest Enhancement Society of B.C. Jan 2019 Accomplishments Report**

Dear Mayor Ron McLaughlin and Council,

British Columbians are concerned about climate change along with other environmental, safety, and economic concerns. They want to know specifically what their governments are doing to protect communities from wildfire risk, improve wildlife habitat, fight climate change, expand the bio-economy, and enhance B.C.'s forests. The enclosed Forest Enhancement Society of B.C. (FESBC) Accomplishments Report shows the huge amount of work underway in a vast number of communities across rural British Columbia. Citizens and governments alike will be pleased to see real-life local projects that are happening close to where they live.

FESBC achieves this work by granting funds provided by the Province of British Columbia and the Government of Canada to third parties who implement projects and treatments on the land base. It is likely there have been projects in and around your community being delivered by people who live in your local area. When the opportunity arises, please thank these people and our governments for assisting B.C. and Canada in achieving our shared vision of enhanced forest resilience for the lasting benefit of British Columbia's environment, wildlife, forest health, and communities. If you are one of the local governments who are directly involved in delivering projects in your area, please accept our gratitude.

There is a wide diversity in project proponents, from community forests to municipalities to government agencies, and others. The largest group funded is the 30% of the projects that have First Nations participation (49 projects valued at \$44 million). In many cases, it is a First Nation who is the lead agency that envisions, plans, and delivers these projects. When the opportunity arises, please help us to express our gratitude to these First Nations along with the other delivery organizations actively at work in your area.

If you and your Councillors are interested in further information, please visit our website, [www.fesbc.ca](http://www.fesbc.ca), send me an email, or give me a call.

A handwritten signature in black ink that reads "Steve Kozuki". The signature is written in a cursive, flowing style.

Steven F Kozuki, RPF  
Executive Director, FESBC  
Office Phone: 1.778.765.0938  
Email: [skozuki@fesbc.ca](mailto:skozuki@fesbc.ca)

(7) MC - 7

**From:** [Ron McLaughlin](#)  
**To:** [Melissa Yeo](#)  
**Cc:** [Peter DeJong](#); [Pam Rooke](#); [Municipal](#); [Shawna Gilroy](#)  
**Subject:** Re: Introductory Meeting with Oliver Grüter-Andrew of E-Comm  
**Date:** Wednesday, February 20, 2019 7:56:41 PM

---

Hello Melissa. Thank you for your note. I am familiar with the work done by E-Comm. The offer might be of interest to some of our staff and Councillors. I have placed your correspondence on our next Agenda and will advise of interest. Thereafter we can work on a meeting date.

Best regards,

**Ron McLaughlin**

*Mayor*

### **The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** Melissa Yeo <Melissa.Yeo@PrimeBC.ca>  
**Sent:** Friday, February 15, 2019 3:14 PM  
**To:** Ron McLaughlin  
**Subject:** Introductory Meeting with Oliver Grüter-Andrew of E-Comm

Good afternoon,

My name is Melissa Yeo and I support Oliver Grüter-Andrew with E-Comm.

Oliver and Richard Walton would like to meet with Mayor McLaughlin and the village Councilor(s) to provide a background on E-Comm and some discussion. Originally the goal was for Richard Walton to organize a larger meeting for he and Oliver with the mayors on the North Shore but they have since decided they would prefer to be able to sit down and spend about an hour or so with each municipality to discuss items that are relevant to them.

Could you kindly advise if there is an interest in meeting with Oliver and Richard? If yes, perhaps we could look at some times in March of such a meeting? They would travel to your offices.

Thank you in advance for your time,

Melissa

**Melissa Yeo**

*Administrative Assistant*

**Office:** 604-215-4702 | [www.primecorpbc.ca](http://www.primecorpbc.ca)



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**From:** [Shawna Gilroy](#)  
**To:** [Shawna Gilroy](#)  
**Subject:** FW: Howe Sound Clean Up  
**Date:** Friday, March 1, 2019 11:58:33 AM

---

**From:** Ruth Simons [<mailto:howesoundbri@gmail.com>]  
**Sent:** Thursday, February 21, 2019 1:33 PM  
**To:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>; Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>  
**Subject:** Howe Sound Clean Up

Dear Ron and Peter,

Thank you for the offer to promote the big clean up we are planning for Howe Sound following the winter storms. At this point we do not have time or date for that event but in the meantime we are gathering facts and information so we are prepared on the 15th. One of the questions we are asking is around disposal and how each community is dealing with large and small pieces of debris.

It seems the boat part we dragged up above high tide mark from the Lions Bay beach is stuck in limbo as to who should remove it and where it goes. We will be sharing who is doing what around the sound at the Ocean Watch Task Force meeting tomorrow and on March 15th. We intend on addressing disposal for the big clean up which will likely take place in April or May.

I know many Lions Bay people have been picking up debris off the beach and putting it in the public garbage cans, this include the chunks of styrofoam.

Our numbers are growing for our March 15th planning day, I do have the hall booked but I am wondering if the Village would comp. the cost of the hall rental for the three hours we may have about 20 people need and this is a 100% volunteer effort.

Thank you,  
Ruth Simons,  
Lead,  
Howe Sound Biosphere Region Initiative Society,  
*Initiative for a UNESCO Biosphere Region designation*  
604 921-6564 c: 778 834-4292  
[www.HoweSoundbri.org](http://www.HoweSoundbri.org)  
*Biodiversity Conservation - Reconciliation - Sustainable Development*

**From:** [Shawna Gilroy](#)  
**To:** [Shawna Gilroy](#)  
**Subject:** FW: Lower Mainland LGA Call for Nominations and Resolutions for 2019 AGM And Conference  
**Date:** Friday, March 1, 2019 12:02:33 PM  
**Attachments:** [Lower Mainland LGA Call for Nominations for Executive 2019.pdf](#)  
[Lower Mainland LGA 2019 Call for Resolutions.pdf](#)

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

From: sstory@lmlga.ca [<mailto:sstory@lmlga.ca>]  
Sent: Tuesday, February 26, 2019 11:11 AM  
To: jcrompton@whistler.ca  
Subject: Lower Mainland LGA Call for Nominations and Resolutions for 2019 AGM And Conference

FOR DISTRIBUTION TO MAYOR AND COUNCIL(body of email and two attachments)

## NOTICE OF 2019 LOWER MAINLAND LOCAL GOVERNMENT ASSOCIATION AGM AND CONFERENCE

HARRISON Hot Springs Resort & Spa / May 8-10, 2019

We invite Elected Officials and those involved in Local Government to attend the 2019 Lower Mainland Local Government Association AGM & Conference in beautiful Harrison Hot Springs. The Lower Mainland LGA is your association advocating for government on behalf of Metro Vancouver, Fraser Valley and Sea to Sky.

This year our conference will focus on Local Government 201: Working with other Levels of Government. A robust resolutions session, a public debate, engaging presentations on the future of the region and a special closing keynote to be announced soon, promise that this will be our best conference yet.

If you are new to local government this is your chance to get to know your colleagues and understand some of our shared challenges and opportunities. If you've been around a while, this is your chance to contribute to our shared vision. Please join us May 8-10. Register now while space is still available. Register here: <https://www.civicinfo.bc.ca/event/2019/LMLGA>

Sincerely,

Jack Crompton  
President, Lower Mainland LGA

### RESOLUTIONS:

Lower Mainland LGA members are invited to submit resolutions for consideration at the upcoming AGM to be held during the afternoon of Thursday, May 9, 2019. The deadline to submit resolutions is Friday, March 15, 2019. Please see Call for Resolutions attached to this email.

### NOMINATIONS:

Lower Mainland local government elected officials are invited to run for a position on the Lower Mainland LGA Executive. The deadline for nominations is Friday, March 22, 2019. Please see the Call for Nominations attached to this email.



# LOWER MAINLAND

## LOCAL GOVERNMENT ASSOCIATION

**TO: Mayor/Chair; Council/Board**

**FROM: Councillor Jason Lum, Lower Mainland LGA Past President**

**DATE: February 26, 2018**

**RE: 2019 CALL FOR NOMINATIONS**

---

**Please include the following information on your next meeting agenda.**

This circular is notice of the Lower Mainland LGA Executive positions open for nomination, the process and the procedures for nomination.

The deadline for receipt of your nomination is **Friday, March 22, 2019**. The Lower Mainland LGA Conference and AGM will be held on May 8-10, 2019 in Harrison Hot Springs.

The Lower Mainland LGA is the collective voice for local government on the Lower Mainland, including local governments in the Greater Vancouver Regional District, the Squamish-Lillooet Regional District and the Fraser Valley Regional District. The membership elects directors to the Executive during the Convention, and the Executive is charged with ensuring that policy direction set by the general membership is carried forward. The Executive also provides operational and policy direction to the Lower Mainland LGA between Conventions.

---

### **1. POSITIONS OPEN TO NOMINATIONS**

The following positions are open for nomination:

- President
- First Vice-President
- Second Vice-President
- Third Vice-President
- Directors at Large (3 positions)

## 2. NOMINATION PROCESS AND QUALIFICATIONS FOR OFFICE

The candidate must be an elected official of an Lower Mainland LGA member. The candidate must be nominated by two elected officials of an Lower Mainland LGA local government member.

Background information regarding the primary responsibilities and commitments of an LMLGA Executive member is available upon request.

A nomination and consent form is attached and should be used for all nominations.

The Chair of the 2019 Nominating Committee is Councillor Jason Lum, Lower Mainland LGA Past President.

## 3. NEXT STEPS

It is part of the duties of the Nominating Committee to review the credentials of each candidate. A Report on Nominations including, at the candidate's option, a photo and 200-word biography will be prepared under the direction of the Nominating Committee and distributed in the Lower Mainland LGA Convention Newsletter, which is distributed on-site at the conference. It is not the responsibility of the Lower Mainland LGA to edit applicant materials to make them suitable for print. If materials are not provided on time and print ready, Lower Mainland LGA reserves the right not to include them in the newsletter.

**To be included in the Convention Newsletter, send your current photo, biography and completed nomination form to:**

**[sstory@lmlga.ca](mailto:sstory@lmlga.ca)**

**With subject line: LMLGA Nomination Package – “applicant name”  
Deadline: March 22, 2019**

## 4. FINAL COMMENTS

The nomination process does not change the process allowing candidates to be nominated off the floor at the Convention. That process remains in place. The process outlined above provides for those that are interested in seeking office to be directly nominated prior to the Convention.

## 5. FURTHER INFORMATION

The attached consent form is available online at [lmlga.ca](http://lmlga.ca). All other inquiries should be directed to:

Shannon Story, Executive Director of the Lower Mainland LGA  
at [sstory@lmlga.ca](mailto:sstory@lmlga.ca)  
PO Box 488  
Pemberton, BC V0N 2L0

## NOMINATIONS FOR THE 2019 LOWER MAINLAND LGA EXECUTIVE

We are qualified under the Lower Mainland LGA Constitution to nominate<sup>1</sup> a candidate and we nominate:

Name of nominee: \_\_\_\_\_

Local government position (Mayor/Councillor/Director): \_\_\_\_\_

Local government represented: \_\_\_\_\_

Lower Mainland LGA Executive office nominated for: \_\_\_\_\_

Printed Name  
of nominator: \_\_\_\_\_

Printed Name  
of nominator: \_\_\_\_\_

Position: \_\_\_\_\_

Position: \_\_\_\_\_

Local Gov't: \_\_\_\_\_

Local Gov't: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

<b>CONSENT FORM</b>
---------------------

I consent to this nomination and attest that I am qualified to be a candidate for the office I have been nominated to pursuant to the Lower Mainland LGA Constitution<sup>2</sup>. I also agree to provide the following information to the Executive Director by March 22, 2019:

- 2"x3" Photo (high resolution)
- Biographical information. No more than 200 words in length.

Printed Name: \_\_\_\_\_

Running for (position): \_\_\_\_\_

Local Government: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> Nominations require two elected officials of members of the Association.

<sup>2</sup> All nominees of the Executive shall be elected representatives of a member of the Association.

**Return to: sstory@lmlga.ca  
c/o LMLGA, PO Box 488, Pemberton, BC V0N 2L0**



# LOWER MAINLAND

## LOCAL GOVERNMENT ASSOCIATION

**TO: Mayor/Chair; Council/Board**

**FROM: Mayor Jack Crompton, Lower Mainland LGA President**

**DATE: February 26, 2019** (4 pages total)

**RE: 2019 CALL FOR RESOLUTIONS - ANNUAL GENERAL MEETING**

---

**Please include the following information on your next meeting agenda.**

This circular is a notice of the Lower Mainland LGA Call for Resolutions.

The Lower Mainland LGA Convention and AGM will be held on May 8-10, 2019 in Harrison Hot Springs and we are **now accepting resolutions from the membership**. The deadline for receipt of your resolutions is **Friday, March 15, 2019**.

We encourage Lower Mainland LGA members to submit their resolutions to the Lower Mainland LGA for debate, rather than submitting them to UBCM. This is also the process preferred by UBCM. Lower Mainland LGA-endorsed resolutions on province-wide issues are submitted *automatically* to UBCM for consideration at the UBCM Convention. Resolutions received from the Lower Mainland LGA, and supported by our membership as a whole, tend to hold more weight than those that are submitted by individual communities.

---

### **DEADLINE FOR RESOLUTIONS**

All resolutions must be received in the LMLGA office by: **FRIDAY, MARCH 15, 2019**.

### **SUBMISSION REQUIREMENTS**

Resolutions submitted to the Lower Mainland LGA for consideration shall be submitted as follows:

- one copy of the resolution via email to the Lower Mainland LGA Executive Director Shannon Story at [sstory@lmlga.ca](mailto:sstory@lmlga.ca) with subject header "Resolution-title of your resolution" or, in the case of multiple resolutions, subject header "Resolution-X number enclosed";
- include a cover letter as an attachment outlining how many resolutions you have sent and the title of each resolution;
- each resolution should not contain more than two "whereas" clauses; and
- background documentation must accompany each resolution submitted, when available, and should be labeled "Background-Name of Resolution".

*You WILL receive an email notification that your resolution has been received within one week of receipt. If you do not receive an email confirmation, please call Shannon Story at 604-698-5753*

Sponsors should be prepared to introduce their resolutions on the Convention floor.

### **LATE RESOLUTIONS**

1. Resolutions submitted following the expiry of the regular deadline (March 15) shall be considered "Late Resolutions" and must comply with all other submission requirements. Late resolutions must be received by Lower Mainland LGA no later than 12 noon on Monday, May 6, 2019.
2. Late resolutions shall be considered for discussion after all resolutions printed in the Resolutions Book have been debated.
3. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
4. In the event that a late resolution is recommended to be admitted for discussion the Lower Mainland LGA shall produce sufficient copies for distribution at the Convention.

#### **SUBMIT RESOLUTIONS TO:**

**Lower Mainland LGA  
Attention: Shannon Story  
PO Box 488  
Pemberton, BC, V0N 2L0**

**Phone: (604) 698-5753  
Email: [sstory@lmlga.ca](mailto:sstory@lmlga.ca)**

### **THE RESOLUTIONS PROCESS**

1. Members submit their resolutions to Lower Mainland LGA for debate.
2. The Lower Mainland LGA submits the endorsed resolutions of provincial interest to UBCM.
3. The UBCM Resolution Committee reviews the resolutions submitted for consideration at the UBCM Convention.
4. Endorsed resolutions at the UBCM Convention are conveyed to the appropriate order of government, or relevant organization, for responses.
5. Once the responses have been conveyed to the UBCM they are forwarded to the sponsor for their review.

### **GUIDELINES FOR PREPARING RESOLUTIONS**

#### **The Construction of a Resolution:**

All resolutions contain a preamble and enactment clause. The preamble describes *the issue* and the enactment clause outlines *the action being requested*. A resolution should answer the following three questions:

- What is the problem?
- What is causing the problem?

- What is the best way to solve the problem?

### **Preamble:**

The preamble commences with a recital, or "WHEREAS", clause. This is a concise sentence about the nature of the problem or the reason for the request. It should clearly and briefly outline the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. If explaining the problem requires more than two "WHEREAS" clauses, then provide supporting documents to describe the problem more fully. Do not add extra clauses.

### **Enactment Clause:**

The enactment clause begins with the words "THEREFORE BE IT RESOLVED". It must convey the resolution's intent, and should propose a specific action by the Lower Mainland LGA.

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

### **How to Draft a Resolution:**

#### **1. Address one specific subject in the text of the resolution.**

Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if the issues it addresses are too complex for them to understand quickly.

#### **2. Use simple, action-oriented language and avoid ambiguous terms.**

Explain the background briefly and state the desired action clearly. Delegates can then consider the resolution without having to struggle with complicated text or vague concepts.

#### **3. Provide factual background information.**

Even a carefully constructed resolution may not clearly indicate the problem or the action being requested. Where possible, provide factual background information to ensure that the "intent" of the resolution is understood.

Two types of background information help to clarify the "intent" of a resolution:

i Supplementary Memo:

A brief, one-page memo from the author, that outlines the background that led to the presentation and adoption of the resolution by the local government.

ii Council/Board Report:

A report on the subject matter, presented to council or board in conjunction with the resolution. If it is not possible to send the entire report, then extract the essential background information and submit it with the resolution.

Resolutions submitted without adequate background information will not be considered until the sponsor has been consulted and has provided documentation outlining the intent of the resolution.

#### **4. Construct a brief, descriptive title.**

A title assists to identify the intent of the resolution and eliminates the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution.

For ease of printing in the Annual Report and Resolutions Book and for clarity of intent, a title should be no more than three or four words.

**5. Check legislative references for accuracy.**

Where necessary, identify:

- the correct jurisdictional responsibility (e.g., ministry or department within the provincial or federal government)
- the correct legislation, including the name of the Act

**6. Focus on issues that are relevant to all Lower Mainland members.**

The issue identified in the resolution should be relevant to other local governments in the Lower Mainland LGA. This will support proper debate on the issue and assist Lower Mainland LGA or UBCM to represent your concern effectively to the provincial or federal government on behalf of all local governments.

**7. Avoid repeat resolutions.**

In the past, resolutions have come back year after year on the same topic. Elected officials and staff are encouraged to search the UBCM Resolutions database available through the website at [www.ubcm.ca](http://www.ubcm.ca). Click on the “Resolutions and Policy” tab at the top of the page. It will be possible to locate any resolutions on the same topic that have been considered in the past and what the response has been. Endorsed resolutions are part of the advocacy agenda and duplicates are not required.

**8. Ensure that your own local government’s process for consideration, endorsement, and conveyance of resolutions to Lower Mainland LGA/UBCM is followed.**

**MODEL RESOLUTION**

**SHORT TITLE:** \_\_\_\_\_

**Local Government Name** \_\_\_\_\_

WHEREAS \_\_\_\_\_  
\_\_\_\_\_;

AND WHEREAS \_\_\_\_\_  
\_\_\_\_\_;

THEREFORE BE IT RESOLVED that \_\_\_\_\_  
\_\_\_\_\_.

(Note: A second resolve clause if it is absolutely required should start as follows:)

AND BE IT FURTHER RESOLVED that \_\_\_\_\_  
\_\_\_\_\_.

If you have any questions, please contact Shannon Story by email at [sstory@lmlga.ca](mailto:sstory@lmlga.ca) or by calling (604) 698-5753.

**From:** [Naizam Jaffer](#)  
**To:** [REDACTED]  
**Cc:** [Pam Rooke](#); [Peter DeJong](#); [Council @ Lions Bay](#)  
**Subject:** RE: WWTP  
**Date:** Wednesday, February 27, 2019 7:43:40 PM

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Mr. Liu,

Thank you kindly for your correspondence. I have been asked to respond with respect to the Kelvin Grove WWTP routine and extraordinary repairs and maintenance. I have already replied to Mr. Tibor with similar information.

As a matter of course, Public Works staff maintain and repair the WWTP on a regular basis and to date we have already replaced the chain and sprocket twice, the motor once, the serpentine coupler 3 times, the gear reducer twice, the chain-oil drive twice, the media packs once each so far, etc... which is what Kelvin Grove's residential sewer taxes fund. Our intent is to continue to repair the plant as long as is feasible and parts are available. The current mechanical failure is due to corrosion and wear of one of the media pack supports on the axel housing media packs 1 & 2 (the 'plastic disks' referred to by Mr. Tibor). This support wore thin and snapped with a portion of the support jamming into the side of the plant and effectively putting the brakes on the rotation. This set of media packs (housed on one 20-foot-long axle) were replaced in 2002 giving it a 16-year (+/-) lifespan. Media packs 3 & 4 along with the motor were replaced in 2010 (which I believe is what you erroneously refer to as being "completely replaced a few years ago"). The WWTP system is composed of four media packs – the lifespan of media packs 1 & 2 is 16 (+/-) years; therefore, we can expect disks 3 & 4 to likely fail in 2026<sup>ish</sup>.

Replacement of the plant is an eventuality, likely sometime within the next 5 – 8 years (or longer). This fact is driven by several issues:

- (a) This is a proprietary packaged treatment plant subject to patents owned by the RotorDisk brand. The mechanical components are becoming harder to obtain and, as is the case with the chain and sprocket, have to be manufactured as one-offs. The sprocket is not a standard unit that can be purchased off-the-shelf at a marine or mechanical outfitter, it's a specialty item for which the manufacturer's representative in Ottawa had to have custom fabricated at their metal shop using the RotorDisk custom design. At some point in the future, replacement parts may not be available and we'd be faced with attempting to jerry-rig parts to make the plant function.
- (b) The plant was designed for a maximum wastewater volume of  $218 \text{ m}^3/\text{day}$  based on the number of lots in Kelvin Grove, some of which have not yet been developed. Last year, we approached  $200 \text{ m}^3/\text{day}$  on two occasions; incoming wastewater volumes beyond this number will result in a reduced treatment ability and will likely put us out of compliance with the bacterial and suspended solids (BOD and TSS) counts allowed under our permit.
- (c) According to the Environmental Protection Officers and Ministry officials we have had

discussion with, any major upgrades (like complete replacement of the internal components of our plant with a similar but new RBC system), decline in treatment performance, or increases in wastewater volume, will trigger a new registration process via the Municipal Wastewater Regulations. Registration would subject us to the current standards for treatment of wastewater with caveats for upgrading these requirements to include personal care products (PCPs) and contaminants of emerging concern (CECs). New permits will include more stringent BOD/TSS values and nutrient removal along with tertiary disinfection through chlorine or UV treatment.

Among other things, the engineering study to be done will determine the appropriate technology required to meet current and potential treatment requirements along with the potential for building out the wastewater system (in phases if possible) to meet the needs of the whole Village, or a greater portion of it, which would result in a wider sharing of associated costs.

There are many considerations that we need to determine prior to asking “a bunch of potential contractors to give us estimates what needs to be done.” Since the final wastewater quality is being mandated by the Ministry of the Environment and needs to meet both provincial and federal standards, we need to ensure the treatment methodology selected will adhere to these mandatory parameters. Other considerations include, but are not limited to, short- and long-term costs of ownership, maintenance requirements and staff training, component availability and costs, plant life span, the ability to increase treatment capacity in terms of volume and efficiency, and so on. That said, rest assured that we will be using a competitive bid process for both the engineering study and future replacement of the treatment plant.

I encourage you to read the online [FAQ's \(available on our website\)](#) regarding the WWTP which provides answers to some of the questions posed by you in your correspondence. AECOM's engineers reviewed the plant in the [2016 Infrastructure Master Plan](#) (Section 3) which is also available online on our [website](#), section 3 of which outlines the condition and life expectancy of the plant.

Finally, please be advised that the Infrastructure Committee will be discussing the WWTP at the upcoming meeting on February 28, 2019 at 7:00 pm in the upper Council Chambers room – this meeting is open to the public. The agenda package, which is [available online](#), contains further information on the WWTP.

Again, thank you for reaching out and providing valuable input to this process. Some of your questions will be included in upcoming communications to the residents of Kelvin Grove in the 2019 Utility Notice.

All the best,

Naizam (Nai) Jaffer  
Public Works Manager | Village of Lions Bay  
Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0  
Public Works Yard (604) 921-9833 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** Ron McLaughlin

**Sent:** Wednesday, February 20, 2019 7:28 PM

**To:** George L [REDACTED]

**Cc:** Naizam Jaffer <njaffer@lionsbay.ca>; Pam Rooke <finance@lionsbay.ca>; Peter DeJong <cao@lionsbay.ca>

**Subject:** Re: WWTP

Hello George. I am not in a position to contact you each time there is information on the KG WWRP. Please continue to keep checking the The Village Update which is where updates will be published.

At last evening's Council meeting the Public Works Manager asked that I forward your correspondence to him for a reply to you. He is also aware of your neighbor's correspondence.

Regards,

**Ron McLaughlin**

*Mayor*

**The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** George L [REDACTED]

**Sent:** Tuesday, February 19, 2019 4:52 PM

**To:** Ron McLaughlin

**Subject:** Re: WWTP

Dear Mayor,

Thank you for your prompt reply.

Would you please send me a notification before the next meeting for this issue. I am afraid of missing it even if I will check the Village's website frequently.

You may have heard from my neighbour, Tibor about his first-hand information, I quote as follows,

"As for the replacement of the unit 5 years ago, I happen to know for A FACT as I witnessed the procedure since I was down there 2-3 times a day with my dog. The "system" is a very simple "macerator" type unit, it is not really a treatment plant, only a wastewater homogenizer, the big concrete tub w. removable concrete slabs, in the middle of it, is a 10+ft long steel axle with dozens of big round plastic plates turning on 2 large bearings driven by a big electric motor through a short chain. that is ALL! A very simple marine gear setup, that prevents the tank from settling and keeps the "shit flowing", the only thing can go wrong is either bearing failing, chain brakes, electric motor brakes, all of it is an easily manageable repair.

ALL these moving parts (including the huge disc set wheel) were replaced 5 years ago after 30 years of service, so the current system has another 25 years left in it, and if and when it will need replacing again it will NOT cost 2M\$ as it did not 5 years ago."

Could anyone in charge of this facility give us some more **facts**? We want to know what was broken and why could they get it fixed!

Regards,  
George

---

**From:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>

**Sent:** February 19, 2019 1:17 PM

**To:** George L; Council @ Lions Bay; Municipal

**Cc:** Peter DeJong

**Subject:** Re: WWTP

Hi George. The WWTP is not on tonight's agenda. It may not be on the agenda of the 5th either. There is some correspondence in tonight's package to do with the WWTP. One letter is from a resident who wants to join in, one who is giving us advice on how to repair it, and one

from Councillor Cunliffe who lives in KG. These items will likely be received with no comment. The next step which is outstanding is for the Public Works Manager to get us a quote estimate to do the study.

As matters develop on the WWTP it will be front page in the Village Update.

Regards,

**Ron McLaughlin**

*Mayor*

### **The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** George L [REDACTED]  
**Sent:** Tuesday, February 19, 2019 11:57 AM  
**To:** Ron McLaughlin  
**Subject:** Re: WWTP

Dear Mayor,

Thanks for your reply.

Does it mean this issue won't be on the agenda of today's council's meeting? it will be discussed on March 5th instead?

It is good to know that the Council is not jumping to any conclusions now, and I think that is what we all are expecting.

Regards,

George

---

**From:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>  
**Sent:** February 19, 2019 9:22 AM  
**To:** George L; Council @ Lions Bay; Municipal  
**Cc:** Peter DeJong; Shawna Gilroy  
**Subject:** Re: WWTP

Dear George:

Last Monday the Village posted a Frequently Asked Question (FAQ) document on the home page of our website under Village News. The latest on the treatment plant along with the aforementioned document appeared in the Village Update Friday. I am replying to those who have sent me emails and ask you to review the information. Please refer anyone you may speak with about this topic to the FAQs.

Your email (address redacted) will become part of the Village's official correspondence and available for the public to see. It will appear in the correspondence section of the agenda of Council's meeting of March 5th.

Hopefully this information will help everyone engage in thoughtful, considerate discussions on these matters. I think it's important to convey that Council is not jumping to any conclusions and need to receive the study to help understand options and costs.

Regards,

**Ron McLaughlin**

*Mayor*

**The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada  
Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** George L [REDACTED]  
**Sent:** Sunday, February 17, 2019 4:00 PM  
**To:** Council @ Lions Bay; Municipal  
**Subject:** WWTP

Dear Mayor and Councillors,

I just got to know the problem with the WWTP. And I have some questions and concerns as follows,

1. What is the actual problem for the plant? Does it have to be replaced? why cannot it be repaired? as \$2 million is a huge amount, I talked to some neighbours I know, I haven't found anyone willing to pay for the extra cost. Just assuming the project could proceed as you imagined, it is possible that the estimated \$2 M may not cover the budget (like many other projects), it would be a nightmare to all homeowners on Kelvin Grove Way!
2. Who can decide if it shall be replaced or repaired? I am not sure if any member of the council is residing on Kelvin Grove, if not, then there is a conflict of interests, those who are not living on this street won't care too much about how the money will be spent (It is just like we won't elect someone from another community to be our mayor or councillor). Even if it will be the case eventually, it shall be evaluated by an independent specialist whom the council members are not familiar with, the homeowners may find an independent company in this field to evaluate the problem, and make suggestions to solve this problem, so that the conflict of interests will be avoided.
3. As another neighbour indicated that lots of parts were replaced only a few years ago, why can't it be repaired now? We need more facts on this before any conclusion is made!
4. If the majority of the 95 homeowners disagree to replace it, you shall not proceed with this option of replacing it, you shall try your best to lower down the cost and get it fixed.
5. What if some or most of the homeowners refuse or unable to pay for it, as \$21,000 is a very large amount for a lot of homeowners, how are you going to push this project?
6. Any homes connected to the plant in recent years shall be considered as adding burdens to the existing system, the community shall use all the profit from those sales to finance the repair. It is absolutely unfair to ask us to pay for it when the council is trying to sell every inch of land in the Village! (Lot 35 at the ramp of Kelvin Grove is an example, there was no public hearing was held at all, before the lot was rezoned to a

residential property. The By-law requires written letters shall be delivered to all homeowners affected by the rezoning. I contacted the CAO for this matter, and I was informed the change of zoning is not considered as rezoning, I am not sure what is rezoning then!

7. Every year, homeowners are paying about \$700 for the sewer, that comes to about \$70K, where did all the money go? we shall have the right to review the spending. The accumulations from past years shall be spent for the repairs.
8. You shall contact the government agencies to get some funds to fix the problem, it shall not be borne solely by the KGW homeowners.

Thanks for your attention!

George Liu



**From:** [Peter DeJong](#)  
**To:** [REDACTED]  
**Cc:** [Council @ Lions Bay](#); [Shawna Gilroy](#); [Pam Rooke](#); [Naizam Jaffer](#)  
**Subject:** Community Police Officer  
**Date:** Monday, February 25, 2019 10:30:10 PM  
**Attachments:** [180918 - Surveillance and Security Systems for Public Property in Lions Bay.pdf](#)

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Hello Mr. Hood:

Thanks for your email below. I have been asked to respond in respect of the proposed additional policing services. As noted by Mayor McLaughlin, this is something that is still in the exploratory stages and involves the use of recently retired officers to undertake additional services that can be tailored to meet the specific needs of a community with 30% of the costs effectively covered by the Government of Canada . For example, we could focus the officer's time on the months of May through September, when we do tend to have more issues ranging from break ins to disturbances of the peace to more speeding and resultant noise on the highway. The last aspect alone is something which would have a good deal of appeal to the many residents who have to deal with highway noise, especially from motorcycles in the summer.

Deterrence does come in many forms and you have identified another in terms of people having surveillance cameras to help protect their properties. That is certainly something that is helpful and was encouraged by the police when they came to the Community Policing Information Meeting last month. As a municipality, we cannot however, recommend one product over another. But we did already take a preliminary look at the costs of purchasing surveillance cameras for municipal purposes, which was shown to be a very expensive endeavor with many complicating factors, including the operational costs of monitoring and maintaining such equipment, the lack of power sources available for it, etc. (see attached report from the Sept.18/18 Council meeting).

The matter was tabled until the next strategic planning session and, in the interim, the discounted reserve officer program came to light and we have been investigating what that might look like and whether it would achieve Council's objectives in an economically responsible way. Council will debate this question further during the budget process and I'm sure will make note of your input in this regard. Thank you for contributing your feedback.

**Peter DeJong**, BA, LLB, CRM  
*Chief Administrative Officer*

**The Municipality of the Village of Lions Bay** [www.lionsbay.ca](http://www.lionsbay.ca)  
PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 , Canada  
Village Office (604) 921-9333 | Fax (604) 921-6643

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**From:** Hood in lions bay [REDACTED]

**Sent:** Saturday, February 9, 2019 10:19 AM  
**To:** Ron McLaughlin  
**Cc:** Peter DeJong; Council @ Lions Bay  
**Subject:** Community Police Officer

Hi Ron

In recent village updates you asked for better ways to get feedback so I thought I would provide some. I find the village updates a very good way of communicating with the village, I personally read it every week as does my wife so one email reaches 2 people. So thank you for the communication and please continue to keep it coming I feel like it keeps me informed on what is going on and would be happy to see more of it. It would be great to hear from more of the councillors through this channel as we have started to see in some recent editions.

In recent weeks you have been discussing the community police officer and this week it seems to be moving forward with some certainty. The idea of the village spending an additional \$40,000 on this is something I am opposed to. I don't believe it will have any real impact on the kind of crime we see in the village which frankly is very low, we are block watch captains up here on timbertop so also read all these reports like for December ..."A crime free month in Lions Bay" January..."another quiet month" what would this police officer be doing during these times? Its a hefty price tag given our limited tax base. There are far more important things to spend our money on. I would be interested to know how many people think this is a wise use of funds and how council came to the conclusion that we should proceed with this. When people hear of crime like the post office theft I'm sure they think it would be good to have more policing, its never a bad thing, but how many people stop to consider the cost. My point is I don't think a semi retired police officer driving around the village or sitting in the office at the Hall during the day will deter or even catch anyone or for that matter have prevented crimes of this nature. We would be better to put up surveillance cameras at the entry and exit points to the village and on municipal properties so we can check licence plates of vehicles coming and going after a crime. Encouraging people to put up cameras on their homes, technology is getting better and cheaper and is a much greater deterrent than any part time cop that can only ever be in one place at a time. How about a recommendation from someone on what is the best value security camera for home owners. How many security cameras could \$40,000 buy? I would urge you to reconsider this initiative and would like to hear back on how consensus was reached, maybe you can point me to some previous correspondence. As recommended in your recent village update on communication I have copied all of council so its on the record.

Thank you to you and council for all you do, I know its a tough and under appreciated role so please accept my correspondence as feedback and not criticism.

Stuart Hood

[REDACTED]  
[REDACTED]

**From:** [Shawna Gilroy](#)  
**To:** [Shawna Gilroy](#)  
**Subject:** FW: Village Update - KG WWTP  
**Date:** Friday, March 1, 2019 12:09:46 PM

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**From:** Public Works  
**Sent:** Wednesday, February 27, 2019 7:12 PM  
**To:** [REDACTED]  
**Cc:** Council @ Lions Bay <council@lionsbay.ca>; Peter DeJong <cao@lionsbay.ca>; Pam Rooke <finance@lionsbay.ca>  
**Subject:** RE: Village Update - KG WWTP

Mr. Zombori,

Thank you kindly for your correspondence. I have been asked to respond with respect to the Kelvin Grove WWTP routine and extraordinary repairs and maintenance.

As a matter of course, Public Works staff repair the WWTP on a regular basis and to date we have already replaced the chain and sprocket twice, the motor once, the serpentine coupler 3 times, the gear reducer twice, the chain-oil drive twice, the media packs once each so far, etc... Our intent is to continue to repair the plant as long as is feasible and parts are available. The current mechanical failure is due to corrosion and wear of one of the media pack supports on the axle housing media packs 1 & 2 (the 'plastic disks'). This support wore thin and snapped with a portion of the support jamming into the side of the plant and effectively putting the brakes on the rotation. This set of media packs (housed on one 20-foot-long axle) were replaced in 2002 giving it a 16-year (+/-) lifespan. Media packs 3 & 4 along with the motor were replaced in 2010 (which I believe is what you erroneously refer to as being "completely replaced a few years ago"). The WWTP system is composed of four media packs – the lifespan of media packs 1 & 2 is 16 (+/-) years; therefore, we can expect disks 3 & 4 to likely fail in 2026<sup>ish</sup>.

Replacement of the plant is an eventuality, likely sometime within the next 5 – 8 years (or longer). This fact is driven by several issues:

- (a) This is a proprietary packaged treatment plant subject to patents owned by the RotorDisk brand. The mechanical components are becoming harder to obtain and, as is the case with the chain and sprocket, have to be manufactured as one-offs. The sprocket is not a standard unit that can be purchased off-the-shelf at a marine or mechanical outfitter, it's a specialty item for which the manufacturer's representative in Ottawa had to have custom fabricated at their metal shop using the RotorDisk custom design. At some point in the future, replacement parts may not be available and we'd be faced with attempting to jerry-rig parts to make the plant function.
- (b) The plant was designed for a maximum wastewater volume of 218 m<sup>3</sup>/day based on the number of lots in Kelvin Grove, some of which have not yet been developed. Last year,

we approached 200 m /<sub>day</sub> on two occasions; incoming wastewater volumes beyond this number will result in a reduced treatment ability and will likely put us out of compliance with the bacterial and suspended solids (BOD and TSS) counts allowed under our permit.

- (c) According to the Environmental Protection Officers and Ministry officials we have had discussion with, any major upgrades (like complete replacement of the internal components of our plant with a similar but new RBC system), decline in treatment performance, or increases in wastewater volume, will trigger a new registration process via the Municipal Wastewater Regulations. Registration would subject us to the current standards for treatment of wastewater with caveats for upgrading these requirements to include personal care products (PCPs) and contaminants of emerging concern (CECs). New permits will include more stringent BOD/TSS values and nutrient removal along with tertiary disinfection through chlorine or UV treatment.

Among other things, the engineering study to be done will determine the appropriate technology required to meet current and potential treatment requirements along with the potential for building out the wastewater system (in phases if possible) to meet the needs of the whole Village, or a greater portion of it, which would result in a wider sharing of associated costs.

There are many considerations that we need to determine prior to asking “a bunch of potential contractors to give us estimates what needs to be done.” Since the final wastewater quality is being mandated by the Ministry of the Environment and needs to meet both provincial and federal standards, we need to ensure the treatment methodology selected will adhere to these mandatory parameters. Other considerations include, but are not limited to, short- and long-term costs of ownership, maintenance requirements and staff training, component availability and costs, plant life span, the ability to increase treatment capacity in terms of volume and efficiency, and so on. That said, rest assured that we will be using a competitive bid process for both the engineering study and future replacement of the treatment plant.

Again, thank you for reaching out and providing valuable input to this process. Some of your questions will be included in upcoming communications to the residents of Kelvin Grove.

All the best,

Naizam (Nai) Jaffer

Public Works Manager | Village of Lions Bay

Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0

Public Works Yard (604) 921-9833 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** Shawna Gilroy

**Sent:** Tuesday, February 26, 2019 12:59 PM

**To:** Public Works <[works@lionsbay.ca](mailto:works@lionsbay.ca)>

**Subject:** FW: Village Update - KG WWTP

**From:** Ron McLaughlin  
**Sent:** Wednesday, February 13, 2019 7:18 PM  
**To:** [REDACTED] Municipal <[agenda@lionsbay.ca](mailto:agenda@lionsbay.ca)>  
**Cc:** [REDACTED] Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>; Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>; Shawna Gilroy <[office@lionsbay.ca](mailto:office@lionsbay.ca)>  
**Subject:** Re: Village Update - KG WWTP

Hi Ty: You are in correspondence, Thank you for your reply.

Regards,

**Ron McLaughlin**

*Mayor*

### **The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada  
Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** ty Giovanni [REDACTED]  
**Sent:** Wednesday, February 13, 2019 4:30 PM  
**To:** Ron McLaughlin  
**Cc:** [REDACTED]  
**Subject:** Re: Village Update - KG WWTP

Dear Mayor and Fellow Lions Bay-ers,  
I have no problem sharing my opinion, to whom ever is interested in the subject, or for improving our life while saving \$. Life is all about gaining pleasure and avoiding pain  
I have red your PDF communique on the sewer questions. I for one 100% disagree with point no 2.

**"Eventually, repairs become unfeasible due to financial impracticality or non-existent parts, or both."**

as I stated before the current system WAS REPLACED! just a few years ago. We can expect an other 30+ year life out of this one with proper maintenance, as it a fairly simple "macerator" marine gear setup, parts are widely available in any marine gear supplier, luckily we live close to one of the largest harbor in the world!

As for future requirements, we have been paying 70.000/year in sewer fees, for ages, where is that \$? Should not have been part of that put a side for a rainy day fund so down the road we will have the means to repair/replace? Was not any bylaw enacted for that provision?

**"As well, the regulatory environment dictated by higher orders of government changes and treatment requirements become stricter. "**

I also strongly oppose to pay for some study that will tell us what we already know. When the day really comes that we need to act, we can ask a bunch of potential contractors to give us estimates what needs to be done. Scaring us into spending because of non existent "regulatory environments dictated by higher orders" is just wrong.

As for 35 Kelvin that is a prime example how not to do things, the prep was supposed to take a week, but the village changed design multiple times while the work was being done, so the finished project was dug up 3 times, so it turned into a 3 week \$150.000 cost on a parcel, that we are lucky if we get out even that. I know that the village is trying to sell it for a million, but that is delusional, for a parcel of land that is 70 degrees steep and 20 ft wide, it is a bus stop and HWY exit. The neighboring LOT#50 that is 2x wider, less steep, and has a landing sold for \$250K and still not being built on.

If any of you need any help, don't hesitate to contact me.

Best regards.

Tibor Zombori

[REDACTED]

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**From:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>

**Sent:** Tuesday, February 12, 2019 11:31 AM

**To:** ty Giovanni

**Cc:** [REDACTED]

[REDACTED]

[REDACTED] Peter DeJong; Naizam Jaffer

**Subject:** Re: Village Update - KG WWTP

<https://www.lionsbay.ca/government/news/kelvin-grove-wastewater-treatment-plant-replacement-faqs>

Dear Ty:

Late yesterday the Village posted the attached document on the home page of our website under Village News. I am replying to those who have sent me emails and ask you to review the information. Please refer anyone you may speak with about this topic to the FAQs. In this Friday's Village Update we will include a link to this information.

For you to consider is whether or not you would like your email (address redacted) to become part of the Village's official correspondence and available for the public to see. Please advise me if you would and it will appear in the correspondence section of the agenda of the Council's next meeting (19th.)

Hopefully this information will help everyone engage in thoughtful, considerate discussions on these matters. I think it's important to convey that Council is not jumping to any conclusions and need to receive the study to help understand options and costs.

The Public Works Manager along with the Village Chief Administration Officer have been copied. If there is any chance that hard to obtain parts can be sourced sooner, your suggestion will be explored.

Regards,

**Ron McLaughlin**

*Mayor*

### **The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada  
Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** ty Giovanni [REDACTED]  
**Sent:** Tuesday, February 12, 2019 10:20 AM

**To:** Ron McLaughlin

**Cc:** [Redacted]  
[Redacted]  
[Redacted]

**Subject:** Fw: Village Update

Dear Mayor,

I would like to respond to you posting regarding the Kelvin Grove septic system. In my professional opinion we do not need an/any company for 70K\$ to tell us what we need for 200+\$K.

Most people do not know but the current system was completely replaced just a few years ago (took pictures when it was done), and it consists of a 20 ft long steel axle turning on 2 bearings, containing a few dozen of plastic discs, the whole thing is driven/turned slowly by a chain and a big electric motor. If and when that needs to be replaced again **MANY YEARS FROM NOW** that is **NOT \$200K!** in the mean time if any of the bearings, the chain or the electric motor needs servicing it is beyond me why we have to wait for parts for weeks it is a simple marine gear setup widely available in any harbor (Vancouver being one of the largest in the world).

Tibor Zombori

[Redacted]  
[Redacted]

**From:** [Shawna Gilroy](#)  
**To:** [Shawna Gilroy](#)  
**Subject:** FW: Septic, or Sewer?  
**Date:** Friday, March 1, 2019 12:15:49 PM

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**From:** Public Works  
**Sent:** Wednesday, February 27, 2019 8:05 PM  
**To:** Council @ Lions Bay <council@lionsbay.ca>; [REDACTED]  
**Cc:** Municipal <agenda@lionsbay.ca>; Peter DeJong <cao@lionsbay.ca>; Pam Rooke <finance@lionsbay.ca>  
**Subject:** RE: Septic, or Sewer?

Good evening Cam,

Please accept my apologies for the delay in responding to your message.

Unfortunately we are unable to accommodate connections to the wastewater by residents outside Kelvin Grove – the infrastructure simply isn't in place.

All the best,

Naizam (Nai) Jaffer

Public Works Manager | Village of Lions Bay  
Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0  
Public Works Yard (604) 921-9833 | [www.lionsbay.ca](http://www.lionsbay.ca)

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

**From:** CAM MEHLENBACHER [REDACTED]  
**Sent:** Saturday, February 09, 2019 9:20 PM  
**To:** Lions Bay Reception <[reception@lionsbay.ca](mailto:reception@lionsbay.ca)>  
**Subject:** Septic, or Sewer?

Hi Ron

Saw your notes in the Village Update regarding upgrades to the Kelvin Grove Sewer system.

We live at 200 Panorama Rd, and are hoping we may be able to tap into this!

So far we have spent about \$7,000 on surveys and design for our new septic system, and still have another \$20,000 + to spend before the upgrade is complete. I would much rather spend this money on tapping into the Kelvin Grove sewer system.

Please let me know if this is an option...we are only 3 doors down from Kelvin Grove...and would be

willing to pay up front!

Thank you!

Cam



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# **ON-TABLE ITEMS**



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	Request for Decision		
<b>Title</b>	Curly Stewart Memorial Trust Fund Award Committee Membership Appointments		
<b>Author</b>	Peter DeJong	<b>Reviewed By:</b>	
<b>Date</b>	March 3, 2019	<b>Version</b>	
<b>Issued for</b>	March 5, 2019 Council Meeting		

### Recommendation:

(1) THAT the following persons be appointed to the Curly Stewart Memorial Trust Fund Award Committee: *[to be selected in closed meeting and reported out]*.

### Attachments:

- (1) Curly Stewart Memorial Trust Fund Award Committee Terms of Reference;
- (2) 2019 Request for Applications for Membership on the Curly Stewart Memorial Trust Fund Award Committee.

### Key Information:

In March of 2018, Council dissolved the old Curly Stewart Memorial Trust Fund Award Committee in order that this body be properly constituted under the Community Charter, with a refreshed Terms of Reference and new appointees to serve on the Committee. Council approved the attached Terms of Reference (TOR) and four Committee members were selected from applications made by residents, with the Committee chaired by the Mayor.

The TOR provides for staggered membership terms is so that there will, theoretically, always be a quorum of members (including the Council member) whose term will not expire in any given year. One of the members has resigned from the Committee this year and another offered to have their term be one of the one year memberships, thus expiring February 28, 2019, with the intent that they would re-apply for another term. Thus, there is a need to appoint at least two, and up to four, members to carry on the work of the Committee, which is now chaired by Councillor Abbott.

Three new application have been received, and Council is requested to review the applications in the Closed portion of this Council Meeting.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Options:**

- (1) Upon returning from the Closed portion of the Council meeting, appoint 2 or 4 members to the Committee;
- (2) Do not appoint any new members to the Committee, which would leave it with a bare quorum to conduct business this spring;
- (3) Direct staff otherwise.

**Preferred Option:** Options 1 is the preferred, recommended option.

**Next Steps/Communication Plan:** Include a notification in the Village Update and notify Committee applicants accordingly.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### **Curly Stewart Memorial Trust Fund Award Committee Terms of Reference**

#### **Purpose of the Committee**

The purpose of the Curly Stewart Memorial Trust Fund Award Committee (the “Committee”) is to advise Council on the selection of an applicant for the annual award of a scholarship from the Curly Stewart Memorial Trust Fund (the “Award”).

#### **Establishment and Authority**

Section 142 of the Community Charter provides Council with the authority to establish a select committee to consider or inquire into any matter and to report its findings and opinion to Council. The Committee’s role is advisory; it has no authority to approve or implement decisions. The Committee shall report directly to Council through its Chair.

#### **Composition**

The Committee shall be comprised of 5 or 7 members, with the Chair to be a member of Council and the remaining members to be residents of Lions Bay as appointed by Council. For initial appointments to the Committee, one half of the members shall be for a term of one year and the other half shall be for a term of two years, with all appointments expiring on February 28<sup>th</sup> of their respective years. Thereafter, terms shall be for two years each, expiring February 28<sup>th</sup>.

Each year in January, the Committee members whose term is expiring the following month shall advise the CAO and Council if they will stand for re-appointment. If any members wish to resign, the CAO will advertise in the Village Update and bring the names of new applicants to the last Council meeting in February where Council will appoint or re-appointment members to the Committee in respect of those positions expiring.

#### **Committee Responsibility**

The Committee shall recommend one award per year, based upon the criteria encapsulated in the application form, and review these Terms of Reference and the Application Form, and recommend any changes for the consideration of Council. This should be the first task of a newly convened Committee each year.

#### **Committee Procedure**

The Committee will meet as often as is required between the close of applications on April 30<sup>th</sup> each year and the last Council meeting in June of each year. Meetings will be convened in “open



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

meeting” and only closed to the public as required pursuant to the grounds enumerated in section 90 of the *Community Charter*. The Committee’s recommendations shall be by consensus; where consensus cannot be reached, each member shall have one vote.

The conflict of interest provisions of the *Community Charter* shall apply to all members, and any member with a conflict shall so declare and recuse themselves from the decision-making process. If, as a result of recusal of a member the Committee is unable to make a recommendation by consensus or by voting, the Chair shall cast the deciding vote.

The Committee will appoint one of its members to take descriptive, succinct minutes to be vetted by the Chair and approved by the Committee at a subsequent meeting.

**Staff Role and Responsibility**

Municipal staff will assist the Committee by preparing and posting Notices of Meeting, Agendas and Minutes of the open portion of meetings. Staff will not attend Committee meetings, unless requested to do so by the Committee or its Chair. Background or financial information from staff may be requested by the Chair to assist the Committee.

Adopted by Council:	March 20, 2018
Amended:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

CONFIDENTIAL

Application for the Curly Stewart Memorial Trust Fund Award

The Curly Stewart Memorial Trust Fund was established to honour the life and public service of the first mayor of the Village of Lions Bay, Allan M. "Curly" Stewart, who served from 1971 to 1981. A \$500 scholarship is awarded annually from the trust fund, to the applicant who best exemplifies the criteria described in the official terms of reference for the award, which are, in no particular order:

- Lions Bay, British Columbia, Canada and world citizenship (for example, leadership, fundraising, volunteering, organisations, travel, family);
➤ Academic, athletic, arts or personal achievement (for example, schooling, offices held, awards and prizes, team participation, work experience);
➤ Future plans (for example, study, travel, career, service).
➤ And such other qualifying requirements as may be set out in this application.

All application materials are confidential to Lions Bay staff and the Award Committee. Do not supply originals: applications are not returned. Applications must be received at the municipal office by close of business on April 30th (or the next business day), by mail to PO Box 141, Lions Bay, BC V0N 2E0, by hand to 400 Centre Road, Lions Bay, BC V0N 2E0, or by email to office@lionsbay.ca .

PLEASE NOTE THAT THE FOLLOWING INFORMATION WILL BE CONFIDENTIAL TO STAFF AND MEMBERS OF THE MAYOR CURLY STEWARD MEMORIAL TRUST FUND AWARD COMMITTEE.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Application date: \_\_\_\_\_

Graduating from which secondary institution (independent and private schools included):

\_\_\_\_\_

Applicants must be under 20 years old on the date of application, and have been resident in the Village of Lions Bay for at least four months in each of the past 3 years. Provide street address(es), adult guardian name(s) and dates here (use a separate sheet for more space):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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Name and city of intended CICIC-accredited post-secondary institution:

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Intended field of study: \_\_\_\_\_

*I hereby certify that I have truthfully represented my qualifications for the Curly Stewart Memorial Trust Fund Award with this application.*

Signature of applicant: \_\_\_\_\_

Application checklist (submit only when complete)

- ✓ This completed form.
- ✓ Applicant's 500-1000 word statement of their achievements and intentions against the selection criteria.
- ✓ A letter to the Award Committee from a resident of Lions Bay on one or more aspects of the applicant's participation in the community.
- ✓ A letter to the Award Committee from the applicant's current school on their school career.
- ✓ Applicant's final 11<sup>th</sup> year and most recent 12<sup>th</sup> year (or equivalent) grade/mark reports.

Applicants will not be contacted for further input, so this application should stand on its own. Council's award is based on the Award Committee's recommendation and is final. The full name of the Award recipient is publically announced on the Village website, in one or more weekly Village Update newsletters, and at the Village's Canada Day commemoration on July 1<sup>st</sup> (in respect of which it is preferred but not mandatory that the Award is announced and a plaque presented to the recipient in person by the Mayor or Acting Mayor).

The \$500 monetary component of the award is paid to the recipient in Canadian funds upon delivery to the municipal office of an official half- or full-year course official transcript demonstrating full-time study (as defined by the applicable institution) at any Canadian Information Centre for International Credentials (CICIC)-accredited post-secondary education institution. Recipients may defer delivery of such transcript to the end of the second scholastic year following the award, after which time the monetary component, but not the award itself, is rescinded.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### **REQUEST FOR APPLICATIONS TO SIT ON THE CURLY STEWART MEMORIAL TRUST FUND AWARD COMMITTEE**

The Curly Stewart Memorial Trust Fund was established to honour the life and public service of the first mayor of the Village of Lions Bay, Allan M. “Curly” Stewart, who served from 1971 to 1981. A \$500 scholarship is awarded from the trust fund annually to a secondary student resident in Lions Bay who best exemplifies the qualities described in the terms of reference for the award.

The Curly Stewart Memorial Trust Fund Award Committee reviews applications and makes award recommendations to Council. Deliberations of the Committee are confidential in accordance with the provisions of the *Community Charter*, which allows closing such meetings to the public if the subject matter being considered relates to prescribed grounds including “personal information about an identifiable individual who is being considered for a municipal award or honour.”

The Committee has an opening for a new member. Familiarity with the ideals of scholastic achievement, community service, citizenship, arts, athletics and an ability to consider applications intended to illustrate these ideals would be an asset.

If interested, please email [office@lionsbay.ca](mailto:office@lionsbay.ca) with the subject heading “Curly Stewart Committee” before noon on Tuesday, February 12, 2019 with your name, physical and mailing address, email address and phone number(s), and short answers to the following:

- (1) Please describe why you are interested in participating as a member of the Committee.
- (2) Please provide a brief summary of how your experience would enhance the work of the Committee.

Participation is in a volunteer capacity, with no remuneration offered. Level of effort is anticipated to be two to four two-hour meetings in the Spring, plus individual time to review applications. Committee members’ names appear in the public record of the Council meeting appointing them and on the municipal website, and contact information will be provided to staff and other Committee members. To view the Committee’s Terms of Reference, click [here](#).

*Please note that the Curly Stewart Memorial Trust Fund Award Committee is a select committee of Village of Lions Bay Council and has no relationship to the Lions Bay Community Scholarship Foundation, which is a charitable non-governmental organization.*

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**From:** Karl Buhr  
**Sent:** Thursday, January 31, 2019 5:15 PM  
**To:** Council @ Lions Bay <[council@lionsbay.ca](mailto:council@lionsbay.ca)>  
**Cc:** Municipal <[agenda@lionsbay.ca](mailto:agenda@lionsbay.ca)>; Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>  
**Subject:** Highway role  
**Sensitivity:** Private

Dear Council,

I hereby regret resign as Council's highway representative. I realise I cannot work on the time-consuming projects you tasked me with while wondering if Council might again reverse itself at the first sign of public pushback. Indeed, your recent reversal of Council's endorsement of changing the speed limit from 60 to 70 km/h lost years of technical and political work, and ignored wide public acceptance. Even though it seems the province is going ahead with the change for speed differential reasons\*, I have to question the lack of support for a considered, informed request from your own representative.

Producing the deliverables you had tasked me with will take not only effort, but political will:

- Work needs to continue with MOTI toward permanent removal of derelict vehicles on MOTI land at Southview, installation of still-missing in-Village onramp signage, continual removal of large shrubs now growing out of retaining walls, enforcement of tow signage at Brunswick interchange and more.
- Lions Bay's call for Average Speed Over Distance in BC as a safety and noise initiative was endorsed by Council in 2017, and by the Lower Mainland Local Government Association and Union of BC Municipalities in 2018. The latter endorsements required significant work, luck and help. As Mayor I presented the concept to Ministers of Transport and Public Safety over several years (Liberal ministers were unsupportive, NDP ministers are receptive). The current Minister of Public Safety has our current MLA's verbal statement of if not support, of at least non-obstruction, and requested at October's UBCM that we show public consultation jointly with Squamish. Former Mayor Heintzman of Squamish was very supportive; current Mayor Elliot was too as a Councillor and she was expecting to meet with Lions Bay in January. Former Mayor Wilhelm-Morden of Whistler was opposed (she believed "we" would "ticket [her] visitors." The goal of ASOD is to ticket nobody, of course). But new Mayor Crompton is more supportive. ASOD has received good media attention. I have also liaised with ASOD advocates CVRD (who seek a pilot on the Malahat Highway), plus with academic advocates at UBC, with vendors, and more. While MOTI managers are well aware of ASOD as a concept, it's hard to pin them down on how much they like it for BC.
- Highway vehicle count data is available publicly at <https://prdoas3.pub-apps.th.gov.bc.ca/tsg/> (latest data shows a daily average 19,570 vehicles passing Lions Bay Jan-Jun 2018). The speed data I was using for ASOD came from our June 2017 Performance Review MOTI report. It was derived from hundreds of thousands of transiting cellphone speed readings supplied by Google. The data is now doubted in favour of personal observation, not only by some members of the public but apparently by members of Council too. The effect of replacement of the "vegetative median" with concrete barrier has not been measured as far as I know (my request for MOTI data has

not been fruitful). An updated study would be needed to produce data people believe, so if you intend to take ASOD further, you should probably budget it in-house.

- There is apparently no comparative noise data at all, even from before the highway went in. MOTI indicates they don't intend to deliver the noise study promised in 2018. Another budget item.

That's the political side. To the extent I understand the technicalities, Lions Bay may be an ideal pilot site. A significant PR campaign will need to be undertaken to establish the value of ASOD, and that's not something MOTI is adept at. Why is it necessary to "sell" ASOD to the public? Beyond an understandable initial perception that ASOD is the same as the hated photo radar, Lions Bay already has an undeserved reputation as a speed trap. Unless carefully communicated, ASOD would appear to be just that (see my pushback remark above). By the way, another one of the reasons to change the posted limit to 70 was to get the 20,000 drivers a day used to seeing that number on signs, since 70 would be the likely ASOD speed at Lions Bay\*\*.

I see ASOD as the only viable solution available to address Lions Bay's safety and noise problems. There are many ramifications to getting it to the finish line. Good luck!

Karl Buhr

\*To avoid accusations of fake data, note that the 85 km/h southbound and 90 km/h northbound speeds reported at your Dec. 18 meeting (which I had to discover on my own) are the median speeds of 85% of traffic. That is, half of 85% of traffic does less than 85 or 90 and half does more. In contrast, the 90-110 km/h speeds reported in the Performance Review at various points through Lions Bay are the speeds at which the 85th percentile of traffic is driving. That is, the top speed of up to 85% of drivers is 90-110.

\*\*80 km/h enforced speed is deemed by the Chief Engineer as too fast for local sightlines, ramp lengths and curves, despite the fact that today's 85th percentile speeds are up to 110 km/h (assuming you believe the data). 60 enforced actual would cause an outcry from the higher end of the 85th percentile.

**From:** Tamara Leger [REDACTED]  
**Sent:** Monday, March 04, 2019 5:28 PM  
**To:** Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>  
**Subject:** 2019 Event Budget Requests (Including Eat Together2019) Question Follow-Up

Thanks Peter —

Please see my responses below in **RED**.

Unfortunately I am unable to attend the meeting Tuesday March 5 (tomorrow) to answer questions, as I am presenting a concert, Rosie & The Riveters.

I am also hoping that Council can consider including ALL our concert events being presented in Lions Bay, so that community members are aware that these ticketed social gatherings are open to all.

Thanks so much and have a remarkable day,

t

**Tamara Leger**

[Co-Founder | LionsBayHouseConcerts](#)

World Class Music.Incredible Settings.Tremendous Fun.

[Buy Tickets](#) | [REDACTED] | [FB](#) | [YouTUBE](#)

On Mar 4, 2019, at 3:33 PM, Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)> wrote:

Hi Tamara:

I wish you'd sent this earlier but I will seek to have it added to Tuesday's Agenda as an On Table item as Council will be making some hard decisions on budget matters. In advance, I have a few questions with respect to your materials:

1. I see you have indicated in your draft budget that you are anticipating 2 beach park events. Aside from the Eat Together one, what is the other anticipated beach park event? **August 5, 2019 (BC Day) or Other PENDING concert (Possibly Saturday July 13); would like to hold it as a sunset concert down at Lions Bay Beach Park, with a "Picnic in the Park" theme. Or, Alternatively at Lions Bay Village Hall. Depends on funding, Hall Availability and tech set up required (inside is always an easier set up than outside).** What date are you looking at for Eat Together? **Sunday August 18; 5:30-8:30pm**

**Expenses**

EAT TOGETHER 2019	2,000.00	* The Village should carry the full cost of this community event
Performance Fees		
BC DAY CONCERT EVENT	900.00	*August 5: booked
Western Swing Dance	900.00	*July 26: booked
Pending Concert	900.00	
4-6 Community Classroom Events	2,000.00	*\$500 x 4 incl instructor fees + materials costs
Indigenous Reconciliation Event(s)	1,800.00	* Blanket Exercise \$900; Kym Gouchie film+concert \$900. Can be run as one day, or two separate evenings
South Asian influenced Jazz	900.00	*October 26: booked
Total Performance Fees	9,400.00	

2. I note that your 2018 report shows the costs of the Eat Together Event at \$700 (+ insurance of about \$105). Why then do you suggest that the actual cost of the Eat Together Event is \$2,000? The true cost of EAT TOGETHER 2018 is far more than performer fees. It also includes other hard costs like: Performance Fees (payouts to Sweet Santa Fe and Flint & Feather) \$700. There were many additional event costs such as linens (\$400), bubble machine (\$65), centerpiece flowers and decorations (\$500), external photography/videography (\$350), rack card printing (\$180) and performer hospitality (2 meals for 6 musicians + volunteers - \$120). There were additional tech cost (cables and a microphones - \$118.32), as well as event insurance (\$35.70). ACTUAL 2018 EAT TOGETHER event cost **\$1,969.02**

Non-billable items that added significant savings were 50 chairs (LBHC) and 70 chairs and 24 tables (VOLB), PA and most tech (monitors, microphones, cables, stands, DIs, mixer, etc); Event Photo Booth (backdrop and set up supplies). Plus time to envision, ticket, set-up, tear-down and close out the event. (approx 120 hours). Additional time for meetings, grant writing, and sponsorship solicitations. As well as fulfillment for those that supported the event on behalf of partners. (approx 50 hours)

3. What are the Community Classroom events?

“The real voyage of discovery consists not of seeking new landscapes, but in having new eyes” — Marcel Proust

Community Classroom programming would provide inspiring and engaging adult learning with a variety of classes for everyone. The first of these Community Classroom courses would be stand-alone events running 1.5-2 instructional hours and focus on a variety of topics and be held in a functional and intimate space setup to provide learning opportunities. Here are a selection of 4-6 self contained topics to get us started:

**Fix Uke ... Coldplay 101:** Everything turns to folk sooner or later. Though polarizing, Coldplay’s catalogue is a great way to learn a new instrument. Melodies that stick, and structures that are easy to follow. Their first 4 albums made a huge impact and this will be a fun introduction to all kinds of music fans. NOTE: This class requires a ukulele capo.

**4 x1.5 hour sessions**

**Back in the UKE-SSR 101: The Beatles** released over 180 songs throughout their short career, but the songs they wrote continue to stand the test of time. XX is eager to teach you the basics of the ukulele, via songs of The Beatles, one of his favorite bands of all time. No previous experience is necessary. XX will guide you through the basics of the instrument: proper care, moving parts and most importantly how to play. The goal of this class is to offer students the chance to learn a new skill using a musical backdrop that’s hopefully your favorite too.

**4 x1.5 hour sessions**

**Back in the UKE-SSR 201:** This is the long and winding overdue continuation course of the Beatles 101 ukulele class. We’ll refresh your ukulele playing knowledge, work with previously learnt chords, double your existing catalogue of Beatles songs and get you back to Abbey Road. If you liked the first round, get back. Get back to where you once belonged.

**4 x1.5 hour sessions**

**Tangled up in UKE 101:** A voice of an angel? Probably not. But **Bob Dylan**'s impact on modern music is undeniable. Talk about the music, the myth and then channel your inner folk legend. XX is eager to teach you the basics of the ukulele, via the songs of Bob Dylan, one of his original music heroes. No previous experience is necessary. XX will guide you through the basics of the instrument: proper care, moving parts and most importantly how to play. The goal of this class is to offer students the chance to learn a new skill using a musical backdrop that's hopefully your favorite too.

**4 x1.5 hour sessions**

**Nest 1/2 Empty:** 'Empty nest'; the life stage when grown children move out of the home and parents are left with a range of emotions. This two-part class will explore this idea of an empty nest and why it may be challenging as well as gratifying. **In Part 1**, discover healthful strategies to balance the sting of change and loss and learn about the many benefits and rewards of this important life transition including how to stay connected in meaningful ways to your grown kids. **Part 2** of the class will be a field trip to enjoy the comedy Mom's the Word: Nest 1/2 Empty presented by The Mom's the Word Collective. Both the class and the production will broaden your perspectives and provide new insights to make the most of this time of life.

June 6-July 20: 7:00-9:00pm (Community Classroom - led by XX)

June 6-July 20: 8:00pm Showtime (Arts Club Granville Island Stage)

Cost includes 1 ticket to **Nest ½ Empty**

**EDUCATOR:** Discussion led by XX, RPN MSc with over 30 years' experience in promoting personal and family mental health and well-being within organizations, schools, businesses and the general public. XX designs and delivers programs, presentations, workshops and training to varied audiences focusing on topics such as work-life balance, resilience, parenting, life transitions and self-care. XX holds a Master's degree in Family Social Sciences.

**2 Sessions x 2+ hrs**

**The Aging Knee and Arthritis:** Dr. XX will discuss the cause and progression of joint arthritis using the knee as an example. He will explain the anatomy; how arthritis in the knee occurs, progresses, what treatments are available and the important preventative steps that can be taken. (format: lecture; film; discussion. Materials: TBD)

**3 hr x 1 session**

4. What details do you have in respect of the Indigenous Reconciliation event? Who have you spoken with?
  1. I participated in the [Blanket Exercise](#) through the Vancouver Foundation and have made booking inquiries as to timeframe and costs. \$900 (a minimal flat-rate charge) to cover the facilitation and materials costs (about 2 hours)
  2. I have talked to **First Nations artist Kym Gouchie** about bringing her film ([Here is a private link to the film](#)) here to Lions Bay in conjunction with a live concert (with her band) and a (lead) discussion. Kym has done this Reconciliation Event in Prince George. I believe we would be the

first place in the lower mainland. There are also other First Nations musicians that may wish to participate, but I need a hard funding commitment in order to proceed exploring scope of the event.

3. These adult-focused events could be run together, as a full day. Or separately on different days.

Thanks.

**Peter DeJong, BA, LLB, CRM**  
*Chief Administrative Officer*

[<image001.jpg>](#)The Municipality of the Village of Lions Bay [www.lionsbay.ca](http://www.lionsbay.ca)  
PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 , Canada  
Village Office (604) 921-9333 | Fax (604) 921-6643

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**From:** Tamara Leger [REDACTED]  
**Sent:** Sunday, March 03, 2019 4:02 PM  
**To:** Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>; Pam Rooke <[finance@lionsbay.ca](mailto:finance@lionsbay.ca)>  
**Subject:** 2018 LBHC Report & 2019 Event Budget Requests (Including Eat Together2019)

Hi Peter & Pam —

Please find attached our full report to The Village of Lions Bay, per our Private-Public Partnership Agreement.

I think you, and Council, will find that The Village received tremendous value.

Included in this document, and also attached is a proposal for a **RENEWAL of that Agreement where I am requesting \$6,000 CASH and \$1,300 IN-KIND.**

\$2,000 of that amount is for EAT TOGETHER 2019, the actual cost of this free public event.

Video references are provided from previous years.

The remainder dollar allotment requested is, like last year, for Artist Performance Fees and Community Classroom Instructional Cost payouts, as well as Insurance to run programming.

**You can see there is still a significant CASH portion that will be borne by Lions Bay House Concerts, in addition to significant volunteer time and material expenses required to execute and deliver successful community programming.**

Tremendous value to run quality cultural programming.

Please let me know if you have any questions, though the background and supplementary reference materials should be able to answer any questions you (all) may have.



Warm regards,

Tamara Leger

[Co-Founder | LionsBayHouseConcerts](#)

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Lions Bay House Concerts | 2018 Annual Report  
A Year of Evening Community Concerts & Long Table Dining Experiences

ORGANIZATIONAL PROFILE: [LIONS BAY HOUSE CONCERTS](#)

FB: <https://www.facebook.com/LionsBayHouseConcerts/>

YouTube: <https://www.youtube.com/channel/UC1GBdQsvgLEfnCDLIJsDCjA>

***"All of us want to feel a sense of belonging. It's that warm feeling we have when we are welcomed, valued and even cherished."***

— [2017 Vital Signs Report](#) <https://westvanfoundation.ca/sites/default/files/WVCF-files/2017-Vital-Signs-Report.pdf>

Building community and connection is what we are all about. Sometimes we collaborate. Sometimes we do it alone. It's just really important to us that it happen. And *frequency* is the key! Our initial vision was to revitalize our seaside community, with a variety of opportunities for meaningful social engagement by offering folks a great night out, while staying local!

Since 2015, *Lions Bay House Concerts (LBHC)* has strived to build the local immune system, decrease loneliness and isolation through extraordinary live music experiences. We wanted to help locals actively build connections or reconnect in new ways. To get folks out of their silos and create an active social environment where newcomer could easily mix with old-timer, and bygones could be bygones.

**TESTIMONIAL:** *"We have lived in Lions Bay for over 20 years and only knew our immediate neighbours, as a bedroom community it is difficult to meet other residents unless you have children in the local school. After attending the first event we were hooked, and we quickly volunteered to host." Pat T*

**TESTIMONIAL:** *"Through attending and hosting these concerts we have met many members of our community and recognize more and more people at the local post office. There is always a good cross-section of people attending these events. It is easy to find common ground to strike up a conversation, that often results in learning something new about our community, opening up other opportunities and/or listening to someone who may have to get something off their chest." Gary T*

## **Lions Bay House Concerts | 2018 Annual Report**

### *A Year of Evening Community Concerts & Long Table Dining Experiences*

#### ***Creating traditions, one remarkable evening at a time***

In August 2017, we created *'Eat Together: Lions Bay Long Table Dinner'* and partnered with The Village of Lions Bay, Lions Bay Events Committee and Lions Bay Arts (Council) to co-present the event. 146 locals gathered on the upper green in legendary Lions Bay Beach Park, broke bread and listened to exquisite jazz. The event was supported by local patrons and sponsors. We then repeated and expanded the event in August 2018 to include 2 bands and a potluck "tasting table".

***TESTIMONIAL:*** *"I was blown away by the intimacy of this format to experience live music from artists from all around the world in a home, garden or local park, that it was impossible not to support this amazing initiative. I don't like crowds now so music concerts had been things of the past for me, which is why this format is such a gift."* Birgitta S

#### **Life lessons every student can relate to**

In June 2017, concerned about social issues affecting youth in our community, and wanting to give them tools for self-expression and coping skills, we started the *LBHC 'Artists In Schools'* program. Through this initiative, touring artists have been able to share their individual struggles and the strength they've gained by "Speaking their Truth." Modeling vulnerability through authentic and age-appropriate personal stories, these artists were able to reassure young people that struggle and awkwardness was a "normal" part of growing up—and could be part of their own transformative experience. These concert/workshops promoted conversation, participation, and validation that, "Personal struggle was not the destination, but simply the beginning of the journey. How you face adversity allows you to emerge magnificent and strong."

#### **ARTISTS IN SCHOOLS VIDEO LINKS:**

- [Raine Hamilton - Westcot Elementary, West Vancouver: "Some Days Are Hard"](#)
- [Adam Robert Thomas Garibaldi Highlands Elementary, Squamish: The "Feel Good" Song](#)

**From July 2015 to the end of December 2018** we held **56 concerts in 23 locations**, 2 large-scale *Eat Together: Long Table Dinner* events, 2 Visiting Visual Artist *'At The Dinner Party'* networking evenings, 2 *LBHC 'Artists In Schools'* songwriting workshops, and 1 *LBHC 'Sing-along Movie in the Park'*.

**Over 2,665 people have attended our evenings** from as far away as Calgary, Bellingham, and Waterloo. While Vancouverites are regulars, Lions Bayers receive the greatest benefit: a world-class community experience in a local living room environment, which is priceless.

## **Lions Bay House Concerts | 2018 Annual Report**

### *A Year of Evening Community Concerts & Long Table Dining Experiences*

*Lions Bay House Concerts* has expertise and experience delivering quality small-scale intimate live music events with a strong emphasis on community engagement and minimal impact. We leave places better than we find them, and create stronger communities in the process. While we are a business, we focus on people before profit. Our aim is to work efficiently and ensure financial sustainability. We also strive to create repeatable processes so the important work we do can be replicated, and scaled if desired. We also love to train others in what we do (audio, tech, admin), and offer volunteer certificates to youth who give their time to help out.

We are now working to bring these amazing cultural evenings to neighboring communities along the Sea to Sky Corridor, in Furry Creek and the North Shore, creating greater opportunities for Lions Bay Residents to connect with our broader local community — while minimizing travel time.

#### **2018 A YEAR OF ENGAGEMENT AND GROWTH**

We've seen dramatic, organic growth over the past year as a direct result of community engagement and **partnerships with sister organizations in the prairies and all along Hwy 99**, from San Francisco on up. These include FAR-WEST, The Rogue Folk Club, Cliff's Place, Side Door, Arts & Crafts Productions, Fiona Black at Capilano U, Lions Bay Events Committee, Lions Bay Arts (Council), Senior Social Circle, The Audain Gallery, Manitoba Society of Artists, West Vancouver Foundation, as well as the School Districts of Squamish and West Vancouver all helped us in some way. Because of these relationships we were able to access more talent pools and cross-promote the artists coming our way.

#### ***We became smarter in our procedures, across the board.***

Our event set-up and tear-down can be done more quickly. Concerts are professionally recorded with minimal friction and stress. We have grown our social media network so that it is now a reliable communication tool. Mid-year we adopted MailChimp as our main communication tool, rather than sending event-only emails through EventBrite. Our bi-monthly newsletters are expanding toward an editorial calendar format as we build out more video content and playlists as well as ticket links to upcoming concerts and events. We grew our qualified e-list by 68%, reaching 1025 subscribers.

#### ***Financial stability provides access and continuity.***

Our crackerjack Lead Sponsor, local realtor Thyra McKilligan, has remained steadfast and true from day one. Then we had great partners like The Village of Lions Bay and The Vancouver + West Vancouver Foundation **who provided event-related grants to present concerts that would have never otherwise come our way.**

## **Lions Bay House Concerts | 2018 Annual Report**

*A Year of Evening Community Concerts & Long Table Dining Experiences*

These Partnerships also opened doors to public venues like The Village Hall and Lions Bay Beach Park, which allowed us to offer FREE ticketed events in addition to helping community members (in need) attend paid events. A variety of generous Supporting Sponsors stepped up, including: Doreen Gregson, Derek Bell and ADMOK Creative. There were also individual #GRATITUDE SUSTAINING DONORS for whom we are very thankful.

### ***85 Musicians played 26 concerts in 2018.***

Artist communication has become more standardized and detailed, starting with the Booking Confirmation and an Update the week before their concert outlining all essential information. As professionals they appreciate it!

### ***We have 20 remarkable Hosts and really couldn't or wouldn't want to do this without them.***

This is where the magic happens. In order to make it easier, we have created a standardized host tool-kit that includes communication tools like sample emails to send to their network of friends to kick-start ticket sales. We also recognize hosts who regularly open their doors and graciously share these unique ephemeral experiences with our community through their induction into **"The Founders Circle"**

**TESTIMONIAL:** *"While I know you like some diversity to the guests to build the brand, very selfishly it was wonderful for us to have almost everyone being our good friends and neighbours. Thank you so much for this opportunity" Andrew W*

#### VIDEO LINKS:

- **Summer 2018 Promo:** <https://www.youtube.com/watch?v=B0yeQLIs8pU>
- **Fall 2018 Promo:** [https://www.youtube.com/watch?v=\\_sTN5JFQ1z0](https://www.youtube.com/watch?v=_sTN5JFQ1z0)

### ***"Chronic social isolation has debilitating effects on mental health and it is often associated with depression and other disorders"***

— **Science Daily** <https://www.sciencedaily.com/releases/2018/05/180517113856.htm>

It's not all fun and games. Neighbourhoods are healthier and safer when residents know and trust each other and feel they belong. Programming offered through Lions Bay House Concerts counteracts loneliness and social isolation — which create unnecessary vulnerabilities including mental illness which affects 1 in 5 Canadians. Our village, however beautiful, has a low level of walkability and a significant population of seniors and immigrants. It just makes sense to offer MORE opportunity to connect, rather than less.

**A Connected Community is a Healthy, Happy Community!** This year we've given away over 425 **"Community Cares"** tickets to those in need of a night out (31% of attendees).

**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**Here are the Artists who came our way in 2018!**

**Janelle Nadeau** - Harpist (solo)  
**Tim Baker** - Indie Rock (solo)  
**Whitney Rose** - Country (4 piece)  
**Rugged Little Thing** - Bluegrass (duo)  
**Diana Thorneycroft** - Visiting Visual Artist Colloquium + Networking Event  
**Dina Goldstein** - Visiting Visual Artist Colloquium + Networking Event  
**Raine Hamilton** - Folk  
**Stephanie Nilles with Thomas Deakin** - Jazz (duo)  
**Martin Harley** - Blues (solo)  
**Heather Bambrick with Bill Coon + Jodi Proznick** - Jazz (trio)  
**Richard Inman** - Folk/Country (trio)  
**Dance ON: Ceilidh** - Celtic Folk (6-piece band)  
**The Singer and The Songwriter** - Jazz/Folk-Pop (duo)  
**Cecile Doo Kingue** - Blues (trio)  
**Jordan Brodie** - Blues/Folk (solo)  
**Alan Gerber** - Blues (solo)  
**Dimpker Brothers** - Folk-Pop (4-piece)  
**Reverend Sekou** - Southern Gospel Blues (8-piece)  
**Sarah Hiltz** - Jazz/Folk (solo)  
**Flint & Feather** - Folk (duo)  
**Sweet Santa Fe** - Cuban (4 piece)  
**Gabriel Palatchi Trio** - Argentinian Latin Jazz Piano (3-piece)  
**David Curry with James Bourne** - Canadian Tenor and Piano (Duo)  
**Andrea Superstein & Friends** - Indie-Jazz (4-piece)  
**Naomi Shore** - Folk (Solo)  
**Folk Road Show** - Folk-Pop International Super Group (4-piece)  
**Harpdog Brown and The Uptown Blues Band** (4-piece)  
**Birch Pereira & The Gin Joints** - Vintage Jazz (Trio)  
**Elizabeth Shepherd & Friends** - Modern Jazz (5-Piece)  
**Andrea Ramolo with Noah Walker** - Folk (Duo)  
**Christmas Ceilidh** - Celtic Folk (6-piece band)

**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**TESTIMONIAL:** *"A huge thanks for all that you do for the music community. The environment you have created [and] built is sooo much better than playing clubs." Don A*

SAMPLE CONCERT VIDEO LINKS:

- **Dimpker Brothers:** <https://www.youtube.com/watch?v=t-SBmKvJlma>
- **Sarah Hiltz:** <https://www.youtube.com/watch?v=N1xtyYuwYU8>
- **Martin Harley:** <https://youtu.be/MR9aqde5JWg>

**TESTIMONIAL:** *"WONDERFUL concert last night - one of the best. Such a feel-good factor to be with the community. Thanks for all that you do." Elizabeth M*

**TESTIMONIAL:** *"Another great night. Thank you!" Kim M*

***Putting Public Spaces to better use.***

The need for art and culture in community spaces is very real. Increasing the use of our civic spaces will enhance the status of Lions Bay as a liveable community.

***"Design alone is not enough to attract people; programming and activation is required. While certain fixtures of design are permanent, programming is not. As such, programming allows for spaces to be adaptable and to serve multiple functions. Animating, or infusing the space with regular high-quality cultural programming improves citizens' perceptions of where they live, and indeed the government itself."***

— **CityLab** <https://www.citylab.com/perspective/2018/09/if-you-build-it-they-might-not-come-animating-city-spaces/568861/>

**TESTIMONIAL:** *"I have personally attended the two "White Table Dinners" or EAT TOGETHER events at our Beach Park. The sight of the venue and settings gives me such pleasure. It is done with class, attention to detail, friendship and passion. The locals get a real and rare treat from this summer event. In today's busy way of living, it is truly special to listen to the universal and magical world of music." Trudi L*

**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**TESTIMONIAL:** "... these efforts have brought together new residents, both shy and highly motivated; individuals who are traditionally involved in the community; those who require some encouragement to 'join in' or get involved in a community event; and those who have been very involved with others in the past but have 'fallen away' with changing times in their lives and in the community and others." Brenda B

VIDEOS DEMONSTRATING USE OF UNDER UTILIZED PUBLIC SPACES:

- **CHRISTMAS CEILIDH:** <https://www.youtube.com/watch?v=GzsvafKBRX8>
- **JUNE CEILIDH:** [https://www.youtube.com/watch?v=\\_wan\\_gb6aVA](https://www.youtube.com/watch?v=_wan_gb6aVA)
- **EAT TOGETHER 2018:** <https://www.youtube.com/watch?v=40BEOJx7wqs&t=121s>
- **REV SEKOU** <https://www.youtube.com/watch?v=ZjLBOE0j9Qw>

**TESTIMONIAL:** "Thank you for arranging this wonderful evening. Karen, Omar and I loved it. The setting. The people and the food & hospitality was top class. Please also share our warm thank with the hosts. They made us feel relaxed and comfortable. All the best for your ongoing programs. We will miss it." Almas B

**Value of Our Partnership with The Village of Lions Bay**

In 2018 Lions Bay House Concerts created FIVE unique activations in TWO wonderful public venues: The Village Hall and legendary Lions Bay Beach Park. The events were diverse and ranged in scope from a 'Sing-A-Long' movie night, an elegant long-table dinner, an uplifting Southern Gospel Blues show and a Scottish folk dance. **OVER 367 attendees participated. OVER 25 musicians came to entertain, from as far away as Arkansas, Memphis, Sweden, Alberta and the Sunshine Coast, as well as Vancouver. The \$3700 CASH GRANT was used to cover the public Performance Fee Expenses, and thereby cost The Village of Lions Bay approximately \$10/per attendee.** It should be noted that all of these evenings were large-scale ephemeral "happenings" and could not be held outside a public space, or without the financial and in-kind support of The Village of Lions Bay.

**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**TESTIMONIAL:** *"What a fabulous evening you staged last night. An awesome performance in an incredible environment. This project of yours has turned into one of the best things about Lions Bay. You should be very proud." Jon P*

**TESTIMONIAL:** *"The formula is always the same - bring a tray of homemade appetisers and your own drink of choice and come prepared to meet old friends and make new one and to enjoy fantastic music. I have come to appreciate so many more genres of music as my musical tastes are stretched by the many different musicians. There is nothing that has done more to bring the people of Lions bay together and provide opportunities to bond with other members of our community than Lions Bay House Concerts." Ingrid W*

**TESTIMONIAL:** *"During the longer nights in Winter and Fall it is especially beneficial to just drive a few minutes and be transported into a beautiful location with fantastic hosts who have generously given their homes as a showcase for th artists. Many Lions Bay Residents would not drive into West Vancouver or into the city to take in a cultural event. They are extremely happy to have the opportunity at the local level." Trudi L*

**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**Lions Bay House Concerts**  
**2018 Partnering Agreement with the Village of Lions Bay**  
**Final Reconciliation**

**Revenue**

Partnering Agreement	3,100.00 (cheque #25529)	\$3,700 less \$600 estimated insurance
Insurance Refund (see below)	396.25 (Cheque #25915)	

Total Funds received from Village	3,496.25
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**Expenses**

<b>Performance Fees</b>	
Ceilidh Band	500.00
Rev Sekou	1,800.00
Tia Brazda (cancelled)	0.00
Movie Night - Criterion License Fee	367.50
Eat Together	700.00
Ceilidh Band	500.00
<b>Total Performance Fees</b>	<b>3,867.50</b>

Insurance - December Ceilidh	19.95
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<b>Total Expenses</b>	<b>3,887.45</b>
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<b>Funds paid in excess of grant received</b>	<b>-391.20</b>
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**Insurance Refund**

Deduction from \$3,700 grant	600.00		
Insurance paid for by Village:		Paid by Village	203.75
June 30 Ceilidh	125.00	Paid by House Concerts	19.95
Rev Sekou	29.40		
Movie Night	13.65	Total Insurance Costs	223.70
Eat Together	35.70		
	203.75		

<b>Refunded to LB House Concerts</b>	<b>396.25</b>
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**Lions Bay House Concerts | 2018 Annual Report**  
*A Year of Evening Community Concerts & Long Table Dining Experiences*

**PROPOSAL TO CREATE VITAL PROGRAMMING IN THE VILLAGE FOR 2019**

**Lions Bay House Concerts**  
**PROPOSED 2019 Partnering Agreement with the Village of Lions Bay**  
**PROJECTED BUDGET**

<b>Revenue</b>	
Partnering Agreement - CASH	6,000.00
Partnering Agreement - In-Kind	1300 *based on 2018 Village Office Partner Agreement allotment. Not based on Actuals recorded.
Total Funds requested from Village	7,300.00
<b>Expenses</b>	
EAT TOGETHER 2019	2,000.00 * The Village should carry the full cost of this community event
Performance Fees	
BC DAY CONCERT EVENT	900.00 *August 5: booked
Western Swing Dance	900.00 *July 26: booked
Pending Concert	900.00
4-6 Community Classroom Events	2,000.00 *\$500 x 4 incl instructor fees + materials costs
Indigenous Reconciliation Event(s)	1,800.00 * Blanket Exercise \$900; Kym Gouchie film+concert \$900. Can be run as one day, or two separate evenings
South Asian influenced Jazz	900.00 *October 26: booked
Total Performance Fees	9,400.00
Insurance - Estimate based on non-alcoholic 19+ events	429.45 *2 events at Beach Park are insured at \$105 each; all others are \$19.95
Total Expenses	9,829.45
<b>Funds required in excess of grant requested</b>	<b>-2,529.45</b> *to come from Sponsorship, ticket sales and donations

*Thank you for this opportunity to serve my community and promote Arts & Culture in Lions Bay!*

Sincerely,

Tamara Leger

*Co-Founder | LionsBayHouseConcerts*

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