

A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF LADYSMITH AGENDA

Monday, March 4, 2019
Council Chambers, City Hall

	Pages
1. CALL TO ORDER (7:00 p.m.)	
2. REGULAR MEETING	
3. AGENDA APPROVAL	
4. MINUTES	
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5. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING	
5.1 OCP & Zoning Bylaw Amendment Application (379 Davis Road): Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 57) 2019, No. 1994; Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 24) 2019, No. 1995	11
<u>Recommendation</u> That Council:	
1. Give first and second reading of Bylaw 1994, cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.57) 2019, No. 1994”;	
2. Give first and second reading of Bylaw 1995, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.24) 2019, No. 1995”; and	
3. Refer Bylaws 1994 and 1995 to public hearing.	
6. REPORTS	
6.1 Union of British Columbia Municipalities Community to Community (C2C)	19

Forum Program Application

Recommendation

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$2,000 during the September 2019 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to March 31, 2020; and
2. Approve the allocation of up to \$2,000 as the Town's contribution, funded through Council's Public Relations budget.

6.2 Town of Ladysmith Poet Laureate 28

Recommendation

That Council refer the Draft Poet Laureate Terms of Reference to the Parks, Recreation and Culture Advisory Committee for comment.

6.3 4th Avenue, Rocky Creek - Culvert Option 33

Recommendation

That Council:

1. Direct staff to tender a pipe arch culvert for the 4th Avenue, Rocky Creek crossing;
2. Direct staff not to include the acquisition of the pipe arch in the tender, and to purchase the pipe arch directly after obtaining a minimum of two competitive quotes; and
3. Waive the purchasing policy for item 2 above.

7. BYLAWS

7.1 Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #6, 2019, No. 1993 59

Recommendation

That Council proceed with first, second and third readings of Bylaw 1993 cited as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw # 6, 2019, No. 1993."

7.2 Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 64

2019, No. 1996; Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2019, No. 1997; Sewer Connection Bylaw 1966, No. 411, Amendment Bylaw 2019, No. 2002

Recommendation

That Council give first, second and third readings to:

1. Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 1996; and
2. Town of Ladysmith Sanitary Sewer Rate Bylaw 1999, No.1299, Amendment Bylaw 2019, No.1997; and
3. Town of Ladysmith Sewer Connection Bylaw, 1966 No. 411, Amendment Bylaw #4, 2019, No. 2002.

7.3 Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003

73

Recommendation

That Council proceed with first, second and third readings of Bylaw 2003, cited as "Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003".

7.4 Town of Ladysmith Road Closure and Dedication Removal Bylaw 2019, No. 2004

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Recommendation

That Council:

1. Authorize that a portion of Farrell Road located on the property at 674 Farrell Road be closed and that the highway dedication be removed;
2. Give first, second and third readings to Town of Ladysmith Road Closure and Dedication Removal Bylaw 2019, No. 2004;
3. Direct staff to refer Bylaw 2004 to the Ministry of Transportation and Highways in accordance with applicable legislation; and
4. Direct staff to provide public notice of its intent to adopt Bylaw 2004 in accordance with the *Community Charter*.

8. CORRESPONDENCE

8.1 Bruce Gibbons, Merville Water Guardians: Request that the Town of Ladysmith Amend the Zoning Bylaw to Prohibit the Bottling of Groundwater

83

Recommendation

That Council consider whether it wishes to direct staff to develop an amendment to the Zoning Bylaw to prohibit the bottling of groundwater in all zones in Ladysmith.

8.2 Ladysmith and District Historical Society: Capital Allocation to Ladysmith and District Historical Society for Archives and Museum Operation

86

Previous Council Direction:

Resolution CS 2018-486: That Council authorize the Ladysmith and District Historical Society to take on the project of updating the metal collage on the Commission's behalf with a budget of up to 3000.

Resolution CS 2018-472: That Council, having received the consultant's report and recommendations on the Town of Ladysmith Commission and Committee Review, direct staff to implement the following recommendation specific to existing Committees and Commissions: ...

G) Heritage Revitalization Advisory Commission - Repeal the establishing bylaw for the Heritage Revitalization Advisory Commission to disband the commission...

Resolution CS 2018-474: That Council direct staff to review the Service Agreement with the Ladysmith and District Historical Society and recommend appropriate amendments to permit the Society to undertake initiatives referred by Council.

Recommendation

That Council consider whether it wishes to refer to staff for review and recommendations the request by the Ladysmith and District Historical Society to increase annual funding for the operation of the Archives/Community and Culture Museum from the current \$23,500 (plus 2 per cent) to \$45,250.

9. NEW BUSINESS

9.1 Notice of Motion

Councillor Jacobson has given notice of her intent to introduce the following motion at the March 18, 2019 Meeting of Council:

That Council request a formal meeting with the Board of Trustees of School District 68, and that Council request Mayor Stone and Councillor Jacobson to work with School District representatives to develop the agenda for the meeting.

10. UNFINISHED BUSINESS

11. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

12. ADJOURNMENT

MINUTES OF A SPECIAL MEETING OF COUNCIL
WEDNESDAY, FEBRUARY 13, 2019
CALL TO ORDER 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Amanda Jacobson
Councillor Robert Johnson	Councillor Tricia McKay
Councillor Marsh Stevens	Councillor Jeff Virtanen
Councillor Duck Paterson	

STAFF PRESENT:

Guillermo Ferrero	Geoff Goodall	Joanna Winter
Mike Gregory	Sue Bouma	

CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 3:00 p.m.

AGENDA APPROVAL**CS 2019-060**

Moved and seconded:

That Council approve the agenda for this Special Meeting of Council for February 13, 2019.

Motion carried.

MINUTES**CS 2019-061**

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held February 4, 2019.

Motion carried.

COMMITTEE REPORTS**Recommendation from the Municipal Services Committee****CS 2019-062**

Moved and seconded:

That Council consent to the adoption of Cowichan Valley Regional District Bylaw 4237 -- Transit Service Amendment Bylaw 2018.

Motion carried.

REPORTS

CS 2019-063

Gill Road Lift Station Improvements – Tender Award

Moved and seconded:

That Council:

1. Reject the lowest tender for the Gill Road Lift Station improvements due to material non-compliance with the Invitation to Tender;
2. Award the contract for the Gill Road Lift Station improvements to Ecklundson Construction for \$417,820 plus applicable taxes; and
3. Increase the capital budget for the Gill Road Lift Station improvements by \$200,000, with funds to come from Sewer Reserves.

Before voting on the tender award for the Gill Road lift station improvements, Council entertained a motion to enter into closed session.

CLOSED SESSION

CS 2019-064

Moved and seconded:

That Council retire into closed session session at 3:19 p.m. in accordance with section 90(1)(g) and (i) of the *Community Charter* in order to hear information related to discussions on the Gill Road Lift Station.

Motion carried.

RISE AND REPORT

Council rose from closed session at 3:39 p.m. without report.

Gill Road Lift Station Improvements – Tender Award

Council resumed debate in open session on resolution CS 2019-063. Mayor Stone called the question..

Members of Council opposed:

Mayor Stone and Councillors McKay, Paterson and Virtanen

Motion defeated.

CS 2019-065

Moved and seconded:

That Council cancel the Gill Road Lift Station Improvements Tender due to budget shortfalls and direct staff to reissue the tender.

Motion carried.

ADJOURNMENT

CS 2019-066

Moved and seconded:

That this Special Meeting of Council adjourn at 3:45 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)

Subject to Adoption

MINUTES OF A SPECIAL MEETING OF COUNCIL
WEDNESDAY, FEBRUARY 27, 2019
CALL TO ORDER 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Councillor Duck Paterson (Deputy Mayor)
Councillor Robert Johnson
Councillor Marsh Stevens

Councillor Amanda Jacobson
Councillor Tricia McKay
Councillor Jeff Virtanen (via telephone)

COUNCIL MEMBERS ABSENT:

Mayor Aaron Stone

STAFF PRESENT:

Guillermo Ferrero
Sue Bouma

Geoff Goodall

Joanna Winter

CALL TO ORDER

Deputy Mayor Paterson called this Special Meeting of Council to order at 3:00 p.m.

CLOSED SESSION

CS 2019-067

Moved and seconded:

That, in accordance with section 90(1) of the Community Charter, Council retire into closed session at 3:01 p.m. in order to consider items related to the following:

- Sale of Property - section 90 (1)(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

Motion carried.

RISE AND REPORT

Council rose from closed session at 3:15 p.m. without report.

ADJOURNMENT

CS 2019-068

Moved and seconded:

That this Special Meeting of Council adjourn at 3:16 p.m.

Motion carried.

CERTIFIED CORRECT:

Deputy Mayor (D. Paterson)

Corporate Officer (J. Winter)

Subject to Adoption

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: March 4, 2019
 File No: 3360-19-01
 RE: **OCP & ZONING BYLAW AMENDMENT APPLICATION (379 Davis Rd.)**
 Subject Property: Lot A, District Lot 43, Oyster District, Plan VIP69091

RECOMMENDATION:

That Council:

1. Give first and second reading of Bylaw 1994 cited as "Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.57) 2019, No. 1994";
2. Give first and second reading of Bylaw 1995 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.24) 2019, No. 1995"; and
3. Refer Bylaws 1994 and 1995 to public hearing.

PURPOSE:

The purpose of this staff report is to present Official Community Plan (OCP) amending Bylaw 1994 and Zoning Amending Bylaw 1995; and to report on consultation.

PREVIOUS COUNCIL DIRECTION

Meeting Date and Resolution #	Resolution Details
Feb. 4/19 Motion# CS-2019 053	<p>That Council:</p> <ol style="list-style-type: none"> 1. Consider the application (3360-19-01) to amend: <ol style="list-style-type: none"> a) The Official Community Plan by designating 379 Davis Road from "General Commercial" to "Single Family Residential" and by removing "Development Permit Area 3 – Commercial" from 379 Davis Road; and b) The Zoning Bylaw by rezoning 379 Davis Road from "Shopping Centre Commercial (C-5)" to "Single Dwelling Residential (R-1)" and by removing the 379 Davis Road site specific regulation in the C-5 Zone. 2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to refer the OCP amendment application 3360-19-01 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding. 3. Direct staff to commence the preparation of the Official Community Plan (OCP) amendment bylaw and Zoning Bylaw amendment bylaw for application 3360-19-01. 4. Approve of the discharge of Covenant CA1262671 from the title of Lot A, District Lot 43, Oyster District, Plan VIP69091, and authorize the Mayor and Corporate Officer to execute the discharge document for Covenant CA1262671, if and when the proposal to rezone 379 Davis Road to R-1 is approved.

INTRODUCTION/BACKGROUND:

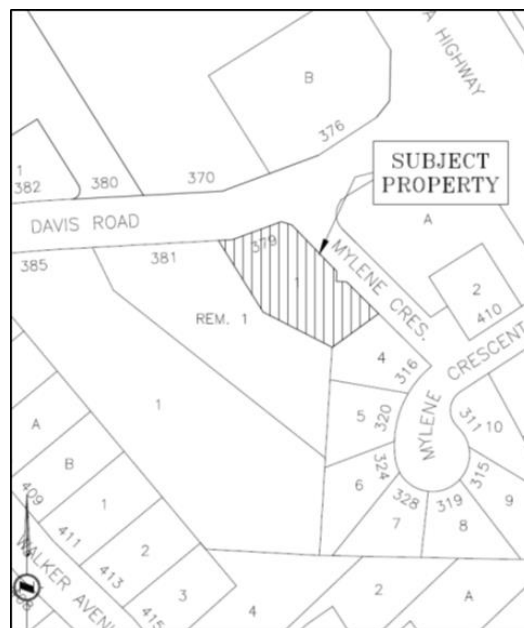
The current stage of this rezoning application is to present OCP amending Bylaw 1994 and Zoning Amending Bylaw 1995 and to report on consultation.

Bylaw No. 1994

Bylaw 1994 proposes to amend the Official Community Plan (OCP) by changing the designation of the property at 379 Davis Road from “General Commercial” to “Single Family Residential”; and by removing the Commercial Development Permit Area (DPA 3) from the subject property.

Bylaw No. 1995

Bylaw 1995 proposes to amend the Zoning Bylaw by rezoning 379 Davis Road from “Shopping Centre Commercial (C-5)” to “Single Dwelling Residential (R-1)”; and proposes to remove the 379 Davis Road site specific regulation from the C-5 Zone.



Proposed OCP and Zoning Amendments for 379 Davis Road

	Current	Proposed
OCP	General Commercial	Single Family Residential
Development Permit Area (DPA)	DPA 3 Commercial	none
Zoning	Shopping Centre Commercial (C-5) <ul style="list-style-type: none">• With site specific regulations in C-5 zone.	Single Dwelling Residential (R-1) <ul style="list-style-type: none">• And remove 379 Davis Rd. site specific regulations from C-5 zone.

ALTERNATIVES:

That Council not proceed with Bylaw readings and provide additional direction to staff.

FINANCIAL IMPLICATIONS:

None

LEGAL IMPLICATIONS:

The subject property is located within 800 metres of a controlled access highway, thus Bylaw 1995 must be referred to the Ministry of Transportation & Infrastructure for approval following third reading. Also, if the application proceeds a public hearing will be required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The OCP amendment application was referred to the Stz'uminus First Nation and reviewed at the February 19, 2019 Naut'Sa Mawt Steering Committee meeting and no concerns have been identified.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department has no concerns with the proposed amendment to the OCP and Zoning Bylaw.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

It is recommended to proceed with first and second reading of Bylaw 1994 and 1995, and refer the bylaws to public hearing.

Report prepared by:



Lisa Brinkman, Senior Planner

February 26, 2019

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

Bylaws 1994 and 1995

TOWN OF LADYSMITH

BYLAW NO. 1994

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend “Official Community Plan Bylaw 2003, No. 1488”.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- 1. “Official Community Plan Bylaw 2003, No. 1488” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

- 2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.57) 2019, No.1994”.

READ A FIRST TIME	on the	day of	,
READ A SECOND TIME	on the	day of	,
PUBLIC HEARING	held pursuant to the provisions of the <i>Local Government Act</i>		
	on the	day of	,
READ A THIRD TIME	on the	day of	,
ADOPTED	on the	day of	,

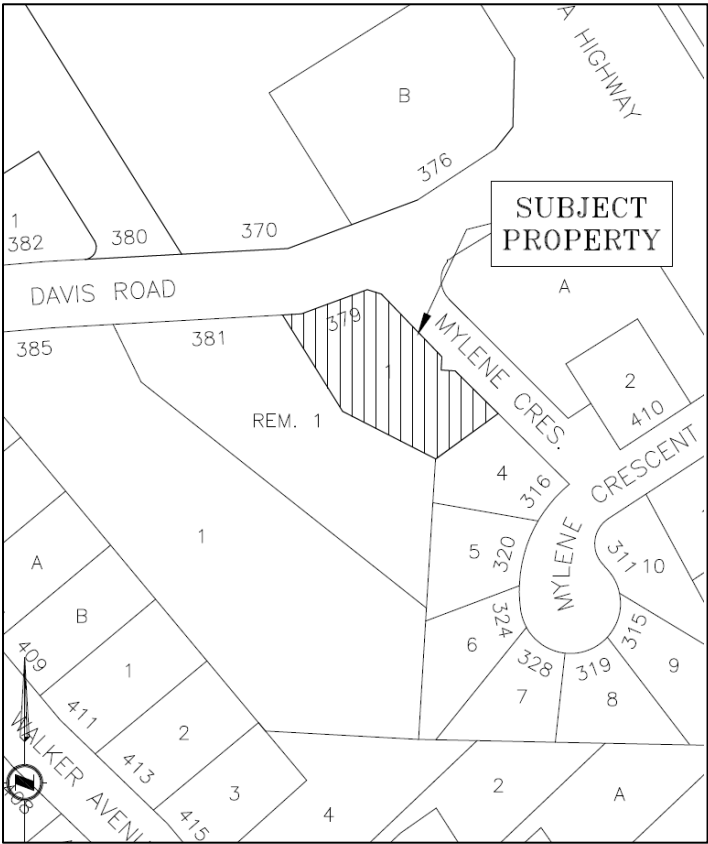
Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1994 - Schedule A

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
2. Official Community Plan “Map 1 – Land Use” is amended as follows:
 - (a) Placing the “Single Family Residential” land use designation on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - (a) Removing the “Commercial Development Permit Area (DPA 3)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.

Bylaw No. 1994 - Schedule I



TOWN OF LADYSMITH

BYLAW NO. 1995

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Section 11.5 Shopping Centre Commercial (C-5) of Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended as follows:
 - (a) By deleting Section 7 Site Specific Regulations.
- (2) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By placing “Single Dwelling Residential (R-1)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown in Schedule I attached to and forming part of this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 24) 2019, No. 1995”.

READ A FIRST TIME on the day of ,

READ A SECOND TIME on the day of ,

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of ,

READ A THIRD TIME on the day of ,

APPROVED pursuant to s. 52(3)(a) of the *Transportation Act*

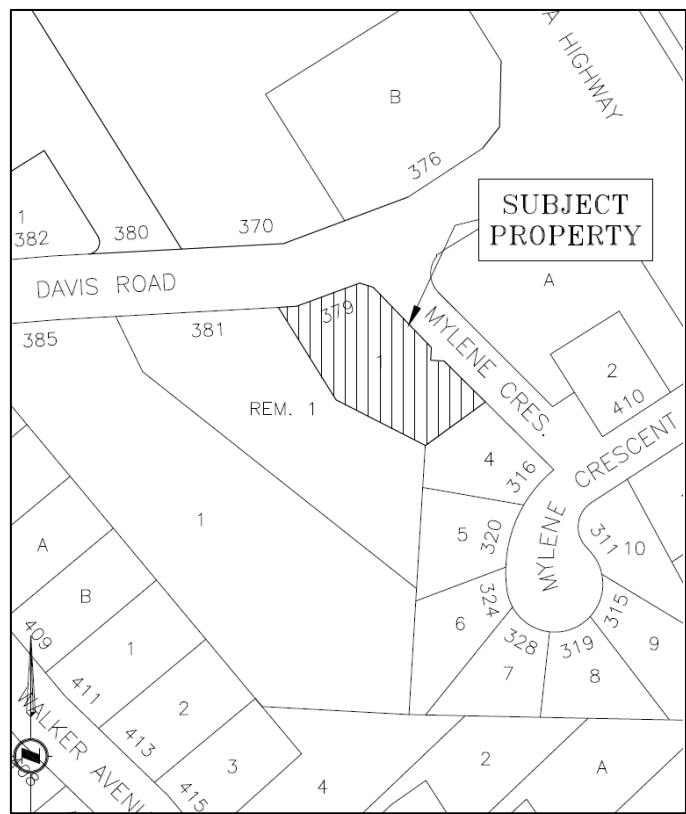
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I – Bylaw 1995



STAFF REPORT TO COUNCIL

From: Guillermo Ferrero, Chief Administrative Officer
Meeting Date: March 4, 2019
File No: 1855-20 (2019)
RE: **UBCM Community to Community (C2C) Forum Program Application**

RECOMMENDATION:

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$2,000 during the September 2019 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to March 31, 2020; and
2. Approve the allocation of up to \$2,000 as the Town's contribution, funded through Council's Public Relations budget.

PURPOSE:

To obtain Council approval to apply for funding through the UBCM's Regional Community to Community Forum (C2C) Program. The Program provides funds to assist communities to hold an event that provides an opportunity for dialogue with neighbouring First Nations, on topics of mutual interest.

PREVIOUS COUNCIL DIRECTION

N/A

INTRODUCTION/BACKGROUND:

The Town has received funds through this program for several C2C forums held as far back as 2009.

It is proposed that the Town and the Stz'uminus First Nation work together to hold an event that will provide an opportunity for dialogue and planning on issues of mutual concern. While the specific details of the proposed forum will be developed over the next few months between Stz'uminus and the Town, it is proposed that the previous format of a dinner and meeting between the two Councils and staff representatives be pursued. A few of the past forums have included hiring a facilitator, which may be an option for Council.

There are two items that staff have identified as potential subjects of the fall 2019 forum:

1. Updating the existing Memorandum of Understanding (MOU) between Stz'uminus First Nation and the Town of Ladysmith - the Naut'sa Mawt Steering Committee has been working towards updating the existing MOU. Over the past two years, both Councils have had the opportunity to provide input and it is hoped that a draft version of the updated MOU will be available by the fall of 2019.
2. Cleanup of Ladysmith Harbour - the Waterfront Implementation Committee has been working towards implementation of the Waterfront Area Plan, including lobbying senior levels of governments regarding issues of mutual concern, the priority of which is the cleanup of Ladysmith harbour.

The Town will take the lead in organizing the proposed forum. Funds would be available to hire a facilitator on contract should that be necessary.

The Stz'uminus First Nation is also required to provide written support of this initiative and the grant application.

ALTERNATIVES:

Council can choose to apply for a lesser grant amount, or may choose not to apply for the funds this year.

FINANCIAL IMPLICATIONS:

The Town must match the \$2,000 grant from UBCM. Matching funds can be a combination of cash and in-kind contributions (such as staff time or donation of meeting space and materials) from the Town and the community.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The C2C forum will be a positive step in strengthening the Town's relationship with the Stz'uminus First Nation, and an opportunity for Council and senior staff to work with Council and staff of the Stz'uminus First Nation to address items of mutual concern. The opportunity for a community celebration will engage our communities and further build relationships and understanding.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input checked="" type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:



Guillermo Ferrero

February 26, 2019

ATTACHMENTS:

1. UBCM 2019/2020 Regional Community to Community Forum Program Application Guide

Regional Community to Community Forum Program

2019/20 Program & Application Guide

1. Introduction

In January 1997, the Union of British Columbia Municipalities (UBCM) and the First Nations Summit (FNS) jointly organized the first province-wide Community to Community (C2C) Forum. This event brought together First Nations and local governments from across BC to discuss common goals and opportunities for joint action. The success of the event was due to a spirit of goodwill and an open exchange of concerns, ideas, and constructive viewpoints. There was consensus among the participants that regional C2C Forums should be supported.

In most years since 1999, the provincial Ministry of Municipal Affairs & Housing and Indigenous Services Canada have provided funding for the C2C program. In this time, nearly 630 C2C Forums have been held in communities across the province.

Regional C2C Forum Grant Program

The goal of a Regional C2C Forum is increased understanding and improved overall relations between First Nations and local governments. Forum events are intended to provide a time and place for dialogue to build on opportunities, support reconciliation efforts, resolve issues of common responsibility, interest or concern, and/or to advance tangible outcomes.

To qualify for funding, C2C Forums must include direct dialogue between elected officials and/or senior staff of neighbouring First Nations and local governments and work toward one or more of the following objectives:

- Strengthening relationships and fostering future co-operative action by building stronger links between First Nation and local government elected officials and senior staff
- Advancing First Nations and local governments to more formal relationships through protocols, MOUs, service agreements and/or collaboration on plans or projects
- Supporting local reconciliation efforts and shared capacity building
- Developing or improving coordinated approaches to emergency preparation, mitigation, response and recovery

2. Eligible Applicants

Funding permitting, any local government (municipality or regional district) or First Nation (Treaty First Nation, Band or Tribal Council) may apply to host a Regional C2C Forum. First time and repeat applicants (i.e. those who received funding in previous years) are eligible.

Eligible applicants may submit one application per intake.



3. Eligible Events

In order to qualify for funding:

- Events must occur between April 1, 2019 and March 31, 2020.
- Events must include direct participation by the elected officials and/or senior staff from both First Nation(s) and local government(s).
- Willingness of the elected officials and/or senior staff of the partnering community to participate in the event must be confirmed and provided in writing to UBCM.
- The communities engaging in dialogue must be neighbouring. However, "neighbouring" may mean in the vicinity of, but not necessarily immediately adjacent to each other.

Topic Ideas & Outcomes

Table 1 outlines potential dialogue topics. The following resources may also be helpful:

- [UBCM Reconciliation Resources](#)
- [Guide to Community to Community Forums in British Columbia](#)
- [2008-2018 Regional Community to Community Forum Status Report](#)

Length and Format

Event length and format are up to the applicant and attendees. In some cases, a day-long event may be preferred to allow participants sufficient time to meet each other and work together to generate ideas and plans for future activities. In situations where the participants do not know one another, an "ice-breaker" event, such as an introductory dinner or reception, may be useful.

Organization and Facilitation

Experience has shown that a major challenge in organizing a C2C Forum is finding adequate staff time and resources. Many previous applicants have found that contracting the services of a professional facilitator/event organizer can assist in planning, convening and reporting on the forum.

Table 1: Dialogue Topics & Outcomes

Reconciliation & Relationship Building <ul style="list-style-type: none">• Shared understanding of collective history• Reconciliation Action Plans• Joint elected official and staff capacity building• Dispute resolution	Emergency Management Planning for coordinated and shared: <ul style="list-style-type: none">• Preparation and risk mitigation• Emergency response• Recovery efforts	Service Delivery & Planning <ul style="list-style-type: none">• Service agreements• Joint land use, sustainability or other plans or policies• Agreements for archaeological or culturally significant sites
Economic Development <ul style="list-style-type: none">• Agreements for improving regional and local economies• Joint interests/initiatives• Community economic development plans	Community Development <ul style="list-style-type: none">• Age- and accessibility-friendly assessments• Joint youth engagement plans or projects• Agreements for climate action	Infrastructure Planning <ul style="list-style-type: none">• Asset Management• Needs assessments• Joint development of infrastructure

4. Eligible & Ineligible Costs & Activities

Eligible Costs & Activities

Eligible costs are direct costs that are approved by the UBCM, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. An in-kind contribution is one for which no money is paid directly, such as the use of facilities.

Eligible costs can only be incurred from the date of application submission until the final report is submitted. Under the Regional C2C Forum program, eligible activities must be cost-effective and may include:

- Event organization (e.g. invitations, agendas, event planning, etc.)
- Event costs:
 - Meals, snacks and non-alcoholic beverages
 - Venue rentals, including any required audio-visual equipment rentals
 - Facilitation services and/or guest speakers
 - Preparation of materials required for the forum, including printing costs
 - Expenses related to joint visits to participant's facilities, lands or buildings provided the visits occur as part of the forum
- Transportation between communities as required to attend a forum. Mileage estimates and calculations are required for vehicle travel.
- Honoraria for elders only when the elder is a scheduled speaker. If honoraria are included in the event budget, a description of the role(s) of the honoraria recipient(s) in the forum is required.
- Completion of event minutes, reports, etc. including printing costs.

Ineligible Costs & Activities

Any activity that is not outlined above or is not directly connected to activities approved in the application by UBCM is not eligible for grant funding or as the community contribution. This includes:

- Alcohol
- Travel within communities
- Gifts and cultural performances
- Costs related to the development of materials required for broader project development, implementation or assessment, including legal fees, architectural, engineering or other design drawing, studies, etc.

5. Grant Maximum

The C2C program can contribute a maximum of 50% of the cost of eligible activities – to a maximum of \$5,000.00. The applicant is required to provide 50% of the total eligible costs for the forum in cash or in-kind contributions. This may include contributions from the invited First Nation or local government participant.

In order to ensure transparency and accountability in the expenditure of public funds, all other grant contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the grant

6. Application Requirements & Process

Application Deadline

The Regional C2C program is administered over the course of the fiscal year (April 1 to March 31). Funding permitting, three calls for applications are planned for 2019/20.

Applicants will be notified of the status of their application within 30 days of the following application deadlines:

- March 15, 2019. For events between April 1, 2019 and March 31, 2020
- September 13, 2019. For events between September 30, 2019 and March 31, 2020
- December 6, 2019. For events between January 1 and March 31, 2020

Required Application Contents

- Completed and signed Application Form
- Event budget(s). See below for more information.
- Confirmation of partners. Written confirmations can be submitted after the application, but are needed in order for grant approval.

Information on Event Budgets

An itemized budget for each planned event must be submitted with the application and indicate that a minimum of 50% of the total eligible event cost will be covered by the applicant or invited First Nation or local government participant (in cash or in-kind). Please submit the event budget(s) in the same format as outlined in Table 2.

Budgets and proposed activities are approved as part of the application and any significant changes to a budget or forum event must be approved before an event takes place. Applicants are responsible for any cost over-runs unless a revised budget is submitted and approved before an event takes place.

Table 2: Sample Event Budget

Budgeted Expenditures	Proposed Cost
Event organization	\$750
Meals, snacks and beverages (include # of people)	\$900
Venue rental costs	\$300
Facilitation services	\$1,450
Guest Speakers	\$650
Forum materials	\$1,000
Transportation (include # of km)	\$25
Eligible honoraria for elders (include description)	\$500
Event minutes or reports	\$550
Contingency	\$175
TOTAL	\$6,300.00
FUNDING REQUEST (50%)	\$3,150.00

Submission of Applications

Applications should be submitted as Word or PDF files. If you choose to submit your application by e-mail, hard copies do not need to follow.

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Mail: 525 Government Street, Victoria, BC, V8V 0A8

Review of Applications

UBCM will perform a preliminary review of applications to ensure the required application elements have been submitted and to ensure that basic eligibility criteria have been met. Only complete application packages will be reviewed.

UBCM and the First Nations Summit will then review all complete applications.

7. Grant Management & Applicant Responsibilities

Please note that grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

Notice of Funding Decision & Payments

All applicants will receive written notice of funding decisions, which will include the terms and conditions of any grant that is awarded. All approved applicants are required to return a signed copy of the approval agreement.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

Grants payments are issued when the approved event(s) are complete and UBCM has received and approved the required final report and financial summary.

8. Final Report Requirements & Process

Applicants are required to submit an electronic copy of the complete final report within 30 days of completed C2C event(s) and no later than April 30, 2020, including the following:

- Completed and signed Final Report Form
- Financial summary. See below for more information.
- Attendance list, including name, title and organization of each participants. Please do not submit sign-in sheets.
- Optional:
 - Final agenda, session summaries or minutes and other documents/presentations
 - Photos, media releases and press coverage and other public communications
 - Any other relevant background information (e.g. planning process, context, goals)

Information on the Financial Summary

Financial summaries should be submitted in the same format as the sample summary below.

Table 3: Sample Financial Summary

Actual Expenditures	Budgeted	Actual
Event organization	\$750	\$700
Meals, snacks and beverages (include # of people)	\$900	\$925
Venue rental costs	\$300	\$175
Facilitation services	\$1,450	\$1,600
Guest Speakers	\$650	\$0
Forum materials	\$1,000	\$500
Transportation (include # of km)	\$25	\$37
Eligible honoraria for elders (include description)	\$500	\$500
Event minutes or reports	\$550	\$450
Contingency	\$175	
TOTAL	\$6,300.00	\$4,887.00
FUNDING REQUEST (50%)		\$2,443.50

Please note that 'Contingency' is not an eligible final expense and any expenditures made from the funds allocated to contingency in the budget should be allocated to the appropriate line item in the financial summary.

Submission of Final Reports

All final reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Mail: 525 Government Street, Victoria, BC, V8V 0A8

9. Additional Information

For information on the C2C Forum program, please contact:

Local Government Program Services
Union of BC Municipalities
525 Government Street
Victoria, BC, V8V 0A8

Tel: (250) 356-5193
Email: lgps@ubcm.ca

First Nations Summit
#1200 - 100 Park Royal South
West Vancouver, BC, V7T 1A2

Tel: (604) 926-9903
Email: cbraker@fns.bc.ca

STAFF REPORT TO COUNCIL

From: Sue Glenn, Supervisor Programs and Services
 Meeting Date: March 4, 2019
 File No:
 RE: **TOWN OF LADYSMITH POET LAUREATE**

RECOMMENDATION:

That Council refer the Draft Poet Laureate Terms of Reference to the Parks, Recreation and Culture Advisory Committee for comment.

PURPOSE:

The purpose of this staff report is to outline a process for the nomination, assessment and selection of the Ladysmith Poet Laureate.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Council Resolution Details
CS 2018-461	2018-11-19	That Council refer to the Parks, Recreation and Culture Advisory Committee the recommendation by the Ladysmith and District Arts Council in their correspondence dated October 18, 2018, to appoint John Edwards as the first poet laureate for the Town of Ladysmith.
CS 2018-483	2018-12-03	That Council define the terms and formalize a process to select a candidate for Ladysmith's First Poet Laureate.
		PRCAC Recommendation Details
	2018-11-21	That the Parks, Recreation and Culture Advisory Committee supports this initiative and recommends that Council consider defining the terms and formalize a process to select the successful candidate.

INTRODUCTION/BACKGROUND:

A Poet Laureate provides an opportunity to recognize the importance of arts, culture and literature in the Town and enrich the life of the community members.

Through this process, Town Staff reviewed three current policies from other municipalities: City of Nanaimo, City of Victoria and City of Vancouver. The Town of Ladysmith Draft Policy – Poet Laureate and Terms of Reference is a consolidation of these three reviewed policies and highlights each applicable section, while also including local and regional specific terms.

The selection of a Poet Laureate is proposed to be coordinated through a partnership between the Town and the Arts Council of Ladysmith and District.

Subject to Council approval of the Term of Policy outlined in Appendix A of this report, a call for application or nomination will be issued. Nominations/applications will be invited from published poets who are currently residents in Ladysmith and the CVRD, and who have either an established body of work or who have been recognized for notable contributions early in their career.

Submissions will be evaluated by the Parks, Recreation and Culture Advisory Committee, two representatives from the Arts Council of Ladysmith and District and a representative from the Parks, Recreation and Culture Department. A recommendation will then be brought to Town Council. It is recommended that the successful Poet Laureate will be announced by the Town during National Poetry Week in April.

Submissions will include examples of past artistic work as well as specific proposals for how the poet will create, present or perform works of poetry relevant to civic events and lives of the citizens of Ladysmith and area.

It would not be recommended to create another committee to oversee this, rather utilize existing committees to manage the program.

ALTERNATIVES:

Council can choose to:

- Not proceed with the Poet Laureate program at this time;
- Seek another organization to lead the Poet Laureate program.

FINANCIAL IMPLICATIONS:

The costs associated with this program would be approximately \$1,200 annually, funded through the Town's Financial Plan. The funding is currently not included in the 2019 Financial plan and would need to be included if the program is to move forward.

LEGAL IMPLICATIONS:

None identified at this time.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

None identified at this time.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None identified at this time.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐ Complete Community Land Use

☐ Low Impact Transportation

- ☐ Green Buildings
- ☐ Innovative Infrastructure
- ☒ Healthy Community
- ☐ Not Applicable

- ☐ Multi-Use Landscapes
- ☐ Local Food Systems
- ☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- ☐ Employment & Tax Diversity
- ☐ Watershed Protection & Water Management
- ☒ Communications & Engagement
- ☐ Natural & Built Infrastructure
- ☒ Partnerships
- ☐ Not Applicable

SUMMARY:

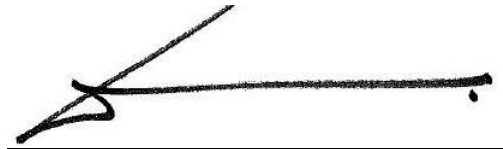
The Poet Laureate program was an idea presented to Council. The concept is currently in practice in other communities and the Town would be able to initiate the program by developing a policy which outlines a process for the nomination, assessment and selection of the Ladysmith Poet Laureate.



Clayton Postings,
Director of Parks, Recreation and Culture

February 23, 2019

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

Appendix A – Draft Policy – Poet Laureate

Appendix A

Town of Ladysmith DRAFT Policy - Poet Laureate

Terms of Reference

1. Eligibility Criteria

- published poets who are currently residents in the Town of Ladysmith or CVRD;
- who have either an established body of work or been recognized for notable contributions in their career;
- have produced a minimum of two published works, as well as other publications that display literary excellence; and
- some of their work should be relevant to Ladysmith or CVRD and/or subjects that comment on the life of the town and/or region.

2. Selection Criteria

- excellence of the poet's work;
- publication of a significant number of works;
- have made a significant contribution to poetry and the literary life of Ladysmith;
- reputation as a poet of stature;
- have influenced other local writers and poets;
- viability of the proposed poetry/civic events; and
- potential impact on the community of the proposed poetry/civic events.

3. Selection Process

Eligible poets will be invited to submit proposals which should include the following materials:

- curriculum vitae;
- examples of past published work;
- proposal detailing exactly how the poet would propose to represent the Town of Ladysmith and interact in civic life; and
- confirmation of place of residence.

Nominations will also be accepted where the nominee has agreed in writing and provided the materials outlined above.

The nomination/application deadline is DATE. Following the deadline, the Parks, Recreation and Culture Advisory Committee, in addition to two representatives from the Arts Council of Ladysmith and District as well as a representative from the Parks, Recreation and Culture Department will review all submissions and make a recommendation to Town Council. The successful Poet Laureate will be announced by the Town during National Poetry Week in April.

4. Duties

The Poet Laureate will be expected to:

- participate in the literary life of the Town;
- produce new original works during their term that reflect or represent ideas and issues of importance to the people of Ladysmith;
- present, in person, works of significance at civic events, Town Council meetings, or official functions; and
- such other duties as are proposed in their submission and are deemed viable by the Assessment Committee.

5. Term and Remuneration

The Poet Laureate will be selected for a period of two years commencing in April. An annual stipend of \$1,200 will be provided.

6. Intellectual Property

All writing, notes and original materials produced during the tenure of the Poet Laureate will remain the property of the Poet Laureate.

STAFF REPORT TO COUNCIL

From: Geoff Goodall, Director of Infrastructure Services
Meeting Date: March 4, 2019
File No: 5400-02
RE: **4th Avenue, Rocky Creek – Culvert Option**

RECOMMENDATION:

That Council:

- 1) Direct staff to tender a pipe arch culvert for the 4th Avenue, Rocky Creek crossing;
- 2) Direct staff not to include the acquisition of the pipe arch in the tender, and to purchase the pipe arch directly after obtaining a minimum of two competitive quotes; and
- 3) Waive the purchasing policy for item 2 above.

PURPOSE:

The purpose of this report is to seek Council authorization to tender the 4th Avenue, Rocky Creek crossing utilizing a pipe arch.

PREVIOUS COUNCIL DIRECTION

CS 2018-331

That Council:

1. Cancel tender 2018-IS-05 (4th Avenue Rocky Creek Culvert) due to insufficient budget and notify the three proponents;
2. Direct staff to revise and re-budget the Rocky Creek Culvert project in the 2019 - 2023 Financial Plan, with work to take place in 2019;
3. Direct staff to proceed with the interim measure of hardening the existing crossing (option 3 in the staff report from the Director of Infrastructure Services dated September 7, 2018) and constructing emergency access routes through Churchill Place and the forestry service road at the end of 4th Avenue;

INTRODUCTION/BACKGROUND:

In late winter/early spring the Town experienced two large storm events that resulted in creek flows that exceeded the capacity of the existing Culvert on Rocky Creek at 4th Avenue. As a result of these storms, portions of 4th Avenue were compromised and the travel surface was reduced to a single lane. Following the storms an assessment of the culvert was completed and it was found to be failing.

In 2018 Herold Engineering completed a review of three options to replace the crossing: a steel arch culvert, a concrete box culvert and a precast concrete bridge. Although the precast concrete bridge was considered the most expensive option, it provided a significant advantage at the time due to the short fish window for construction. Both other options would require significant periods of construction within the wetted perimeter of the stream, work that could only be completed during a fish window. The timing of construction put this work at risk as the fish window was very short. Based on this information and the technical advantages, the bridge was determined to be the most prudent choice.

The Town tendered the 4th Avenue Bridge at Rocky Creek and the tender closed on August 23, 2018. The Town received three tenders, the lowest of which was found to be non-compliant, which resulted in the lowest tender being for \$1,257,615.45.

The lowest compliant bid was significantly more than the Town's budget and as a result Council elected to cancel the tender, harden the crossing and retender in 2019.

Construction of the new crossing in 2019 will have a longer construction and fish window as the project can be started earlier. This expanded construction window opens up additional options other than a precast bridge. With this in mind staff, requested that Herold Engineering review the options for the crossing.

Three options were considered in this review: a precast concrete box culvert, a cast-in-place box culvert and steel arch culverts.

- The precast box culvert was found to be impractical due to the limited size availability.
- The costing of the cast-in-place box culvert was approaching that of the bridge but provided lower technical performance; in addition the significant amount of concrete work in the stream channel increased the environmental risks. For these reasons this option was not studied further.
- The steel arch culvert was found to be feasible and considerably less expensive than a bridge. The main disadvantage of the arch culvert is that the arch shape impacts the hydraulic opening that is available to pass debris, decreasing as flow increases and thereby increasing the risk of debris accumulation and potential blocking of the culvert. The town currently has this type of structure on Rocky Creek above the 4th Avenue crossing and has not had any significant issues with debris. It is felt that staff can mitigate the increased risk with more monitoring.

Based on the potential significant cost savings and the experience with the existing arch culvert on Rocky Creek staff recommend that Council proceed to tender with a steel arch Culvert for the 4th Ave. at Rocky Creek crossing.

Due to the lead time required for the manufacture and delivery of these pipe arches, the Town's engineer has recommended that we purchase the pipe arch directly prior to issuing the construction tender. This approach will permit the project to be completed within the original timelines and in compliance with the fisheries window.

ALTERNATIVES:

1. Council can choose to go to tender with a precast concrete bridge. A bridge has technical advantages over the steel arch culvert; these advantages, however, come with a significant increase in cost. If Council chooses this option they will need to increase the budget for this project.
2. Council could consider going to tender with both a bridge and steel arch culvert and then compare the costs. This option will require the tender to clearly state that the lowest costing option would be the objective, which would likely result in no bridge tenders being submitted, as bidders will know that the bridge will be a more costly option. The preparation of tenders by contractors is expensive and unless they feel that their tender has a chance for success they would be unlikely to tender.

FINANCIAL IMPLICATIONS:

The current 2019 financial plan has a budget for this project of \$750,000. Based on the current engineering estimates for the steel arch culvert this should be sufficient budget for this project, including engineer costs.

LEGAL IMPLICATIONS:

Staff has no knowledge of any legal implications.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services oversees the project; Financial Services manages the budget, and Corporate Services is responsible for ensuring the tendering process is adhered to.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |

☐ Communications & Engagement

☐ Not Applicable

SUMMARY:

The culvert on Rocky Creek at 4th Avenue is failing. The project was tendered in 2018 utilizing a precast steel bridge. The tender was significantly over budget and was cancelled. Staff performed hardening procedures on the crossing to carry the crossing through the winter period. Since the construction window for this project will not be constrained by late tendering, it is possible to consider additional options for the crossing. Based on a Herold Engineering report it was found that a steel arch culvert is feasible and will provide significant cost saving to the project. Staff is recommending that Council tender a steel arch culvert for this crossing.



Geoff Goodall, Director of Infrastructure Services

February 27, 2019

I concur with the recommendation.



Guillermo Ferrero, City Manager

February 27, 2019

0037-075/02

Via email: rbouma@ladysmith.ca

Town of Ladysmith Engineering & Public Works Department
330 Sixth Ave, Box 220
Ladysmith, BC
V9G 1A2

Attn: Ryan Bouma, P.Eng. - Senior Engineering Technologist

**Re: 4th Avenue Culvert Replacement at Rocky Creek, Ladysmith, BC
2019 Culvert Option Review (Revised)**

Dear Ryan:

This letter summarizes a culvert option review for the re-construction of the 4th Avenue crossing over Rocky Creek in Ladysmith, BC. This report is a follow-up to our previous submittal of April 2018 and is subsequent to last year's detailed bridge design and tender (RFP 2018 IS-05).

BACKGROUND

- The initial study was triggered by a heavy rainfall event that occurred in January of 2018 and resulted in settlement of the sidewalk on the South side of 4th Avenue, as well as partial sloughing of the upstream bank. Upon later investigation, it was discovered that the existing 3.0m dia. steel culvert was experiencing partial failure in the form of separation of the southernmost (inlet) section of the culvert from the rest of the structure resulting in both settlement and water ingress into the overlying soils. It was noted that a wooden debris jam was blocking entry to the culvert, causing the water level to rise at the inlet. The natural stream width upstream of the culvert is in the order of 8-10m and the current culvert width of 3m significantly restricts the width of flow under 4th Avenue.
- A Conceptual Options Review of crossing options and probable costs was completed by Herold Engineering in April 2018. The study determined that a bridge would provide the best technical solution in terms of hydraulic opening and ability to pass debris (i.e. lower risk of log-jams than a culvert option). It was also determined that a bridge would likely be more expensive than the culvert options, but was feasible to construct within a shorter environmental window for allowable in-stream works. At that time, the Town opted to proceed with the bridge option based on the options analysis
- During the detailed design phase, two significant project constraints were discovered:
 1. It was determined that the FortisBC gas line under the existing road could not be capped off for bridge construction, since it is 150mm dia. and acts as a main feed for the Town's gas supply. The tender documents addressed this by

including the temporary re-routing of the gas main in the contract scope, done through contractor and FortisBC forces.

2. It was determined that there was a depression at the existing culvert inlet which likely affected culvert hydraulics and enhanced scour at the creek bed. It was determined that in order to re-create a uniform grade on the creek-bed, to enhance environmental characteristics and improve hydraulic performance, the area within the existing culvert would have to be raised by approximately 1m.
- The bridge option was tendered in August 2018 with a closing date of August 23, 2018. The timing of this tender was not ideal due to the in-stream works having to be complete by September 15, 2018.
 - During the bridge tender, there was feedback from bidders that it would not be feasible to keep the road open while constructing a bridge. To address this, the Town offered to open up a detour from the west end of Fourth Avenue to establish a detour route via the Comox Logging Truck Road and Christie Road for the duration of construction.
 - While the lowest bridge tender came in under the project budget, it was deemed non-compliant due to a clerical error on the tender form. The Town subsequently cancelled the tender and proceeded with temporary stabilization of the upstream bank at the existing culvert to allow for further studies of available options for a long-term solution.

The temporary stabilization measures included:

- Removing the existing damaged culvert section
 - Installing a 3.3m dia. CSP section at the culvert inlet
 - Realigning the FortisBC gas main
 - Excavating the embankment around the culvert and reinstating the slope with lock block and riprap placed under geotechnical engineering review
 - Topping high-risk trees near the culvert inlet.
 - Installing 2 x 0.9m dia. overflow culverts.
 - Installing a gate valve on the east approach to isolate the watermain crossing.
 - Installing concrete roadside barriers and temporary fencing for pedestrian and vehicle safety.
- In advance of the temporary stabilization measures, the Town purchased a lot on Churchill Road for the purpose of a secondary, emergency, access which worked well during the temporary measures as it allowed for a full closure of 4th Avenue at the creek crossing.

CULVERT OPTIONS REVIEWED

The focus of the technical review for this part of the project was on culvert options. All Options took into consideration the project constraints which included minimal separation to buried sanitary sewer and watermain; and increasing creek width at crossing to enhance environmental characteristics.

The Options are follows:

1. **A Precast Concrete Box Culvert**

This option was reviewed but discounted because they're generally available only in narrower sections (4.25m x 4.25m max. opening) and would have to be used in pairs to accommodate the volume of water anticipated at this site. Pairs of culverts present a significant risk of debris collection.

2. **A Cast-in-place Box Culvert**

This option was considered as well, since this system could be constructed to the width required. This system would however approach the cost of a bridge and provide slightly lower technical performance in terms of hydraulic opening. Significant amounts of cast-in-place concrete work within the creek, while feasible, is not preferable from the perspective of mitigating environmental risks. For these reasons, a cast-in-place box culvert was not studied further.

3. **Various Steel Arch Culverts**

Steel Arch Culverts were reviewed and determined to be feasible, since the upstream crossing at Davidson Road uses this type of structure and is anecdotally performing satisfactorily. Considerations with this type of structure include:

- Depending on the local site conditions, longevity of steel culverts can be an issue. However, new provisions in the bridge code require a target design life of 100 years for corrosion through the steel. Suppliers are addressing this requirement with the use of polymer coatings and other methods of extending the corrosion resistance of these systems.
- Steel culverts are generally shaped in a circular or parabolic arch. This generally means that the opening available for the passage of debris narrows as the water level rises. This is the opposite case for bridges, which generally provide a wider opening at higher water levels.
- At the 4th Avenue site, the requirement to raise the streambed combined with the elevation of the sanitary line above, means that much of the otherwise available hydraulic opening is lost (see attached sketches).
- Since the site has a history of scour to the existing upstream embankment, it is recommended that cast-in-place headwalls be employed. The upstream culvert at Davidson Road uses both upstream and downstream headwalls and a culvert at 4th Avenue should employ the same system.

COST ESTIMATES

- From last year's Tender (RFP IS-05), bridge costs are known to be in the order of \$960,000 to \$1,200,000, plus GST, assuming that a detour is provided by the Town.

Traffic control in the bridge tender ranged from \$16,000 to \$23,000 and related to operation and maintenance of the Comox Logging Road / Christie Road detour. A copy of the tender comparison is attached for reference.

Base Price	\$1,200,000
Reduction – Traffic Control	\$20,000
Total	\$1,180,000

- An estimate from our cost consultant indicates that a Steel Arch culvert and cast-in-place headwalls would be in the order of \$555,000, plus GST, with exclusions of traffic control and additional riprap placement (see attached costing report). This estimate includes a 20% contingency which should be carried for budgeting.

Base Price	\$555,000
------------	-----------

RECOMMENDATION

Based on our review, we have determined that a **Steel Arch Culvert** is feasible at the 4th Avenue site and can be sized to allow the required volume of water calculated for a Q200 event. We have determined that corrosion design can be done to the current bridge code CSA S6-14 to address longevity. The cost comparison indicates that the steel culvert option would be less expensive than a bridge option; however, it should be noted that a culvert option would present a higher risk of debris accumulation (log-jams) than a bridge option. Maintenance budgets for the culvert option should therefore take this into consideration, should the Town choose to go with a culvert.

The measures taken in September 2018 to mitigate future damage to the creek crossing were sufficient to allow for an improved tender timeline that can take advantage of the environmental window for allowable in-stream works. The addition of the Churchill Road detour option will allow for simplified and expedited construction with significantly decreased detour delays.

If you have any questions, please contact the undersigned.

Yours truly,

HEROLD ENGINEERING LIMITED



Steve Scott, P.Eng.



Patrick Ryan, P.Eng., Principal

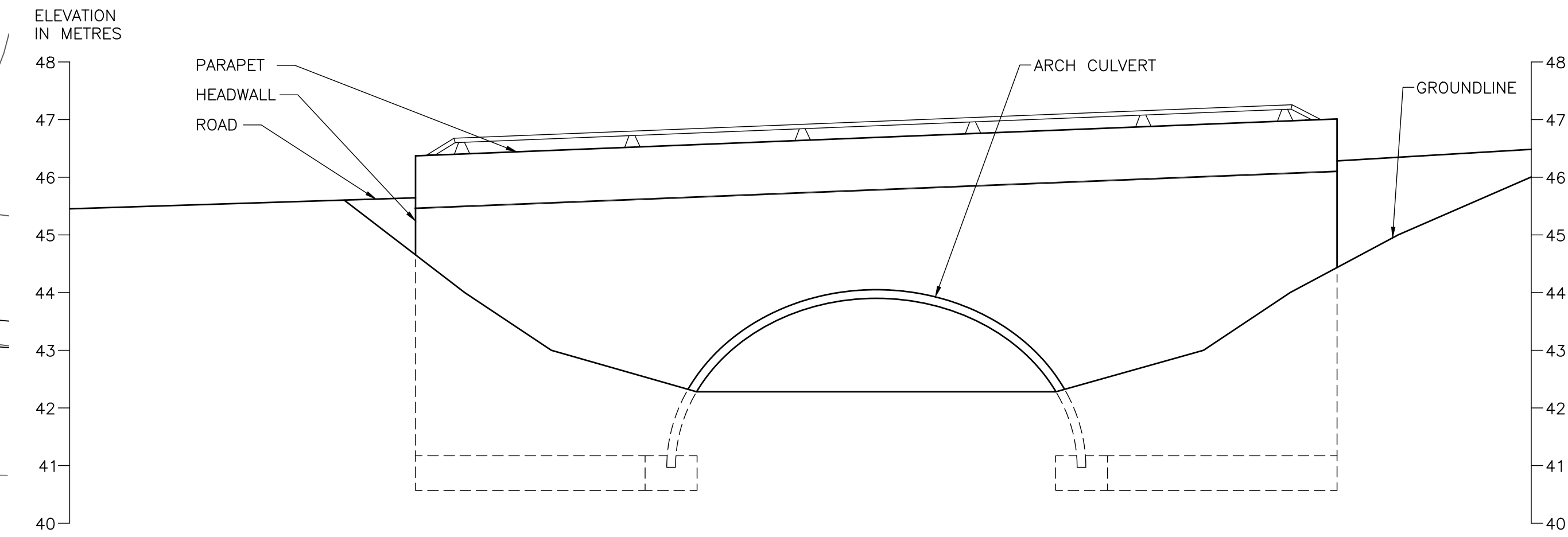
Attachments:

Appendix A 0037-075 S15, S16, & Sk5
Appendix B RFP IS-05 Cost Comparison
Appendix C Richter7 Engineering Cost Estimate



3701 Shenton Road, Nanaimo BC
mail@heroldengineering.com
(250)751-8558

Appendix A



ELEVATION IN METRES

ROAD PROFILE

RE-USE EXISTING ALUVIAL CREEK BED MATERIAL

24H BRIDGE-PLATE LOW PROFILE ARCH CULVERT

WATER MAIN

SANITARY SEWER

Q200 EL. 43.3m

CONCRETE FOOTING,

6964

1180

604

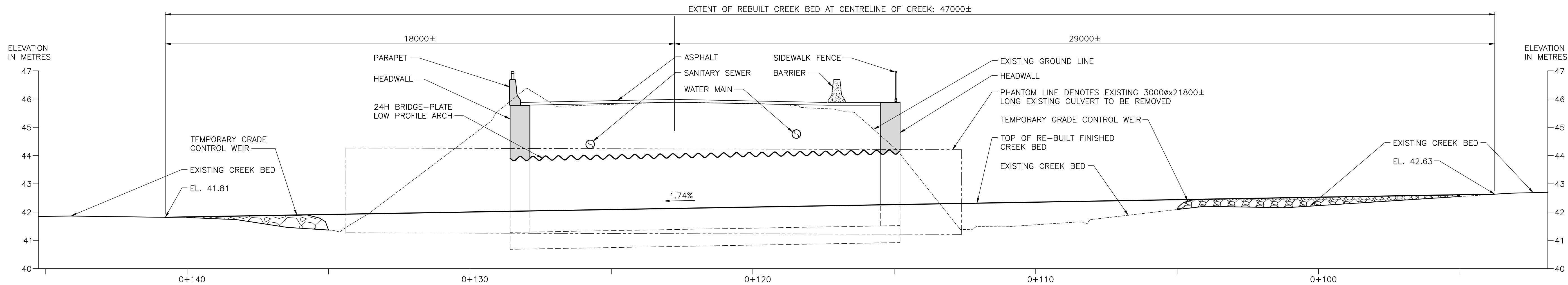
2930

NOT FOR
CONSTRUCTION

1. FOR GENERAL NOTES, SEE DWG. S01 AND S02.
2. FOR RIP RAP, FILTER ROCK AND STREAM REBUILDING DESIGN CRITERIA AND NOTES, SEE DWG. S05.

4TH AVENUE CROSSING
AT ROCKY CREEK
410 ESPLANADE LADYSMITH BC V9G 1A2
TOWN OF LADYSMITH

HEL PROJECT No. 0037-075	CLIENT DWG. No. N/A
SCALE AS SHOWN	PERMIT No. N/A
HEL DRAWING No. S15	REVISION A




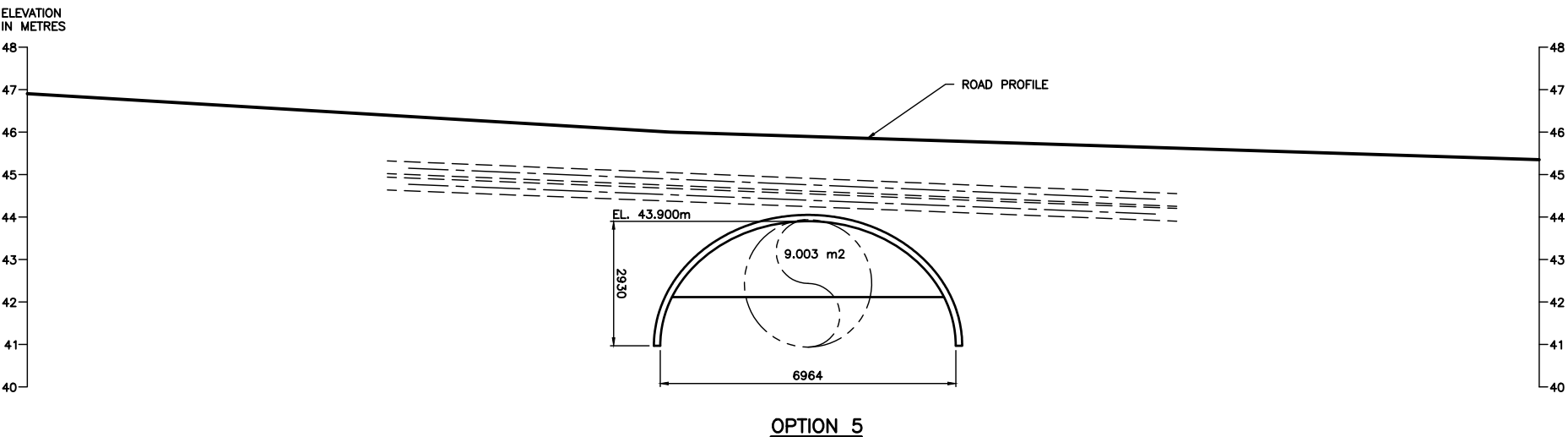
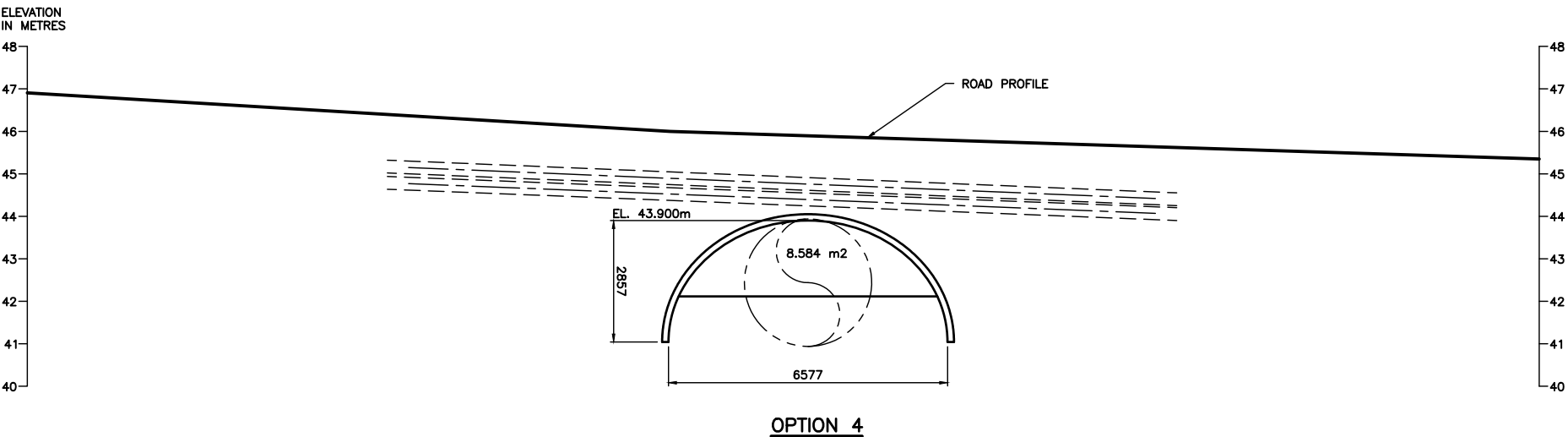
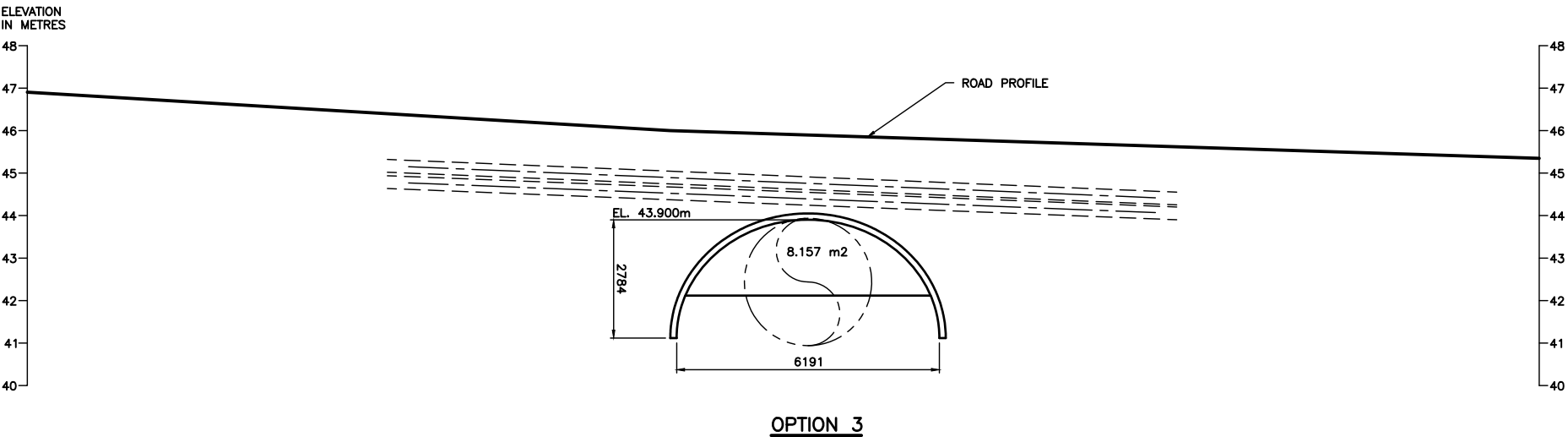
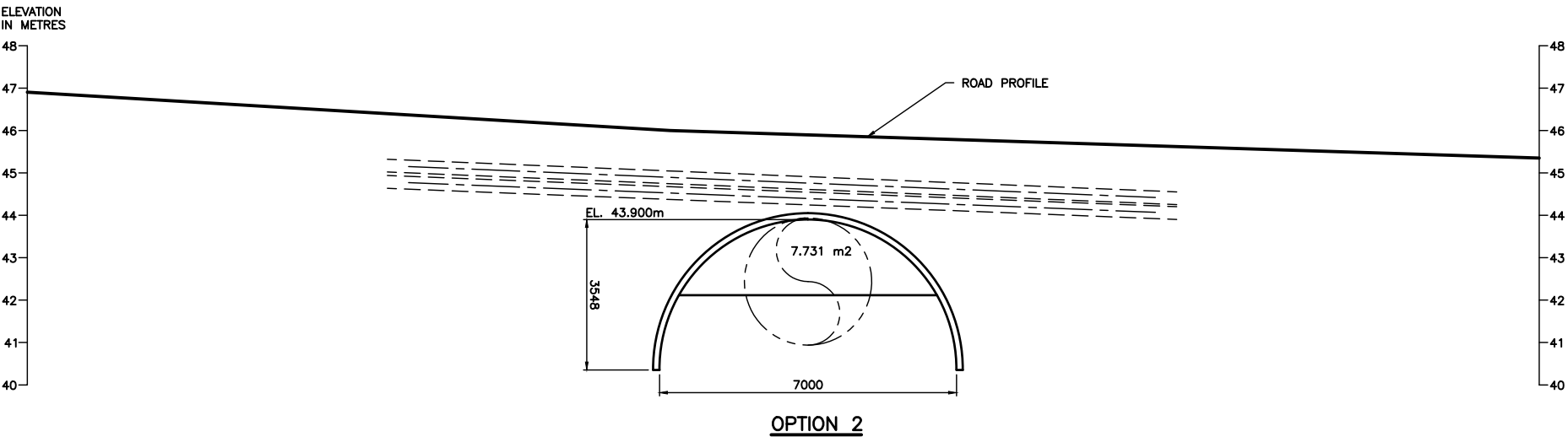
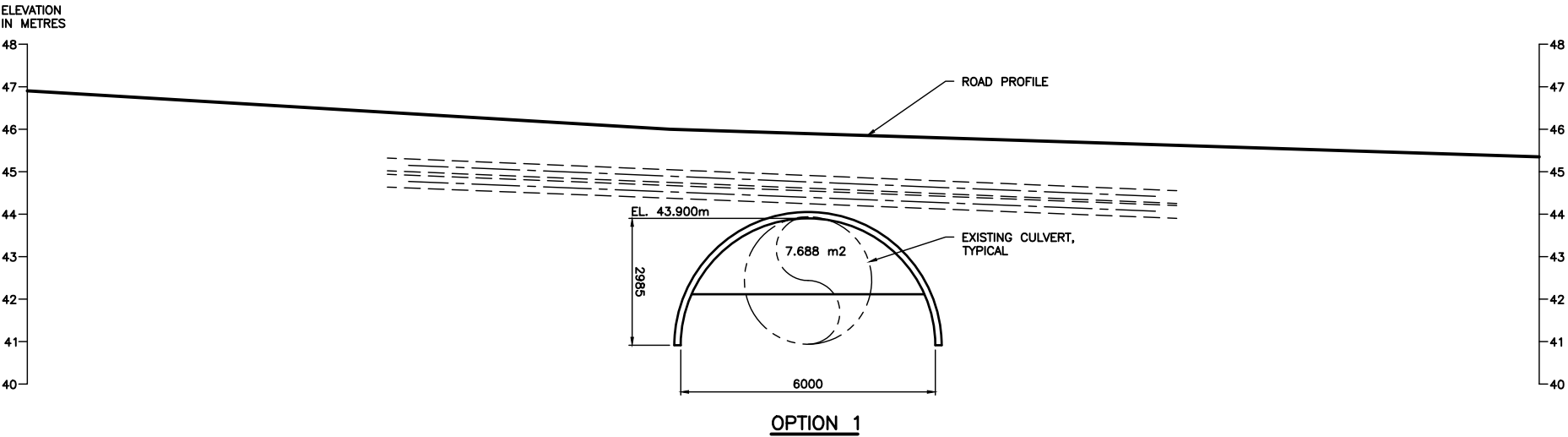
PROFILE LOOKING EAST, CENTRELINE OF CREEK
1:75

ISSUED FOR REVIEW

NOT FOR
CONSTRUCTION

- NOTES:
- FOR GENERAL NOTES, SEE DWG. S01 AND S02.
 - FOR RIP RAP, FILTER ROCK AND STREAM REBUILDING DESIGN CRITERIA AND NOTES, SEE DWG. S05.

ISSUES						SUB CONSULTANT		DRAFTED		 <div>HEROLD ENGINEERING</div> <div>3701 Shenton Rd, Nanaimo, BC V9T 2H1 Tel: 250-751-8558 Fax: 250-751-8559 Email: mail@heroldengineering.com</div>	ENGINEERS SEAL		CULVERT OPTION - GENERAL ARRANGEMENT		4TH AVENUE CROSSING AT ROCKY CREEK 410 ESPLANADE LADYSMITH BC V9G 1A2 TOWN OF LADYSMITH		HEL PROJECT No.		CLIENT DWG. No.			
No.	DATE	ISSUED FOR	No.	DATE	ISSUED FOR	No.	DATE	ISSUED FOR	No.		DATE	ISSUED FOR					No.	DATE	ISSUED FOR	SCALE	PERMIT No.	
A	2019.01.14	CLIENT REVIEW																			AS SHOWN	N/A
© Copyright reserved. This drawing remains the exclusive property of Herold Engineering Limited and may not be reused or reproduced without written consent of Herold Engineering Limited.																					HEL DRAWING No.	
																					S16	
																					A	



Appendix B

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-1

4th Avenue Crossing at Rocky Creek
0037-075/05 Tender Comparison

				Heavy Metal Marine		Windley Contracting		Copcan Civil	
Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
Section 1 General Requirements									
1.1	Location of Existing Underground Utilities	1	LS	2,421.79	2,421.79	1,974.00	1,974.00	20,000.00	20,000.00
1.2	Erosion and Sediment Control, Creek Bypass	1	LS	4,981.80	4,981.80	68,020.00	68,020.00	33,800.00	33,800.00
1.3	Traffic Control and Detour								
.1)	Option B (Provisional)	1	LS	19,082.75	19,082.75	15,358.00	15,358.00	22,800.00	22,800.00
1.4	Project Layout	1	LS	7,896.32	7,896.32	10,249.00	10,249.00	7,100.00	7,100.00
1.5	Tree Removal, Clearing and Grubbing	1	LS	16,151.71	16,151.71	12,239.00	12,239.00	17,500.00	17,500.00
1.6	Utility Pole Support (Provisional)	1	LS	3,948.15	3,948.15	2,320.00	2,320.00	1,030.00	1,030.00
1.7	Gas Main Relocation Structure	1	LS	7,132.37	7,132.37	22,197.00	22,197.00	16,000.00	16,000.00
1.8	Envrionmental Restoration	1	LS	8,227.06	8,227.06	9,287.00	9,287.00	4,870.00	4,870.00
Total Section 1					69,841.95		141,644.00		123,100.00
Section 2 Site Works and Rough Grading									
2.1	Common Excavation and Disposal Offsite (incl. Culvert)	1	LS	22,372.89	22,372.89	39,135.00	39,135.00	48,500.00	48,500.00
2.2	Overexcavation and Placement of Granular Fill (Provisional)	100	m ³	48.59	4,859.00	52.50	5,250.00	101.00	10,100.00
2.3	Riprap and Streambed Reconstruction								
.1)	East Bank	290	m ³	110.89	32,158.10	79.00	22,910.00	110.00	31,900.00
.2)	West Bank	195	m ³	110.89	21,623.55	75.50	14,722.50	110.00	21,450.00
.3)	Streambed Reconstruction	150	m ³	110.89	16,633.50	55.00	8,250.00	109.00	16,350.00

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-2

Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
Total Section 2					97,647.04		90,267.50		128,300.00
Section 3 Trench Excavation and Backfill									
3.1	Overexcavation and Placement of Granular Material (Provisional)	60	m ³	48.59	2,915.40	59.00	3,540.00	115.00	6,900.00
Total Section 3					2,915.40		3,540.00		6,900.00
Section 4 Water Distribution System									
4.1	Watermain Piping								
.1)	200mm dia. PVC DR18 C900	26	m	424.12	11,027.12	136.00	3,536.00	248.00	6,448.00
.2)	250mm dia. HDPE DR11	21	m	649.00	13,629.00	128.00	2,688.00	458.00	9,618.00
4.2	Water Main Fittings								
	BENDS								
.1)	200mm 45 DEG. GATE VALVES	4	no.	1,179.07	4,716.28	434.00	1,736.00	650.00	2,600.00
.2)	200mm HxH	1	no.	4,857.48	4,857.48	1,954.00	1,954.00	2,020.00	2,020.00
.3)	200mm FxH REDUCERS	1	no.	2,946.97	2,946.97	1,753.00	1,753.00	1,970.00	1,970.00
.4)	250F x 200F COUPLINGS	2	no.	1,584.96	3,169.92	636.00	1,272.00	641.00	1,282.00
.5)	Flexend Double Ball	2	no.	11,261.02	22,522.04	8,597.00	17,194.00	9,790.00	19,580.00
.6)	Hymax Coupler	2	no.	1,382.74	2,765.48	406.00	812.00	564.00	1,128.00
.7)	HxF Adaptor	2	no.	1,196.90	2,393.80	380.00	760.00	430.00	860.00
.8)	HDPE Flange Adaptor	2	no.	1,058.63	2,117.26	1,032.00	2,064.00	561.00	1,122.00
4.3	Connection to Existing Main Piping								
.1)	200mm dia. PVC	2	no.	639.58	1,279.16	834.00	1,668.00	124.00	248.00
4.4	Bridge Crossing Casing Pipe								
.1)	300mm dia. Steel Sch. 10S SS (Casing Pipe)	19	m	967.26	18,377.94	1,634.00	31,046.00	1,140.00	21,660.00

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-3

Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
Total Section 4					89,802.45		66,483.00		68,536.00
Section 5 Sanitary Sewer System									
5.1	Sanitary Sewer Piping								
.1)	250mm dia. HDPE DR21	62	m	375.85	23,302.70	185.00	11,470.00	264.00	16,368.00
5.2	Connection to Existing Manhole	2	no.	4,796.14	9,592.28	1,653.00	3,306.00	2,940.00	5,880.00
5.3	Bridge Crossing Casing Pipe								
.1)	300mm dia. Steel Sch. 10S SS (Casing Pipe)	19	m	967.26	18,377.94	1,634.00	31,046.00	1,140.00	21,660.00
5.4	Bypass Pumping	1	LS	31,401.00	31,401.00	63,158.00	63,158.00	71,200.00	71,200.00
Total Section 5					82,673.92		108,980.00		115,108.00
Section 6 Storm Sewer System									
6.1	Storm Sewer Piping								
.1)	150mm dia. PVC SDR35 & Reconnect to Exist. Lead	7	m	300.02	2,100.14	270.00	1,890.00	97.00	679.00
.2)	250mm dia. PVC SDR35	6	m	396.00	2,376.00	304.00	1,824.00	145.00	870.00
6.2	Catch basins								
.1)	Town of Ladysmith Type 1	3	no.	2,643.53	7,930.59	1,410.00	4,230.00	1,890.00	5,670.00
6.3	Removal of Existing Structures								
.1)	Catch basin & Capping Lead	1	no.	1,491.78	1,491.78	177.00	177.00	126.00	126.00
Total Section 6					13,898.51		8,121.00		7,345.00
Section 7 Curbs and Sidewalk									
7.1	Curbs								

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-4

Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
.1)	Non-mountable Curb & Gutter	18	m	196.36	3,534.48	179.00	3,222.00	184.00	3,312.00
.2)	Flat Panel Curb	19	m	196.09	3,725.71	180.00	3,420.00	183.00	3,477.00
7.2	Sidewalks								
.1)	100mm Sidewalk	78	m ²	96.20	7,503.60	89.00	6,942.00	93.50	7,293.00
7.3	Cutting and Removal of Existing Sidewalk	103	m ²	23.77	2,448.31	9.00	927.00	15.00	1,545.00
7.4	Cutting and Removal of Existing Curb	20	m	16.89	337.80	13.50	270.00	25.00	500.00
7.5	Concrete Roadside Barriers								
.1)	Parapet Transition Barriers (2 each side)	4	no.	330.18	1,320.72	501.00	2,004.00	465.00	1,860.00
.2)	CMB-E	4	no.	660.36	2,641.44	493.00	1,972.00	458.00	1,832.00
.3)	CTB-2H	3	no.	603.60	1,810.80	448.00	1,344.00	415.00	1,245.00
.4)	CRB-E/H	5	no.	538.75	2,693.75	387.00	1,935.00	359.00	1,795.00
.5)	CTB-1H	3	no.	603.60	1,810.80	448.00	1,344.00	415.00	1,245.00
.6)	CBN-H	3	no.	383.10	1,149.30	241.00	723.00	224.00	672.00
Total Section 7					28,976.71		24,103.00		24,776.00
Section 8 Streets									
8.1	Common Excavation	163	m ³	72.67	11,845.21	37.00	6,031.00	34.60	5,639.80
8.2	Overexcavation and Replacement of Granular Material (Provisional)	40	m ³	37.78	1,511.20	60.00	2,400.00	101.00	4,040.00
8.3	Granular Fill	100	m ³	113.78	11,378.00	38.00	3,800.00	45.40	4,540.00
8.4	Subgrade Preparation	685	m ²	6.84	4,685.40	2.50	1,712.50	1.00	685.00
8.5	Subbase (250mm)	779	m ²	34.76	27,078.04	11.00	8,569.00	13.50	10,516.50
8.6	Base Course (100mm)	708	m ²	51.56	36,504.48	12.00	8,496.00	6.00	4,248.00

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-5

Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
8.7	Pavement Markings	1	LS	1,113.11	1,113.11	786.00	786.00	1,140.00	1,140.00
8.8	Traffic Signs								
.1)	New - Barrier Mounted	4	no.	473.48	1,893.92	364.00	1,456.00	174.00	696.00
.2)	Remove, Store and Replace	1	no.	683.15	683.15	208.00	208.00	198.00	198.00
8.9	Landscaping Allowance (100mm topsoil, Hydroseeding)	274	m ²	15.31	4,194.94	20.00	5,480.00	17.00	4,658.00
8.10	Bridge End Fill	350	m ³			43.00	15,050.00	44.30	15,505.00
Total Section 8					100,887.45		53,988.50		51,866.30
Section 9 Asphalt Concrete Paving									
9.1	Cutting of Existing Asphalt Pavement	18	m	23.90	430.20	10.50	189.00	86.90	1,564.20
9.2	Removal of Existing Pavement	464	m ²	3.20	1,484.80	2.25	1,044.00	3.15	1,461.60
9.3	Lap Joint (Provisional)	18	m	47.38	852.84	38.00	684.00	43.00	774.00
9.4	Asphaltic Concrete								
.1)	75mm Thickness (Approaches)	382	m ²	64.42	24,608.44	59.00	22,538.00	62.70	23,951.40
.2)	100mm Thickness (Bridge)	183	m ²	81.42	14,899.86	80.00	14,640.00	79.50	14,548.50
9.5	Adjustment of Utilities								
.1)	Manholes, adjustment of Frame & Lid	1	no.	639.57	639.57	231.00	231.00	174.00	174.00
.2)	Valves, adjustment of Frame & Lid	1	no.	590.38	590.38	125.00	125.00	174.00	174.00
Total Section 9					43,506.09		39,451.00		42,647.70
Section 10 Bridge									
10.1	Bridge Scope of Work								

**TENDER FORM COMPARISON,
UNIT PRICE CONTRACT**

TF4-6

Item	Description	Est.Qty.	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
.1)	Bridge incl. Foundations, Structure,	1	LS	425,646.56	425,646.56	730,869.00	730,869.00	628,000.00	628,000.00
.2)	Additional pile length (>3m beyond anticipated)	1	m	1,105.24	1,105.24	2,303.00	2,303.00	1,150.00	1,150.00
Total Section 10					426,751.80		733,172.00		629,150.00
SUMMARY									
Section 1	General Requirements				69,841.95		141,644.00		123,100.00
Section 2	Site Works and Rough Grading				97,647.04		90,267.50		128,300.00
Section 3	Trench Excavation and Backfill				2,915.40		3,540.00		6,900.00
Section 4	Water Distribution System				89,802.45		66,483.00		68,536.00
Section 5	Sanitary Sewer System				82,673.92		108,980.00		115,108.00
Section 6	Storm Sewer System				13,898.51		8,121.00		7,345.00
Section 7	Curbs and Sidewalk				28,976.71		24,103.00		24,776.00
Section 8	Streets				100,887.45		53,988.50		51,866.30
Section 9	Asphalt Concrete Paving				43,506.09		39,451.00		42,647.70
Section 10	Bridge				426,751.80		733,172.00		629,150.00
TOTAL ALL SECTIONS					956,901.32		1,269,750.00		1,197,729.00
GST (5%)					47,845.07		63,487.50		59,886.45
TOTAL WITH GST					1,004,746.39		1,333,237.50		1,257,615.45

Appendix C



Richter7 Engineering Ltd.

February 6, 2019

Herold Engineering Limited
3701 Shenton Road
Nanaimo, B.C.
V9T 6H1

Attention Patrick Ryan, P.Eng. Associate

Re: Ladysmith Culvert Replacement
Engineer's Cost Estimate—[REVISION 1](#)

Hi Patrick,

As requested in your email of Jan 12 2019, I submit the following cost estimate of the culvert replacement based on the information forwarded.

Culvert Replacement Estimate: \$555,000.00 plus GST.

This Estimate **includes a 20% contingency** which I feel reflects the drawing detail level available right now.

For analysis of this estimate by yourself and the Town of Ladysmith I have included contractor style summary sheets of indirect and direct costs. The above estimate is the sum of these costs plus 20%. See Pages 1 and 2 attached.

Some inclusions of note in the estimate are the following:

- Environmental Monitoring Allowance
- Compaction Testing Allowance
- Concrete Testing Allowance
- Stream diversion utilizing the existing temporary overflow culverts
- Removal of existing no-post barriers and trucking FOB to Town of Ladysmith yard.
- Excavation costs assumes offsite haul and full import Pit Run backfill, with $\frac{3}{4}$ minus road base crush bedding 1 meter thick around culvert.
- Option 4 - 24H Armtec Multiplate Arch c/w full Strata Cat coating both sides. Based on Armtec budget price of \$70,000.00. (which includes 2 days of technical assistance added)

Exclusions of note are:

- Any traffic control for the detour other than temporary wood road closure barriers at the site.
- Rip Rap price based on re-utilizing existing Rip Rap as much as possible
- [Line painting](#)



Richter7 Engineering Ltd.

Regards,

Richter7 Engineering Ltd.

Glen Knappett P.Eng.

RICHTER7 ENGINEERING LTD.					
Rocky Creek Culvert Estimate					
Page 2					
Feb-06 2019 REV 1					
DIRECT COSTS					
Item No.	Item Description	Qty	Unit	Unit Rate	Total
5	REMOVE No Post BARRIERS	1	LS	1500	1500
10	CLEARING	1	LS	2500	2500
15	CUT & REMOVE ASPHALT	250	M2	4	1000
16	BYPASS PUMPING	1	LS	30000	30000
17	TEMPORARY GAS RELOCATION STRUCT	1	LS	16000	16000
20	BULK EXC& HAUL OFF	1200	M3	15	18000
25	DEMO OLD CULVERT	1	LS	2000	2000
30	DEWATERING&DIVERSION	1	LS	3000	3000
35	STREAM EXC&STOCKPILE	100	M3	6.5	650
40	FTG EXC	15	M3	15	225
45	CULVERT FTG CONC	18	M3	750	13500
50	HEADWALL FTG CONC	38	M3	750	28500
55	CULVERT SUPPLY FOBSITE	1	LS	70000	70000
60	CULVERT INSTALL L&R	150	M2	125	18750
65	HEADWALL WALL CONC	50	M3	1050	52500
70	3/4 INCH CRUSH B/FILL	200	M3	35	7000
75	3 INCH SGSB BACKFILL	1070	M3	30	32100
76	ENVIRONMENTAL RESTORATION	1	LS	8000	8000
80	B/FILL STREAM EXC (REPROFILE)	100	M3	65	6500
81	RIP RAP S&I	420	M2	20	8400
85	200 WATERMAIN	38	LM	350	13300
86	CB'S AND STORM SYSTEM	3	EA	2500	7500
90	250 SANITARY SEWER	61	LM	200	12200
91	1.65m x 150 mm CONC SIDEWALK	45	M2	125	5625
95	3/4 INCH ROAD BASE	400	M2	15	6000
100	C.I.P PARAPET	7	M3	1200	8400
105	75 MM ASPHALT PAVING	400	M2	65	26000
110	APPROACH BARRIER	15	LM	150	2250
120	GALV PARAPET RAILING	17	LM	100	1700
125	GALV SIDEWALK FENCE	17	LM	500	8500
130	SIGNAGE	1	LS	800	800
TOTAL DIRECT COSTS				TOTAL	\$ 412,400.00

[illegible]

RICHTER7 ENGINEERING LTD.					
Rocky Creek Culvert Estimate					
Page 2					
Feb-06 2019 REV 1					
DIRECT COSTS					
Item No.	Item Description	Qty	Unit	Unit Rate	Total
5	REMOVE No Post BARRIERS	1	LS	1500	1500
10	CLEARING	1	LS	2500	2500
15	CUT & REMOVE ASPHALT	250	M2	4	1000
16	BYPASS PUMPING	1	LS	30000	30000
17	TEMPORARY GAS RELOCATION STRUCT	1	LS	16000	16000
20	BULK EXC& HAUL OFF	1200	M3	15	18000
25	DEMO OLD CULVERT	1	LS	2000	2000
30	DEWATERING&DIVERSION	1	LS	3000	3000
35	STREAM EXC&STOCKPILE	100	M3	6.5	650
40	FTG EXC	15	M3	15	225
45	CULVERT FTG CONC	18	M3	750	13500
50	HEADWALL FTG CONC	38	M3	750	28500
55	CULVERT SUPPLY FOBSITE	1	LS	70000	70000
60	CULVERT INSTALL L&R	150	M2	125	18750
65	HEADWALL WALL CONC	50	M3	1050	52500
70	3/4 INCH CRUSH B/FILL	200	M3	35	7000
75	3 INCH SGSB BACKFILL	1070	M3	30	32100
76	ENVIRONMENTAL RESTORATION	1	LS	8000	8000
80	B/FILL STREAM EXC (REPROFILE)	100	M3	65	6500
81	RIP RAP S&I	420	M2	20	8400
85	200 WATERMAIN	38	LM	350	13300
86	CB'S AND STORM SYSTEM	3	EA	2500	7500
90	250 SANITARY SEWER	61	LM	200	12200
91	1.65m x 150 mm CONC SIDEWALK	45	M2	125	5625
95	3/4 INCH ROAD BASE	400	M2	15	6000
100	C.I.P PARAPET	7	M3	1200	8400
105	75 MM ASPHALT PAVING	400	M2	65	26000
110	APPROACH BARRIER	15	LM	150	2250
120	GALV PARAPET RAILING	17	LM	100	1700
125	GALV SIDEWALK FENCE	17	LM	500	8500
130	SIGNAGE	1	LS	800	800
TOTAL DIRECT COSTS				TOTAL	\$ 412,400.00



www.heroldengineering.com

STAFF REPORT TO COUNCIL

From: Robin MacNair, Bylaw Compliance Officer
Meeting Date: March 4, 2019
File No.: 3900-20-1309
RE: AMENDMENTS TO STREETS AND TRAFFIC BYLAW NO. 1309

RECOMMENDATION:

That Council proceed with first, second and third readings of Bylaw 1993 cited as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw # 6, 2019, No. 1993."

PURPOSE:

The purpose of this staff report is to present to Council amendments to the Streets and Traffic Bylaw to amend Schedule "B", which is the impound fee schedule, to match impound fees approved by ICBC and to provide a new definition for "boulevard".

PREVIOUS COUNCIL DIRECTION

In 2018, Council adopted the Bylaw Compliance Policy. The Policy contains a list of compliance priorities. The amendments to the Streets and Traffic Bylaw will assist in addressing concerns that fall under Priority #1 (Public Land, Public Resources, Public Safety) and Priority #3 (Parking).

INTRODUCTION/BACKGROUND:

After reviewing the Streets and Traffic Bylaw, it was determined that the Impound Fee Schedule (Schedule "B") is out of date and does not reflect the current rates that are approved by ICBC for tow contractors. This amendment will bring Schedule "B" in line with the ICBC approved rates. Staff also determined that the definition for "boulevard" needed to be updated. This amendment provides a more comprehensive definition.

DISCUSSION:

It is important for the Town to have the ability to tow vehicles as an enforcement action when other compliance methods have been unsuccessful or where hazardous situations exist. The current bylaw allows the Town to tow vehicles but the impound schedule is out of date and needs to be amended.

There are other items (signs, play vehicles) included in Schedule B and no changes to fees are being proposed for those items.

ALTERNATIVES:

Council does not give three readings to the bylaw amendments and the current bylaw continues to apply.

FINANCIAL IMPLICATIONS:

None

LEGAL IMPLICATIONS:

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Clearly written bylaws are important for residents to understand what is allowed and what process staff will follow.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Currently the Town of Ladysmith does not have a contract with the tow company that has been providing the service. Entering into a contract provides clear direction and expectations for both parties. Staff are pursuing the contract option.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

Staff recommend giving three readings to Bylaw 1993.

Report prepared by:



Robin MacNair
Bylaw Compliance Officer

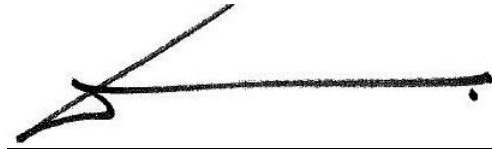
February 20, 2019

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

None

TOWN OF LADYSMITH

BYLAW NO. 1993

A Bylaw to amend the Streets and Traffic Bylaw 1998, No. 1309.

WHEREAS pursuant to the *Community Charter*, the Municipal Council is empowered to amend the Streets and Traffic Bylaw;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Amendment

- 1. Delete the definition of “*Boulevard*” and replace it with the following:

“*Boulevard*” means that portion of a highway between the edge of the travelled portion of the *roadway* and the adjoining property line and, in the case of a divided *highway*, that portion between the inside curbs.
- 2. Replace Schedule “B” (Impound Fee Schedule) and with the attached Schedule “B”.

Citation

- 3. This Bylaw may be cited for all purposes as “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #6, 2019, No. 1993”.

READ A FIRST TIME	on the	day of	,
READ A SECOND TIME	on the	day of	,
READ A THIRD TIME	on the	day of	,
ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE “B”

Impound Fee Schedule

- 1. Fee for removal to an impound lot of a *vehicle* having a licensed gross *vehicle* weight:
 - i) not exceeding 5,000 kg is \$77.46
 - ii) exceeding 5,000 kg
but not exceeding 6,300 kg is \$81.80
 - iii) exceeding 6,300 kg
but not exceeding 9,072 kg is \$129.67
 - iv) exceeding 9,072 kg is \$172.47

- 2. Fee for storage of an impounded *vehicle* shall be calculated at a rate of \$15.87 for each calendar day or any part thereof, including the first day of impoundment.

- 3. Fee for storage of unauthorized signs shall be calculated at a rate of \$10.00 for each calendar day or any part thereof.

- 4. Fee for detention and removal of a *play vehicle* is \$40.00.

- 5. Fee for impoundment of a *play vehicle* shall be calculated at a rate of \$2.00 for each calendar day or any part thereof, including the first day of impoundment.

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
 Meeting Date: March 4, 2019
 File No:
 RE: **Water and Sewer Rates Amendment Bylaws
 Sewer Connection Amendment Bylaw**

RECOMMENDATION:

That Council give first, second and third readings to:

1. Waterworks regulation bylaw 1999, No.1298, Amendment Bylaw 2019, No.1996; and
2. Sanitary Sewer Rate Bylaw 1999, No.1299, Amendment Bylaw 2019, No.1997; and
3. Sewer Connection Bylaw 1966, No. 411, Amendment Bylaw 2019. No. 2002.

PURPOSE:

The purpose of this staff report is to present to Council the revise Water and Sewer Rates bylaws as discussed during the 2019 Financial Plan deliberations and to amend the utility fees for water, sewer and storm connections.

PREVIOUS COUNCIL DIRECTION

CS 2019-033	01/22/2019	That Council direct staff to prepare an amendment to Waterworks Regulations Bylaw 1999, No. 1298 to increase the base rate by \$10.00 and to increase the rate for each consumption step by 10 per cent , effective April 1, 2019.
CS 2019-031	01/22/2019	That Council direct staff to prepare an amendment to Sanitary Sewer Rate Bylaw 1999, No. 1299 to increase each rate classification by 16 per cent, effective April 1, 2019.

INTRODUCTION/BACKGROUND:

The Water and Sewer Utility budgets were discussed during the 2019 Financial Plan deliberations. Staff presented some cost driver impacts to the utilities, such as the anticipated operating cost for the Water Filtration Plant and the Composting site and presented proposed rates for the respective utilities.

It was also discussed during the budget deliberations the rate increases will be effective for the second quarter utility bills; the bills will be issued in mid-July.

For a single family dwelling, the per-quarter billing impact will be a \$12 for sewer charges and nearly a \$16 for water charges using 90m³ of water during the three month period.

Connection Fees

Included in each of the utility bylaws are connection rates. The connection fees are increasing:

- from \$2,400 to \$3,000 for water connections
- from \$1,800 to \$2,000 for sewer connections
- from \$1,800 to \$3,800 for storm connections.

Order to Repair

Within the Waterworks bylaw is stronger language for situations where the Director of Infrastructure Services has discovered a leak on private property and requires the property owner to make immediate repairs. No billing adjustments will be provided if such a repair is not completed within 72 hours. This clause is targeting property owners who willingly ignore water main ruptures resulting in excess amounts of treated water being wasted.

ALTERNATIVES:

- Continue with the current rates, though anticipated budget revenues to offset expenses will not be met; or
- Revised the water rates as:
 - Flat rates;
 - Equal rates per property type;
- Revised the sewer rates as:
 - A portion of the water consumption.

FINANCIAL IMPLICATIONS:

As discussed.

LEGAL IMPLICATIONS:

Per *Community Charter* s.194, Council may impose (by bylaw) a fee for a service.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Property owners and tenants will be impacted

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

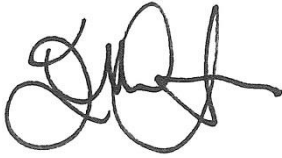
- | | |
|---|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
|---|---|

- ☒ Watershed Protection & Water Management
☐ Communications & Engagement

- ☐ Partnerships
☐ Not Applicable

SUMMARY:

On tonight's agenda are two bylaws amending the current bylaw rates for water and sewer fees, as well as another bylaw for sewer and storm connection fees. The rates bylaws were discussed during the 2019 Financial Plan deliberations and Council provided direction to prepare the bylaws.



Erin Anderson, Director of Financial Services

February 21, 2019

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

none

TOWN OF LADYSMITH

BYLAW NO. 1996

A bylaw to amend the Waterworks Regulations Bylaw 1999, No. 1298 of the Town of Ladysmith.

WHEREAS pursuant to the *Community Charter*, the Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Amendment

1. Schedule ‘A’ of “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2018, No. 1942” is hereby replaced with the attached Schedule ‘A’.
2. Add a heading to section 39 as “Billing Adjustments due to leaks or breakages”.
3. Change all occurrences of “*Superintendent of Public Works*” to “*Director of Infrastructure Services*”
4. Add a new section 40 to read as follows:

40. WATER LEAK: ORDER TO REPAIR

- (1) Where the *Director of Infrastructure Services* deems a leak to be occurring on private property, an Order to Repair notice will be posted at the property requiring the leak be repaired within 72 hours.
- (2) No billing adjustment will be made if an Order to Repair leak is not repaired within 72 hours.

Effective Date

5. The provisions of this bylaw shall become effective and be in force as of April 1, 2019.

Citation

6. This bylaw may be cited as "Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 1996".

READ A FIRST TIME	on the	day of
READ A SECOND TIME	on the	day of
READ A THIRD TIME	on the	day of
ADOPTED	on the	day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE “A”

TOWN OF LADYSMITH

Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 1996

1 METERED SINGLE UNIT DWELLING

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 41.13	
Next 26 m ³ to 50 m ³	\$ 0.8456	Per m ³
Next 51 m ³ to 75 m ³	\$ 0.9994	Per m ³
Next 76 m ³ to 100 m ³	\$ 1.2298	Per m ³
Next 101 m ³ to 125 m ³	\$ 1.6143	Per m ³
Over 125 m ³	\$ 2.1523	Per m ³

2 METERED SERVICE - all other users

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 41.13	
Over 25 m ³	\$ 0.7687	Per m ³

3 NON-METER SERVICE

Per billing period:	\$ 64.13	Per unit
---------------------	----------	----------

4 WATER SERVICE CONNECTION RATES

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

(A) Up to a 25mm (4”) service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances: \$3,000 per connection

(B) Larger than 25mm (4”) shall be: At cost but no less than \$3,000 per connection

Where a service connection has been previously provided to a parcel:

(C) service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$100 per connection

(D) Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be: At cost, but no less than \$3,000 per connection

5 FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. \$2,000 per offence
Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense.

Effective April 1, 2019.

TOWN OF LADYSMITH

BYLAW NO. 1997

A bylaw to amend the Sanitary Sewer Rate Bylaw 1999, No. 1299 of the Town of Ladysmith.

WHEREAS pursuant to the *Community Charter*, The Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Amendment

1. Schedule “A” of “Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2018, No. 1943” is hereby replaced with the attached Schedule “A”.

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of April 1, 2019.

Citation

3. This bylaw may be cited as "Town of Ladysmith Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2019, No. 1997".

READ A FIRST TIME	4th	day of March, 2019
READ A SECOND TIME	4^h	day of March, 2019
READ A THIRD TIME	4th	day of March, 2019
ADOPTED		day of , 2019

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE “A”

TOWN OF LADYSMITH

Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2019, No. 1997

SCHEDULE OF RATES

CLASSIFICATION		Sewer Charge Per Month
Residences or Apartments:	For each Dwelling Unit	\$28.75
Motels & Auto Courts:	Premises of owner or operator	\$28.75
	For each rental unit	\$4.39
Mobile Home Parks:	Public rest rooms and/or service rooms	\$28.75
	For each mobile home with sewer connection	\$28.75
Hotels:	Owners or managers quarters	\$28.75
	Per apartment for rent	\$28.75
	Per room for rent	\$4.39
Beer Parlours, Pubs, Licenced Cabarets & Lounges:	For each separately licenced area	\$59.85
Cafes, Restaurants & Dining Rooms:		\$59.85
Offices, Shops and Stores:	Per office, store & store unit not otherwise specified	\$28.75
Store(s) and Suites(s) combined:	Per store unit	\$28.75
	Per suite	\$28.75
Stores(s) and Office(s) combined:	Per store unit	\$28.75
	per office unit	\$28.75
Office Building:	per office unit	\$28.75
Laundry or Laundromat:		\$95.10
Services Stations and Garages:	Without car wash	\$28.75
	With car wash	\$63.97
Public or Social Club with licenced bar:		\$59.85
Church Hall, Public Hall or Lodge Room		\$22.25
Hospitals & Nursing Homes	per bed	\$13.37
Schools	per classroom, auditorium or office	\$28.75

Effective April 1, 2019

TOWN OF LADYSMITH

BYLAW NO. 2002

A bylaw to amend the sewer connection rates imposed on owners of land in the Town of Ladysmith.

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

“Town of Ladysmith Sewer Connection Bylaw, No. 411, 1966, is hereby amended as follows:

- 1. Delete Section 4 in its entirety and replace it with the following:
 - 4 (a) Before any connection is made, the property owner or agent shall make application for each desired connection to the Town of Ladysmith and pay the prescribed fees for a:
 - i) Sanitary sewer main connection as shown in Schedule ‘A’ Section 1.
 - ii) Storm main connection as shown in Schedule ‘A’ Section 2.
 - 4 (b) Before a modification to an existing connection is made, the property owner or agent shall make application to the Town of Ladysmith and pay the prescribed fees for a:
 - i) Sanitary sewer main modification connection as shown in Schedule ‘A’ Section 3.
 - ii) Storm main modification connection as shown in Schedule ‘A’ Section 4.
- (2) Add the attached Schedule ‘A’.
- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Sewer Connection Bylaw, 1966 No. 411, Amendment Bylaw #4, 2019, No. 2002”.

READ A FIRST TIME	day of
READ A SECOND TIME	day of
READ A THIRD TIME	day of
ADOPTED	day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

Town of Ladysmith Sewer Connection Bylaw, 1966 No. 411, Amendment Bylaw 2019, No. 2002.

Schedule ‘A’

1. Sanitary Sewer Main Connection Fee

Diameter	Length	Depth	Cost per connection
Up to 100mm (4’’)	Up to 20 meters	Up to 3 meters	\$2,000

Any variation to the sanitary sewer main diameter, length or depth will be charge at cost with a minimum fee of \$2,000 per connection.

2. Storm Main Connection

Diameter	Length	Depth	Cost per connection
Up to 100mm (4’’)	Up to 20 meters	Up to 3 meters	\$3,800

Any variation to the storm main diameter, length or depth will be charge at cost with a minimum fee of \$3,800 per connection.

3. Sanitary Sewer Main Modification Connection Fee

At cost with a minimum fee of \$2,000 per connection.

4. Storm Main Modification Connection Fee

At cost with a minimum fee of \$3,800 per connection.

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: March 4, 2019
File No: 4020-00
RE: TICKET INFORMATION UTILIZATION BYLAW AMENDMENT

RECOMMENDATION:

That Council proceed with first, second and third readings of Bylaw 2003 cited as "Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003".

PURPOSE:

The purpose of this staff report is to introduce an amendment to the Ticket Information Utilization Bylaw (MTI Bylaw) in order to update the bylaw with respect to Zoning Bylaw infractions.

PREVIOUS COUNCIL DIRECTION

In 2018, Council adopted a Bylaw Compliance Policy. The policy supports an enforcement philosophy that seeks voluntary compliance and the use of enforcement tools, such as municipal tickets, when other compliance methods have not been effective. In addition, Council has previously provided direction on updating the MTI Bylaw including a review of fines.

INTRODUCTION/BACKGROUND:

The purpose of the proposed amendment Bylaw 2003 is to update the MTI Bylaw with respect to Zoning Bylaw offences and related fines.

The offences listed in column one of Schedule 11 provide a short form expression of the Zoning Bylaw regulations noted in column two for the purposes of writing a ticket. These specific sections have been recommended by the Bylaw Officer as appropriate to capture land use offences (e.g. use contrary to zoning, prohibited use, unauthorized suite, suite contrary to conditions), environmental offences (e.g. use within a required setback from a watercourse or the sea), and liability-related concerns (e.g. over height obstruction at a corner, such as a fence).

Issuing a MTI ticket is an enforcement action when other efforts have failed. Fines should have a value high enough to be a deterrent to a potential violator, but not so high as to be unreasonable relative to the offence. Tickets cannot impose a fine greater than \$1000.

Staff reviewed fines from other jurisdictions which ranged from \$350 to \$500 for similar offences. The Zoning Bylaw fines in the MTI Bylaw are currently \$100 and have not been reviewed since 2002. Under the Zoning Bylaw, a series of fines can be issued to the owners for each day the non-permitted use is continued.

ALTERNATIVES:

Council can choose to determine a different fine amount.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Having a range of effective bylaw compliance and enforcement tools is important to residents, property owners and businesses that may be impacted by an unresolved infraction.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

Staff recommend that Council proceed with the first three readings of Bylaw 2003.



Felicity Adams, Director of Development Services

February 25, 2019

I concur with the recommendation.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero, City Manager

ATTACHMENTS:

None

TOWN OF LADYSMITH

BYLAW NO. 2003

A Bylaw to amend the Ticket Information Utilization Bylaw to include fines associated with Zoning Bylaw 2014, No. 1860.

WHEREAS the *Community Charter* empowers the Council, by bylaw, to authorize the use of any word or expression on a municipal ticket information to designate an offence against a bylaw;

AND WHEREAS the *Community Charter* empowers the Council, by bylaw, to establish penalties in relation to an offence against a bylaw;

AND WHEREAS it is deemed appropriate to amend “Ticket Information Utilization Bylaw 2002, No. 1457”;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- 1. Schedule 11 of “Ticket Information Utilization Bylaw 2002, No. 1457” is removed in its entirety and replaced with the following Schedule 11:

SCHEDULE 11

RE: ZONING BYLAW 2014, No. 1860

<u>Designated Expression</u>	<u>Section</u>	<u>Fine</u>
Obstruct Authorized Entry	3.1	\$350.00
Contrary to Permitted Use	5.1(b)	\$350.00
Within Required Setback	5.2 (e)	\$350.00
Over Height Obstruction	5.15 (a)	\$350.00
Prohibited Use	6.3	\$350.00
Unauthorized Suite	6.4 (a)	\$350.00
Suite Contrary to Conditions	6.4(b)	\$350.00

2. CITATION

This Bylaw may be cited for all purposes as “Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003”.

READ A FIRST TIME on the day of , 2019

READ A SECOND TIME on the day of , 2019

READ A THIRD TIME on the day of , 2019

ADOPTED on the day of , 2019

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2004

A Bylaw To Close And Remove The Dedication Of A Highway

WHEREAS the purpose of this Bylaw is to close to traffic and remove the highway dedication of a previously closed portion of Farrell Road on the property located at 674 Farrell Road in the Town of Ladysmith, British Columbia for the purpose of disposing of the land for consolidation with the adjacent lands;

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the Community Charter, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

NOW THEREFORE the Municipal Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

- 1. That portion of Farrell Road shown as “Closed Road” on Schedule “A” of this Bylaw, is closed to all traffic.
- 2. The dedication of that part of Farrell Road referred to in Section 1 is removed.

CITATION

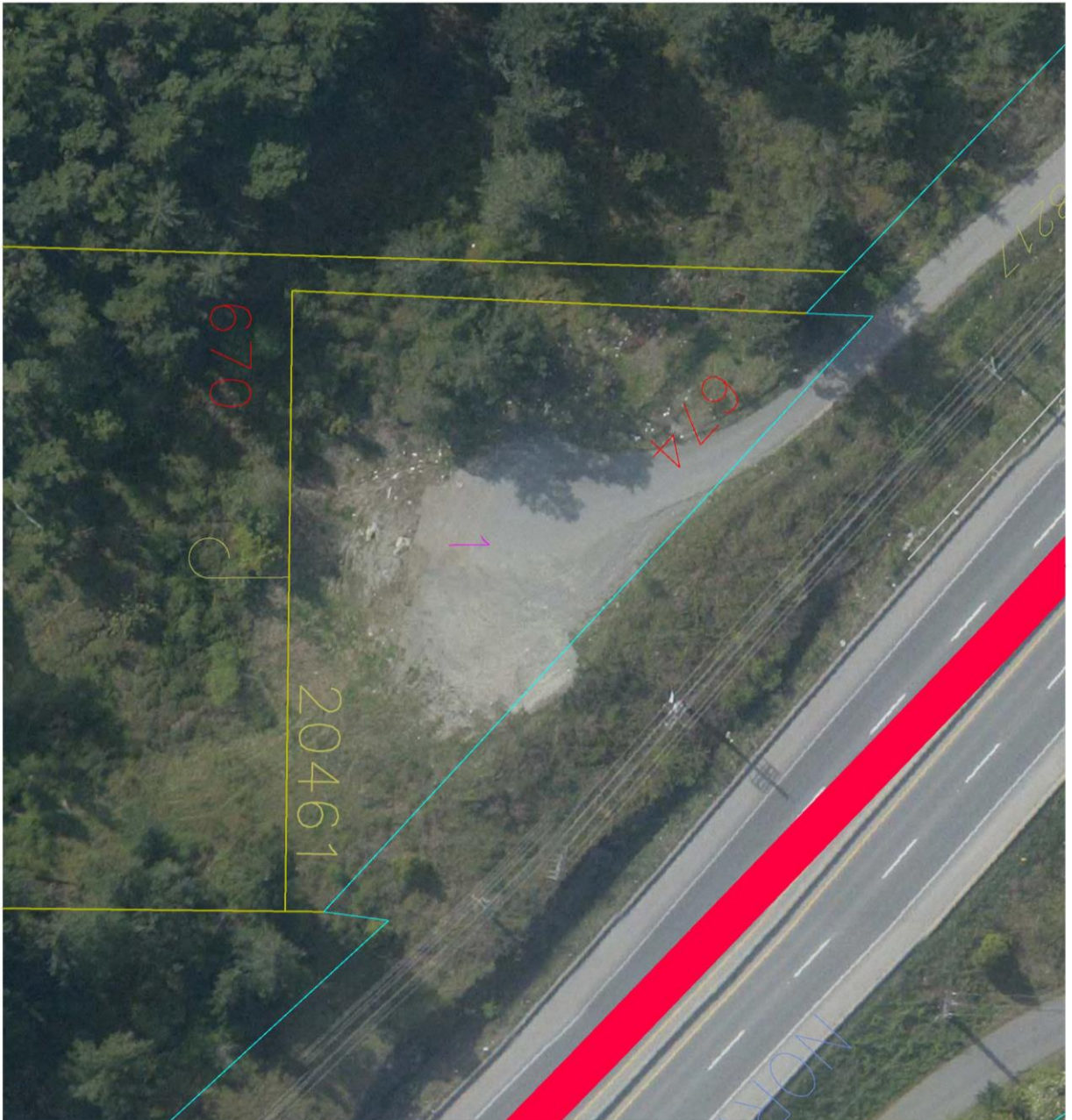
- 3. This Bylaw may be cited as the “Road Closure and Dedication Removal Bylaw 2019, No. 2004”.

READ A FIRST TIME	on the	day of
READ A SECOND TIME	on the	day of
READ A THIRD TIME	on the	day of
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE	on the	day of
ADOPTED	on the	day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule "A" to Bylaw No. 2004 - Road Closure Plan



STAFF REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Meeting Date: March 4, 2019
 File No: 3900-20-2004
 RE: **BYLAW TO CLOSE A PORTION OF FARRELL ROAD**

RECOMMENDATION:

That Council:

1. Authorize that a portion of Farrell Road located on the property at 674 Farrell Road be closed and that the highway dedication be removed;
2. Give first, second and third readings to Town of Ladysmith Road Closure and Dedication Removal Bylaw 2019, No. 2004;
3. Direct staff to refer Bylaw 2004 to the Ministry of Transportation and Highways in accordance with applicable legislation; and
4. Direct staff to provide public notice of its intent to adopt Bylaw 2004 in accordance with the *Community Charter*.

PURPOSE:

The purpose of this staff report is to seek Council authorization to close a portion of Farrell Road in order to facilitate the sale of the property.

PREVIOUS COUNCIL DIRECTION

Resolution	MeetingDate	ResolutionDetails
CE 2017-110	2017-06-05	That Council direct staff to list the Town-owned property at 674 Farrell Road as an exclusive listing with Lorne Gait and Jill Dashwood of Royal LePage Nanaimo Realty, with an asking price of \$200,000.
CE 2019-011	2019-02-04	That Council rise at 6:45 p.m. with report at an appropriate time on the following: <ul style="list-style-type: none"> • Resolution CE 2019-010 That Council: <ol style="list-style-type: none"> 1. Accept the Offer to Purchase the property at 674 Farrell Road for \$160,000, as amended by the following: <ol style="list-style-type: none"> a. Add the statement: <p>"Nothing in this Agreement shall be interpreted as prejudicing or impairing the Seller in the exercise of any statutory or legislative powers under the Local Government Act, the Community Charter or any other enactment, all of which may be exercised as if this Agreement had not been executed."</p>

Resolution	MeetingDate	ResolutionDetails
		b. Add a new condition: Subject to the Town of Ladysmith publishing statutory notice by February 28, 2019 of its intent to dispose of the property. 2. Authorize the Corporate Officer to sign the Offer to Purchase as amended; and 3. Direct staff to issue statutory notice of disposition in accordance with the Community Charter.

INTRODUCTION/BACKGROUND:

The unserviced property at 674 Farrell Road is 0.471 acre (~0.19ha) and is zoned RU-1. It was acquired by the Town in 2007 from the BC Transportation Authority and is currently vacant. In 1998, the provincial government closed the portion of Farrell Road that is shown on the property in the diagram below.

Although the road is officially closed, the Town does maintain it with snow and ice removal in winter, and sweeping at other times of the year. In addition, the public does occasionally use the cul de sac as a turn-around or for parking.

Section 42 of the *BC Transportation Act* stipulates that where a closed road has been used by members of the public, and some public funds have been expended to maintain the roadway (not including snow and ice removal), the road is considered a highway regardless of whether it has previously been closed.



The Town has accepted an offer to purchase the property at 674 Farrell Road. However, due to the existence of the closed road on the property, and the potential for it to qualify as a highway under section 42 of the Transportation Act, staff recommend that the Town proceed with a new road closure and dedication removal bylaw to protect the interests of both the Town and the purchaser.

This portion of Farrell Road is a dead end, has not been dedicated as a road since 1998, and does not provide access to any adjoining properties. Any future development in the area will be required to meet all statutory obligations for road access.

ALTERNATIVES:

Council could choose not to give first three readings to Bylaw 2004 at this time. However, time is of the essence due to the accepted purchase offer on the property.

FINANCIAL IMPLICATIONS:

Should the property sale not proceed, the Town could forego the sale price of \$160,000.

LEGAL IMPLICATIONS:

In accordance with the legislation, the Town cannot sell property that contains an active highway. Although the road on the 674 Farrell Road property has previously been closed by the province, the fact that it is occasionally used as a turnaround or for parking by the public means that the road could be considered to be a highway. To protect the interests of the Town and comply with legislation, it is recommended that Council enact a road closure and dedication removal bylaw in accordance with applicable legislation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

In order to protect the Town's interests and to comply with applicable legislation with respect to the sale of a Town-owned property, it is recommended that council enact a Road Closure and Dedication Removal bylaw for a previously closed road (cul de sac) on the Town-owned property at 674 Farrell Road.



Joanna Winter, Manager of Legislative Services

February 27, 2019

I concur with the recommendation.

Guillermo Ferrero, City Manager

Presentation to Town of Ladysmith

Feb. 6, 2019

Mr. Mayor, Councillors and staff of the Town of Ladysmith

Request to change the zoning bylaws of the Town of Ladysmith to prohibit the bottling of groundwater for commercial sale or bulk export

My name is Bruce Gibbons, and I live at 2470 Sackville Road, in Merville. I am submitting this request to address council about the issue of protecting groundwater on Vancouver Island and all over British Columbia. In November of 2017, the Provincial Government approved a groundwater extraction licence for a resident of Merville to extract up to 10,000 liters of water per day from our Comox Valley aquifer, and bottle and sell that water. The licence was contingent on rezoning of his property, and the CVRD denied the rezoning on Aug 28, 2018. Therefore, the current licence does not allow the applicant to utilize his licence and bottle water on his property. However, his water extraction licence is still valid and he has publicly stated his intent to go ahead with the water bottling whatever way he can and to that end he has applied to the provincial government to amend his licence to allow him to truck the water from his well and bottle it at a site that allows water bottling. That is why I am campaigning to have Vancouver Island (AVICC) communities revise their bylaws to prevent this action from this or any other water licence holder. I follow up regularly with the FLNRORD Ministry regarding the status of the amendment application and I am told that his application is still under review.

I am the founder of a group called Merville Water Guardians. I formed the group to oppose the water licence, oppose the rezoning application and to achieve reforms to the Water Sustainability Act to protect the groundwater aquifers of BC. I filed an appeal against the water licence in March, but after a lengthy battle with the FLNRORD Ministry, the Environmental Appeal Board dismissed the appeal, stating that I did not have standing to appeal. There is a serious flaw in the Water Sustainability Act that denies appeal of a water licence unless the licence physically detrimentally affects your land, not your water, not your access to water. The Water Sustainability Act does not protect my water or my access to water. I find that appalling. I have been campaigning against the licence and for protection of our aquifer since March of last year. We have over 320 followers on our Facebook page, and in August we submitted 425 signatures on a petition presented to the Comox Valley Regional District (CVRD) Directors asking them to deny the rezoning and to prohibit water bottling in the CVRD. We have approximately 1,200 signatures to date on a petition to the BC Government asking them to stop approving licences to bottle and sell water from all aquifers in BC. We have also posted that petition online in support of the paper petition, and it has approximately

1,330 signatures to date. Our supporters and followers in the Comox Valley are telling us that water, and the protection of our water was a big issue in the recent local elections and will be a huge issue in the next provincial election. I have most recently posted a video challenge and have sent that challenge to all the MLAs in the BC Legislature, challenging them to put party politics aside and come together to create the legislation to protect our groundwater and stop approving licences to bottle and sell the water from BC aquifers.

There are thousands of Comox Valley residents and farmers who rely on the Comox Valley aquifer for their only source of water. If that water supply is depleted then the thousands of residents and farmers of the Comox Valley will not be able to look after their personal needs for drinking water, sanitation, growing their backyard gardens or growing their crops and raising their livestock. That would put our food security at risk. Without water, farmers cannot produce our food, the local food that so many people desire and rely on. That applies to aquifers all over Vancouver Island and BC. Approximately 22% of British Columbians rely on aquifers, groundwater, for their only source of water for their personal needs and for producing food. Without water, there is no life. We are facing population growth that will put more demand on the aquifers and we are already seeing the negative effects of climate change impact the quality and quantity of water in the summer drought period. We experienced level 4 drought all over Vancouver Island and in many other areas of BC this past summer. We have seen record dry months, record heat and every indication is that these changes are here to stay and will likely only get worse. Residents and farmers are being told to seriously conserve water. Yet we have provincial water licences for commercial profit that will allow extraction of water from the aquifers we all rely on despite the level 4 drought. There is not enough information known about our aquifers to risk bottling and selling any of the water. The licence approval in Merville relied on old data, and technical calculations but did not consider climate change that is producing extended periods of serious drought, putting rivers, streams, fish habitat and fish stocks at risk. It did not consider serious impacts from the receding glacier. We have been fighting to stop this licence but have been thwarted in our efforts. It is clear to me and my supporters that the Water Sustainability Act does not protect our groundwater and needs to be reviewed and revised. We are pushing the Ministry of Environment for revisions to the Act.

In the meantime, there is an existing, real threat to the groundwater of Vancouver Island. Our petition to the CVRD asked them to amend their bylaws to prohibit the bottling of water in the Regional District in order to help prevent the applicant from bottling off-site. There is indeed a bylaw revision in process that will prohibit water bottling in the CVRD. I made a presentation to the Village of Cumberland asking them to consider a bylaw to prohibit water bottling, and the Village has since changed their zoning bylaws to prohibit bottling of groundwater. On Dec 3rd I made a presentation to the City of Courtenay asking them to consider changing their bylaws to prohibit bottling of groundwater in their zoning bylaws. At the Jan. 7th meeting Council passed a motion to prohibit the bottling of groundwater and referred the motion to staff for a full report on

options for implementing such a bylaw change. In September I contacted the Strathcona Regional District (SRD), since the Merville water licence holder had stated that he may approach them in an attempt to bottle his water in their region. The SRD has taken immediate steps to prevent the water bottling and at a meeting on Oct 25th the SRD also passed a resolution stating that they did not support the Provincial Government approving licences for the extraction of water from aquifers all over BC for bottling or bulk sales. On Jan 24th the SRD passed a resolution to be presented to the AVICC and the UBCM asking the provincial government to cease approval of licences for bottling of groundwater for commercial sale or bulk export. I am now in the process of contacting AVICC member communities asking them to revise their bylaws to prohibit bottling of groundwater, and to support the SRD Resolution.

I have 2 requests for the Town of Ladysmith.

- 1) that you consider taking the necessary steps to implement a bylaw that prohibits bottling of groundwater in any of your zoning, to help in the fight to protect our groundwater/aquifers for the use of our residents and farmers today and for our children and grandchildren and great grandchildren in the future.
- 2) I also ask that the Town of Ladysmith support the Strathcona Regional District resolution at the April AVICC convention, to ask the Provincial Government to cease the approval of licences for commercial extraction of groundwater resources for bottling or bulk water sales.

We cannot allow water bottling from our aquifers based on theory and calculations. The consequences of being wrong could be catastrophic. We will continue to do our part to fight the Provincial Government, who have jurisdiction over groundwater licencing, and to support the Strathcona resolution to curtail groundwater extraction for bottling or bulk sales. We would sincerely appreciate the support of the Town of Ladysmith in protecting the above ground uses of our groundwater by preventing anyone from bottling and selling water from any aquifer in BC. I implore you to talk to and work with the Strathcona Regional District to protect the aquifers of Vancouver Island. Water is our most precious resource. Water is life. We must do everything we can to protect and conserve it. Thank you for your time and your consideration.

Bruce Gibbons

Merville Water Guardians

2470 Sackville Road

Merville, BC V0R2M0

250-702-1672

To:
Mayor and Council
Town of Ladysmith
British Columbia

Cc: Clayton Postings
Director Parks, Recreation & Culture

From:
Ladysmith & District Historical Society

25th February 2019

RE: CAPITAL ALLOCATION TO LADYSMITH & DISTRICT HISTORICAL SOCIETY FOR
ARCHIVES AND MUSEUM OPERATION

Dear Mayor and Council,

As you may be aware, the Ladysmith & District Historical Society (LDHS) operates the Archives and Museum on behalf of the Town. Prior to 2017 capital was provided to the Society through a 'Grant in Aid'. Since 2017 capital has been provided through a line item in the Town's annual budget. In 2018 the Town provided \$23,970 to the LDHS for The Archives/Museum. The Society's 2018 budget for the Archives totaled \$18,250. This left \$5720 for Museum operations.

The Museum consists of two parts: 'Community and Culture' which is located on 1st Avenue, and 'Industrial Heritage' which is centred in the Waterfront Comox Logging & Railway Co. railyard. Capital for operation of the Community & Culture Museum is primarily sourced from the Town via the budget line item noted above. Capital for Industrial Heritage Preservation is partially sourced via a Grant-in-Aid from the Town (2019 request is \$8000), this being substantially incremented by the LDHS through fundraisers, charitable donations (in kind and in cash) and significant volunteer activity.

Prior to 2018 the Community & Culture Museum was operated on a 'minimalistic basis' with intermittent 100% volunteer staffing, insufficient curation of artifacts, and a fixed set of displays. Investment was minor. Museum opening hours were restricted: attendance and community impact were low. Under this scheme there was a minor surplus from the capital provided by the Town; over several years the LDHS built up a capital reserve.

In 2018 the LDHS, in adherence to the Ladysmith Town motto of '*Heritage by the Sea*' and the Society's Museum Vision Statement "*We make history speak and inspire our audiences to listen and engage*", determined to invest in the Community & Culture Museum to see what could be made of it. The majority of the \$30,000 investment was the hiring of a part time curator to do the following:

- Organise and curate the collection.
- Plan permanent and temporary exhibits, and advertise these.
- Supervise summer students.
- Attract and supervise volunteers.
- Increase the days that the Museum is open.

This expenditure depleted the LDHS capital reserves. The results, however, were significant:

- Collections organized with progress on cataloguing and curation.
- Effective displays designed (permanent and temporary).
- Integration with provincial and other local museums.
- Significantly increased volunteer numbers and hours (500 in 2018).
- Significantly increased opening hours throughout the year.
- Significant increase in attendance (2217 in 2018 – double that in 2017).
- Increased school visitations.
- First Nations involvement (summer student and school visits).
- Development of an active Outreach Program.

Through this investment the Community & Culture Museum profile has been significantly elevated, demonstrably adding to the Town's community and tourist attraction.

The immediate question which prompts this letter to the Town Council is this: Is Council prepared to increase funding to the LDHS to enable continuance of the 2018 level of service for the Community & Culture Museum? 2019 Budgeting indicates that an increase in the current Line Item from \$23,970 to \$45,518 is required (ie approx. \$21,500 increase). Please refer to the attached spreadsheet for details. This would be an annual commitment.

Council's decision regarding commitment to this annual funding focuses attention on what is the Town's long term vision for the Museum. Key questions are the following:

- Will the Community & Culture and Industrial Heritage aspects of the Museum be located together? (If so, this would almost have to be at the Waterfront railyard site given the nature of the railway rolling stock. This decision potentially affects ongoing planning of the Arts & Heritage Hub within the Waterfront Development Plan).
- If Community & Culture is to be located 'downtown', where and in what facility will it be housed? (the current venue is a stopgap: the building is not suitable for a museum and is a fire liability).

The LDHS respectfully requests from Mayor and Council a decision on increasing the annual Line Item funding for operation of the Archives/Community & Culture Museum from the current \$23,970 to \$45,250 for 2019 and beyond. The Society welcomes dialogue with Council regarding the Town's long term Museum vision.

Yours truly

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

Ed Nicholson (President Ladysmith & District Historical Society) and Board

LDHS 2019 ARCHIVES, MUSEUM (Community & Culture) BUDGETTING

INCOME EXPENSES

FIXED MUNICIPAL FUNDS FROM TOWN \$23,970.00

Archives Expenses

Equipment & Supplies	\$500.00
Archival preservation	\$1,500.00
Book Keeping / Legal	\$2,000.00
Computer Software	\$250.00
Computer Upgrades	\$750.00
Insurance	\$600.00
Office Supplies	\$800.00
Wages	\$7,500.00
Security	\$300.00
Miscellaneous	\$1,000.00
Events	\$200.00
Licences	\$400.00
Repairs & Maintenance	\$700.00
Professional development	\$800.00
Utilities	\$1,200.00
Total Archives Budget	\$18,500.00

Archivist attending one 6hr day per week throughout the year
(Total hours: 320)
5000 Volunteer hours in Archives in 2018

Museum (Community & Culture) Fixed Costs

Advertising & Promos	\$250.00
Equipment & Supplies	\$500.00
Artifact preservation	\$1,000.00
Book Keeping / Legal	\$500.00
Computer Software	\$250.00
Computer Upgrades	\$250.00
Insurance	\$500.00
Office Supplies	\$500.00
Security	\$500.00
Events	\$500.00
Licences	\$500.00
Repairs & Maintenance	\$500.00
Professional development	\$500.00
Utilities	\$2,000.00
Miscellaneous	\$1,000.00
Total Museum (C&C) Fixed Costs:	\$8,250.00
No manpower included	

500 Volunteer hours in C&C Museum in 2018
+ Two grant funded summer students
Museum Attendance in 2018: 2217 Visitors (2 x 2017 attendance)
+ 5 School Tours
12 Outreach programs

Schools include: Ladysmith
N. Oyster
Chemainus
Kuleet bay

Museum (Community & Culture) Curator - part time position
wage/hour \$23.00

Month	J	F	M	A	M	J	J	A	S	O	N	D
Days/Week	0	3	2	2	3	3	5	5	3	2	3	3
Hrs/Day	0	6	6	6	6	6	6	6	6	6	6	6
Weeks	0	4	4	4	4	4	4	4	4	4	4	4
Monthly Hours	0	72	48	48	72	72	120	120	72	48	72	72

Total Curatorial wages	\$18,768.00
TOTAL Museum (C&C) Budget	\$27,018.00

TOTAL HOURS 816

TOTAL ARCHIVES/MUSEUM (C&C) EXPENSES \$45,518.00

OPERATING SHORTFALL FROM MUNICIPAL FUNDS \$21,548.00

TOTAL MUNICIPAL FUNDS REQUIRED FROM TOWN OF LADYSMITH TO CONTINUE CURRENT ARCHIVES/MUSEUM SERVICES IS \$45,500

MANAGEMENT AND OPERATING AGREEMENT

THIS AGREEMENT made the 28th day of July 2017.

BETWEEN:

TOWN OF LADYSMITH
410 Esplanade
Ladysmith, British Columbia
V9G 1A2

(the "Municipality")

OF THE FIRST PART

AND:

LADYSMITH & DISTRICT HISTORICAL SOCIETY
PO BOX 813
LADYSMITH BC
V9G 1A6

(the "Society")

OF THE SECOND PART

WHEREAS:

- A. The Town of Ladysmith (herein called the "Town") and the Ladysmith & District Historical Society (herein called the "Society") agree that the Society will operate the Ladysmith Museum at 721 First Avenue (herein called the "Museum") and the Ladysmith Archives 1115B 1st Avenue (herein called the "Archives");
- B. The Municipality is the owner of the premises located at 721 First Avenue (the Museum Building) and of the premises located at Strata Unit 1, 1115 First Avenue, Ladysmith, B.C. (the "Archives Office");
- C. This Management and Operating Agreement (herein called the "Agreement") is intended to provide the terms of reference for the occupancy, operation and management of the Museum and Archives and the obligations of the Society and Town in that regard;
- D. This Agreement is intended to provide sufficient flexibility so as to satisfy the Society's mandate and the Town's ownership of the Land and the Museum and Archives;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the foregoing and the mutual covenant and Agreements set out in this Agreement, the parties covenant and agree each with the other as follows:

1.0 LICENSE TO OCCUPY

- 1.1 The Town hereby grants to the Society the right to occupy the Museum upon the Museum Property subject to all of the terms and conditions as set out in this Agreement.
- 1.2 The Town hereby grants to the Society the right to occupy the Archives upon the Archives Property subject to all of the terms and conditions as set out in this Agreement.

2.0 TERM

- 2.1 The Society shall have the right to occupy the Museum Property and Archives Property for a term of five (5) consecutive years commencing July 1, 2017 and ending June 30, 2022, unless earlier terminated in accordance with the terms and conditions of this Agreement at which date the right to occupy shall cease.
- 2.2 This agreement supersedes any and all other operating agreement, lease and licence of occupation between the Town of Ladysmith and the Ladysmith and District Historical Society.
- 2.3 Renewal Options
Provided that the Society is not in default under this Agreement, the Society may, by delivering notice in writing to the Town ninety (90) days before the 5th anniversary of the Commencement Date, renew this Agreement for a further term of five (5) years on the same terms and conditions as are herein contained save and except for the renewal option and the Town's financial contribution. If Agreement has not been reached by the expiry date of this Agreement, then the Society will continue to remain in occupation of the Museum and Archives, on a month to month basis, on the terms and conditions set out in this Agreement.

3.0 THE SOCIETY AS MANAGER AND OPERATOR

- 3.1 The Town hereby grants to the Society the right to manage and operate all aspects of the Museum and Archives for the Term in accordance with and subject to the terms and conditions set forth in this Agreement.
- 3.2 The Society shall collect, preserve, insure and interpret the collections of the Museum and Archives on behalf of the Town of Ladysmith and its citizens. The Town will designate a representative, hereinafter called the Town of Ladysmith, to deal on its behalf with the affairs of the Museum.
- 3.3 The Society will render its services to the Town with that degree of care, skill and diligence normally provided by the operators of similar archive and museum facilities elsewhere in British Columbia and consistent with and to the standards required by the Town.

- 3.4 The Society will ensure that all of its employees, licensees, contractors and volunteers are appropriately trained, are familiar with the rules, regulations and bylaws applicable to the operations of the Archives and Museum, and are thoroughly familiar with and able to implement all emergency procedures as required under this Agreement.
- 3.5 Rules and Regulations
The Society shall make such rules and regulations as are required to provide for the proper operation and management of the Museum provided that such rules and regulations shall not be inconsistent with:
- a) the bylaws of the Society;
 - b) the provisions, terms and conditions of this Agreement; and
 - c) all applicable Federal, Provincial and Town laws, by-laws and regulations.
- 3.6 Access and Use
The Society shall use the Museum and Archives to accommodate all types of temporary and permanent records, collections, exhibits, public and school programming, gift shop and venue rental for public and private assembly activities. Access to and use of the Archives and Museum by members of the Society and by the general public shall be in accordance with guidelines developed by the Society for the operation of the Archives and Museum, drawing where appropriate on relevant guidelines contained in Town documents.
- 3.7 Programming and Operation
The Society shall be responsible for all aspects of the operation of the Archives and Museum (save those exclusively to be performed by the Town as described in this Agreement) including all programming and booking of all events in the Facilities.
- 3.8 Washrooms
The Society shall make available to the public adequate washroom facilities at the Museum and Archives during operating hours. The cost of cleaning the washroom facilities and any associated janitorial supplies will be responsibility of the Society.
- 3.9 Payment of Expenses and Operating Costs
The Society shall be responsible for the general administration of the Archives and Museum and, without limiting the generality of the foregoing; this shall include all expenses incurred in the operation and management of the Museum and Archives. For clarity, these costs include, but are not limited to: telephone, internet, heat, electricity and website hosting.
- 3.10 Property Taxes and Town of Ladysmith Utility Charges
The Society shall be responsible for paying all Water, Sewer and Garbage. The Society shall be responsible for paying all hydro and heating costs. The Society shall be responsible for paying all telephone and internet costs. The Society shall be responsible for paying all property taxes to the Town of Ladysmith, and may apply annually for permissive tax exemption of Town of Ladysmith property taxes
- 3.11 Museum and Archives Policy
All policy governing the operations of the Museum and Archives shall be in accordance with the provisions of this Agreement and shall be approved and determined by the Society with the Society being responsible for initiating such policy. The Society shall inform the Town of Ladysmith with respect to policy matters and shall keep the Town Council advised.

4.0 REPAIR AND MAINTENANCE OF THE MUSEUM (see Appendix 1, 2 & 3 for Detail)

- 4.1 (a) The Society is responsible for the purchase, repair and maintenance of all Archives and Museum furnishings, fixtures and equipment (see Appendix 1 for detail).
- (b) The Town is responsible for maintaining and repairing the roofs, gutters, exterior walls, doors and windows, plumbing fixtures, external horticulture, outside sidewalks, foundations and electrical, heating, ventilation and air conditioning units.

4.2 Entrances, Sidewalks, Parking Areas, Snow and Ice Removal

The Town shall be responsible for the maintenance of entrances, sidewalks and parking area, and for removal of snow and ice from same.

4.3 Liens

In the event that any claim of builders lien is registered against the title of the Lands pursuant to the provisions of the Builders Lien Act with respect to any work performed pursuant to Item 7.1 herein, then the Society shall, within 30 days notification thereof, cause any such claim to be discharged from the title of the Lands. Should the Society fail to discharge any such lien within the time aforesaid, the Town shall have the right to make application pursuant to Section 32 of the Builders Lien Act to have sufficient funds paid into Court to cause any such lien to be discharged from the title of the Land and the Society shall be responsible for payment to the Town of any such sum, together with the costs thereof calculated on a solicitor and own client basis.

5.0 MAINTENANCE OF INSURANCE

5.1 Property Insurance

The Town shall insure the Museum building and fixtures and the Archives building and fixtures against the perils and under the terms and conditions that the Town insures other similar types of buildings and fixtures owned by the Town. The Society shall insure the contents and equipment of the Museum and Archives.

5.2 Liability Insurance

The Society shall provide and maintain comprehensive General Liability Insurance, with the Town to be an additional named insured, to cover the functions of both parties in the management and operation of the Museum and Archives and its various facilities in the minimum amount of FIVE MILLION (\$5,000,000) DOLLARS. Such liability insurance shall be in the standard form carried by the Town, and approved through the Municipal Insurance Association of B.C. The policy shall provide for 30 days' notice to the Town before cancellation and should such policy lapse or be cancelled the Town may, at the cost of the Society, place insurance as provided in this section.

5.3 Effects Insurance

The Society shall not, without the prior consent of the Town, permit anything to be brought into the Archives or Museum that would invalidate or increase the premium payable for policies of insurance held by the Town or the Society in relation to the Archives or Museum or that would injure or deface the Archives or Museum. The Society in its contractual arrangements will undertake to assign culpability to contractual

users of the Museum and Archives, and ensure that adequate Effects Insurance is provided.

5.4 Indemnification of Town

The Society will indemnify and save harmless the Town from and against any and all liabilities, obligations, damages, penalties, claims, costs (including reasonable solicitors' fees), fines, suits, demands and causes of action to, by or on behalf of any person, group, firm or corporation arising from the occupation or use of the Museum or Archives by the Society or its invitees, employees, volunteers, agents, members or any other person or persons for whose acts the Society is liable in law, or from any breach of the Society of any covenant, term or provision of this Agreement by the Society or its members, servants or agents or that might arise during the occupancy of the Museum or Archives by the Society under this Agreement; save and except where any such matter is the cause of an act by the Town or anyone for whom the Town is in law responsible.

5.5 Strikes

The Society in its contractual arrangements with users will absolve itself of liability arising out of strikes or lockouts and thereby release the Town from any responsibility or liability whatsoever that might arise out of the Town failing to provide the Museum or Archives or any services to the Museum or Archives under the terms of this Agreement arising out of any strike or lockout between the Town and its employees or as a result of any other labour dispute, provided reasonable notice of any situation that might give rise to a labour action has been provided to the Society such that the Society has had the opportunity to modify its operations to minimize its risk.

6.0 ACCOUNTING, FINANCES AND REPORTING

6.1 Financial Records

Proper and separate books of account and financial records of the Archives and Museum operations, as required by the Society Act, shall be kept by the Society at its expense during the occupancy and management by the Society of the Archives and Museum. The Town of Ladysmith or any person authorized by the Town shall have free access to the Society's financial records at all reasonable times and notice.

6.2 Budget

The Society's Board of Directors shall approve its annual Operating and Capital Budgets. The budgets shall be submitted to the Town of Ladysmith by June 30th each year.

6.3 Annual Financial Statement

The Society will prepare and deliver to the Town on an annual calendar year basis an externally verified statement of expense and income with respect to all revenues from and expenses for the use and operation of the Museum and Archives as well as a statement of all related assets and liabilities.

6.4 Annual Report

The Society shall submit an annual report at an open Council meeting stating the previous year's operating and capital results and the previous year's operation statistics and highlights for the Archives and the Museum.

6.5 Town's Financial Contribution

The Town will contribute to the Society an annual Archives and Museum management fee totalling \$23,500 to be paid annually on July 1st. The Society shall participate in the Town's budget preparation process by submitting its annual budget to the Town's Parks, Recreation and Culture Department by June 30th each year for consideration in the following year Financial Plan discussions. At that time, the Society may submit a request for consideration to increase the amount of the annual fee for a higher service level need in the following budget year.

6.6 Revenue

All revenue obtained from operations shall become the property of the Society. The Society covenants and agrees that all revenue shall be used exclusively for the Archives and Museum operations.

6.7 Surplus

Should there be a surplus in any year as a result of operating revenues and the Town contribution exceeding operating costs, the Society shall be entitled to retain the surplus for operations and reserves. The Society will not incur a deficit in excess of available accumulated surpluses.

6.8 Board Meetings

The Society shall provide minutes of all Society Board meetings, prepared promptly following those Board meetings and sent to the Town.

6.9 Constitution and Bylaws

The Society shall not amend its Constitution or Bylaws without at least 30 days' prior written notice to the Municipality.

7.0 EVENTS OF DEFAULT AND REMEDIES

7.1 Termination

This Agreement may be terminated by the Society or the Town upon giving to the other party six months' notice of its intention to terminate, such notice to be given in writing on the last day of any month.

7.2 Termination for Breach

Upon breach by the Society of any term or condition of this Agreement, the Town may give to the Society 30 days' notice to commence action to correct such breach to the satisfaction of the Town, and if such breach is not corrected within an agreed reasonable period, the Town may without further notice declare this Agreement terminated and may enter into possession of the Museum and/or Archives and retain all moneys received by the Society under this Agreement and may recover all fees, costs and damages due to the Town under this Agreement by suit or otherwise.

7.3 Termination for Other Reasons

In the event that:

- (a) The Society shall make an assignment for the benefit of creditors; or
- (b) The Society, for an unjustifiable reason fails to hold a general meeting of members for a period of eighteen (18) months or longer; or
- (c) The Society becomes bankrupt or insolvent or takes the benefit of any Act now or hereafter in force for bankrupt or insolvent debtors; or
- (d) Any order shall be made for the winding up of the Society; or

- (e) The Society is struck off the Register by the Registrar for any just reason whatsoever;

the Town may give to the Society 30 days notice to rectify the matter in question after which time, if the problem is not rectified to the satisfaction of the Town, the right to occupy the Museum by the Society shall be terminated.

7.4 Vesting on Termination

In the event that the Town terminates this Agreement in accordance with the terms and conditions contained herein, or in the event this Agreement expires without further renewals, then the Town will assume all outstanding contractual obligations and debts and maintenance of the collection.

7.5 Tenders

The Society agrees that it shall adhere to a competitive system of tendering for purchased goods and services for the Museum or Archives. The Purchasing Policy shall be as approved by the Society. The Society shall have the option of joining with the Town on tenders or to purchase merchandise from Town suppliers.

7.6 Amendments

All amendments proposed to the terms and conditions of this Agreement shall be submitted in writing for consideration.

7.7 Communications

All communications relating to this Agreement between the Society and the Town (apart from the ongoing exchange of operating information), shall be done in writing.

7.8 Notices

Any notice herein provided or permitted to be given by the Society to the Town shall be sufficiently given if delivered to the Town at:

Town Hall
410 Esplanade
Ladysmith, BC V9G 1A2

Attention: Corporate Officer

Any notice herein provided or permitted to be given by the Town to the Society shall be sufficiently given if delivered to the Society addressed to:

Ladysmith & District Historical Society
PO Box 813
Ladysmith, B.C. V9G 1A6

Attention: President of Ladysmith & District Historical Society

Either party may at any time give notice in writing to the other of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address for such party for the giving of notice there under. The word "notice" in this paragraph shall be deemed to include any request, statement or other writing in this Agreement provided or permitted to be given by the Town to the Society or by the Society to the Town. Such notices may be given by

personal delivery, mail or by fax and if given by mail shall be deemed to have been received five days after the date of mailing.

7.9 Conflict of Interest

Society Board Members and Staff shall be subject to the Society's "Conflict of Interest" policies.

7.10 Appeals

In the event that Agreement between the Town of Ladysmith and the Society cannot be reached on matters involving the Town's and/or Society's interests, the Society or the Town of Ladysmith may appeal the matter to the Town Council. A decision of the Council shall be final and be binding on all matters which require Town consent or approval.

7.11 Agents

It is understood and agreed that the Society and all agents, servants and employees of the Society are not and shall not be deemed to be agents, servants or employees of the Town.

7.12 Assignment

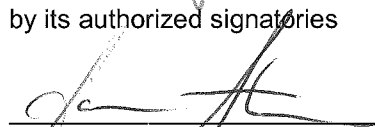
This Agreement shall enure to the benefit of and be binding upon the parties hereto. This Agreement is personal to the Society and cannot be assigned to any other person or party.

7.13 Interpretation

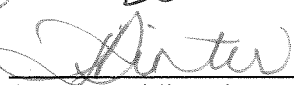
Wherever the singular and masculine are used throughout this Agreement the same shall be constructed as meaning the plural or feminine or the body corporate or politic as the context requires.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as on the 26th day of July 2017.

by its authorized signatories




Mayor (A. Stone)



Corporate Officer (J. Winter)

by its authorized signatories



President of the Board

LADYSMITH & DISTRICT HISTORICAL
SOCIETY

in the presence of:

Witness (please print)

Town of Ladysmith Director of Financial Services

Occupation

Shah

Witness Signature

APPENDIX 1

Equipment/Fixtures Owned and Maintained by Museum

To be completed by Society

APPENDIX 2

Repair and Maintenance Detail Museum and Archives Buildings

The Society takes responsibility for notifying the Town of any system failure, anticipated failure or damage in a timely fashion. The Town shall have a representative meet with the Society on a regular basis to ensure that communication and planning coordination is current.

All planning and execution of these repairs / replacement jobs shall be done by the Society, or in coordination with the Society, to ensure that operational impact is kept to a minimum.

1. Electrical

The Town is responsible for:

- Maintenance of all existing electrical systems.

The Society is responsible for:

- Installation of additional circuits as required.

2. Mechanical

The Town is responsible for:

- Maintenance contract for Mechanical system.
- Inspection, maintenance (routine and annual) and repair of all working parts.

3. Plumbing / Water

The Town is responsible for:

- Maintenance and repair of all water connections leading to and from the buildings.
- Maintenance, repair and inspection of pipes involved in building systems located within leased space.

The Society is responsible for:

- Ongoing maintenance of hot and cold water systems, for all plumbing fixtures and water connections.

4. Structural

The Town is responsible for:

- Maintaining and repairing exterior walls, roof and building foundations.

5. Fire Suppression / Fire Alarm / Sprinkler

The Town is responsible for:

- All components of fire alarms and suppression systems within buildings.
- Ongoing maintenance and care.
- Annual testing and inspection.

6. Interior Surfaces

The Society is responsible for:

- Maintenance and repair of all interior surfaces as required, including all interior doors and hardware.

7. Exterior

The Town is responsible for:

- All exterior wall finishes, plaster, paint.
- All window repairs due to breakage and system failure.
- Window maintenance and trim.
- Landscaping and sidewalk maintenance.
- Painting of all exterior.

The Society is responsible for:

- Window cleaning of museum windows inside and out.
- Garbage and recycling contract for removal.

8. Alarm and Security

The Town is responsible for:

- Repair and maintenance of alarm and security systems.

The Society is responsible for:

- Security costs within space.

9. Janitorial/Housekeeping

The Town is responsible for:

- Exterior wall and sidewalk cleaning including graffiti removal.

The Society is responsible for:

- All interior and exterior janitorial cleaning.