

**THE COMMITTEE OF THE WHOLE
AGENDA**

Tuesday, September 8, 2020

6:30 P.M.

This meeting will be held electronically as per Ministerial Order No. M192
Pages

1. CALL TO ORDER

Please follow this link to view the meeting: <https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>

2. AGENDA APPROVALRecommendation

That the agenda for this September 8, 2020 Committee of the Whole meeting be approved.

3. MINUTES**3.1 Minutes of the Committee of the Whole Meeting held July 14, 2020** 4Recommendation

That the minutes of the Committee of the Whole meeting held July 14, 2020 be approved.

4. REPORTS**4.1 Official Community Plan Review Presentation and Report** 8Recommendation

That the Committee:

1. Recommend that Council confirm a kick off date of February 2021 to commence community engagement for the new Official Community Plan;
2. Define the scope for the Official Community Plan review; and
3. Recommend that Council approve the scope of the Official Community Plan review as defined by the Committee of the Whole.

4.2 Proposed Changes to Filming Regulations 11

Recommendation

That the Committee direct staff to refer proposed “Town of Ladysmith Film Bylaw, 2020, No. 2045” to the Ladysmith Chamber of Commerce, Ladysmith Downtown Business Association, and Film Cowichan for review and comment prior to formal consideration by Council.

4.3 Permissive Tax Exemptions for Tax Year 2020 45

Recommendation

That the Committee direct staff to:

1. Provide a 1-year Permissive Tax Exemption to all properties currently identified in “2020 Permissive Tax Exemptions Bylaw 2019, No. 2017”;
2. Provide a 10-year Permissive Tax Exemption for 630 2nd Avenue;
3. Provide a 10-year Permissive Tax Exemption for 220 High Street;
4. Not include the fully exempt properties on the water parcel tax or the sewer parcel tax; and
5. Prepare the necessary Permissive Tax Exemption Bylaws for Council consideration.

4.4 Purchasing Policy Update – September 2020 49

Recommendation

That the Committee recommend that Council approve the amended Purchasing Policy 05-1790-D as presented by the Director of Financial Services.

4.5 Tree, Bench and Amenity Dedication Policy 60

Recommendation

That the Committee review additional options provided by staff regarding the Park Bench Donations Guidelines Policy 12-5810-A and recommend to Council with which option it would like to proceed.

5. COUNCIL SUBMISSIONS

5.1 Protection and Dedication of Park Lands 75

Councillor Stevens has requested that the Committee discuss potential plans for the protection and dedication of park lands.(A list of dedicated parks is included for background information.)

5.2 Lifeguards at Transfer Beach 76

Councillor Virtanen has requested that the Committee discuss the possibility of offering lifeguard supervision at Transfer Beach in 2021. (Past email correspondence is attached for background information.)

5.3 Downtown Public Washroom 79

Councillor Johnson has requested that the Committee discuss plans for a permanent downtown public washroom. (The 2019 staff report is attached for background information.)

6. CORRESPONDENCE

6.1 Letter dated August 16, 2020 from Jane Kilthei, One Cowichan regarding Climate Action Request 90

Recommendation

That Council receive for information the correspondence dated August 16, 2020 from Jane Kilthei, One Cowichan, regarding the Town of Ladysmith's climate action plan.

7. NEW BUSINESS

8. ADJOURNMENT



**MINUTES OF A MEETING OF THE
COMMITTEE OF THE WHOLE**

**Tuesday, July 14, 2020
6:30 P.M.**

This meeting will be held electronically as per Ministerial Order No. M192

Council Members Present:

Councillor Jeff Virtanen (Chair)
Mayor Aaron Stone

Councillor Duck Paterson
Councillor Rob Johnson

Staff Present:

Erin Anderson
Donna Smith
Geoff Goodall
Mike Gregory

Jake Belobaba
Chris Barfoot
Chris Geiger

1. CALL TO ORDER

Councillor Virtanen called this meeting of the Committee of the Whole to order at 6:30 p.m., recognizing the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CW 2020-024

That the agenda for this July 14, 2020 meeting of the Committee of the Whole be approved.

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held March 10, 2020

CW 2020-025

That the minutes of the Committee of the Whole meeting held March 10, 2020 be approved.

Motion Carried

4. REPORTS

4.1 Building Inspector's Report from January to June, 2020

CW 2020-026

That the Committee receive the Building Inspector's Report for the months January to June, 2020.

Motion Carried

4.2 Ladysmith Fire/Rescue Reports for January to June, 2020

CW 2020-027

That the Committee receive the Ladysmith Fire/Rescue Reports for the months January to June, 2020.

Motion Carried

4.3 Coastal Animal Control Services Reports for January to April, 2020

CW 2020-028

That the Committee receive the Coastal Animal Control Services Reports for the months January to April, 2020.

Motion Carried

4.4 Bylaw Enforcement Report for January to June, 2020

CW 2020-029

That the Committee receive the Bylaw Enforcement Report for the months January to June, 2020.

Motion Carried

4.5 Tax Sale for 2020

CW 2020-030

That the Committee recommend to Council that the 2020 Annual Tax Sale be deferred until 2021 and that staff be directed to prepare a bylaw accordingly.

Motion Carried

4.6 2020 Q1 & Q2 (January – June) Financial Update

CW 2020-031

That the Committee receive the January to June, 2020 Financial Update report from the Director of Financial Services.

Motion Carried

4.7 Tree, Bench and Amenity Dedication Policy

CW 2020-032

That the Committee recommend that Council:

1. Repeal Park Bench Donations Guidelines Policy 12-5810-A, and replace with a new policy to include the dedication of trees, benches and other amenities; and
2. Direct staff to prepare an amendment to the “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644” to:
 - a. increase the Memorial Park Bench Fee to \$3,950.00; and
 - b. add a “Program Renewal Fee’ of \$1,050.00.

Motion Carried

OPPOSED: Councillor Johnson

4.8 2020-2023 Strategic Priorities Update

CW 2020-033

That the Committee receive for information the strategic priorities update entitled “2020-2023 Strategic Plan” dated July 14, 2020.

Motion Carried

5. NEW BUSINESS

The Committee discussed holding information workshops periodically to discuss specific issues outside of the regular Council meeting format. It was suggested that the idea be revisited once the new Chief Administrative Officer is hired and in place.

6. ADJOURNMENT

CW 2020-034

That this meeting of the Committee of the Whole adjourn at 7:21 p.m.

Motion Carried

Chair (Councillor J. Virtanen)

Corporate Officer (D. Smith)

Subject to Adoption

STAFF REPORT TO THE COMMITTEE OF THE WHOLE

Report Prepared By: Jake Belobaba
Date: September 8, 2020
Meeting Date: September 8, 2020
File No: 6480-20
RE: OCP UPDATE

RECOMMENDATION:

That the Committee:

1. Recommend that Council confirm a kick off date of February 2021 to commence community engagement for the new Official Community Plan;
2. Define the scope for the Official Community Plan review; and
3. Recommend that Council approve the scope of the Official Community Plan review as defined by the Committee of the Whole.

EXECUTIVE SUMMARY:

This report provides a recommendation for a kickoff date of February 2021 to commence community engagement for the new Official Community Plan (OCP). The Committee is also requested to define the scope it wishes the OCP review to follow (e.g. housekeeping, overhaul, rewrite, comprehensive/new).

PREVIOUS COUNCIL DIRECTION:

Resolution Date	Resolution Number	Resolution
11/04/2019	CS 2019-351	That Council adopt the 2020-2023 Strategic Plan and direct staff to publish the plan online and in hard copy.

DISCUSSION:

In November of 2019, Council adopted a new Strategic Plan. One of the strategic priorities of the plan is to “Update the Official Community Plan (adopted in 2003) to set the vision and a road map to build the community we want over the next quarter-century”.

The Director of Development Services will provide a PowerPoint presentation outlining OCPs and OCP processes and seeking direction, as outlined in the above Recommendation No. 2, related to the project scope and timeline. For the Committee’s reference, the attached Appendix A shows OCP reviews underway or recently completed in other BC communities.



I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

- Appendix A: Summary of other OCP Processes

APPENDIX A

Community	Relevance/Highlights	Status	Link(s)
Colwood	Local. Comprehensive Review. “bold new official community plan”	Completed Aug 2019	https://www.colwood.ca/city-hall/plans-reports/official-community-plan/colwood-draft-ocp-overview https://colwood.civicweb.net/document/131567
Lantzville	Local. Used 2005 OCP as “starting point”	Completed June 2019	https://www.lantzville.ca/cms/wpattachments/wpID724atID4801.pdf
Trail	Similar Community Size. “comprehensive revision”	Underway	https://www.trail.ca/en/inside-city-hall/official-community-plan.asp?_mid_=14495
Qualicum	Similar Community Size. Review and update of 2011 OCP	Completed June 2018	https://www.qualicumbeach.com/ocp
Quesnel	Similar Community Size	Completed Dec. 2019	https://www.quesnel.ca/sites/default/files/city-hall/bylaws-policies/bylaws/final_quesnel_ocp_master.pdf
Squamish	Award Winning. Comprehensive review. Strong First Nations Component	Complete June 2018	https://squamish.ca/yourgovernment/official-community-plan/
Whistler	“Update” of existing OCP. Outstanding Wildfire DP Guidelines	Completed June 2020	https://www.whistler.ca/ocp
North Cowichan	Local. “Rewrite”	Underway	https://www.northcowichan.ca/EN/main/departments/planning-development/official-community-plan.html

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Jake Belobaba, Director of Development Services
Meeting Date: September 8, 2020
File No: 6750-80
RE: **PROPOSED CHANGES TO FILMING REGULATIONS**

RECOMMENDATION:

That the Committee direct staff to refer proposed “Town of Ladysmith Film Bylaw, 2020, No. 2045” to the Ladysmith Chamber of Commerce, Ladysmith Downtown Business Association, and Film Cowichan for review and comment prior to formal consideration by Council.

EXECUTIVE SUMMARY:

The proposed regulations in the draft Film Bylaw No. 2045 are intended to support filming in Ladysmith while addressing issues with the Town’s existing film policy that have been identified by staff and stakeholders. Staff are recommending that the draft bylaw be referred to the Chamber of Commerce, Downtown Business Association and Film Cowichan prior to Council consideration.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2012-371	12/03/2012	It was moved, seconded and carried that the proposed changes to the Film Production Policy as outlined in the staff report dated November 13, 2012 be referred to the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association for their consideration and comment.

INTRODUCTION/BACKGROUND:

Filming is a \$3.2 Billion industry in BC, and Ladysmith has been fortunate to have been the setting for a number of film productions. Unique features of the Town, especially 1st Avenue, have made Ladysmith a filming location for a number of movies and television shows, including ‘Sonic the Hedgehog’, ‘Pup Academy’ and most recently ‘Resident Alien’. The Town’s Economic Development Strategy, completed in 2018, highlights filming as an important component of the local and regional economy.

The Town’s Film Policy was written in 2000 and has been the primary regulatory framework for filming since its adoption. In 2011 and 2012, consultation occurred with the Ladysmith Downtown Business Association (LDBA), the Ladysmith Chamber of Commerce, industry representatives and other stakeholders regarding filming. Council endorsed changes to the Policy, which has been on the Development Services work plan since January of 2019.

Recent film productions in Ladysmith have provided opportunities to identify improvements to the Town’s filming rules. “Debriefs” of these productions have occurred amongst staff as well as conversations with stakeholders and the film industry. Staff were drafting the proposed film bylaw when

Resident Alien was filming in Ladysmith and this opportunity was used to inform the bylaws attached to this report. The draft was finished just as filming in BC was shut down due to the COVID-19 pandemic.

Table 1 provides a breakdown of specific improvements that have been identified regarding the Town’s filming regulations.

Table 1

Concern	Description
Notice and consultation	Residents and businesses often express concerns about the timing of notices in relation to filming dates—i.e. that notices are not received early enough. Similarly, concerns are often expressed about notification formats and standards, with suggestions for clear and consistent notification requirements.
Parking	Residents and businesses often express concerns about parking disruptions, both in areas used for filming and from the displacement of vehicles to surrounding areas.
Street closures and access	Businesses often express concern about an actual or perceived lack of access to businesses during filming. It has been suggested that film companies be required to provide signage and production assistants to help customers access businesses that are open.
Impact on business operations during filming	Businesses often express concerns that filming may disrupt business activities and customer visits, even for businesses remaining open during filming, i.e. that customers may simply avoid shopping in areas where filming is occurring.
Financial compensation	Film companies sometimes provide compensation to affected property owners and tenants. Concerns have been expressed about the amount of money offered, and which businesses and property owners receive compensation. Some stakeholders have recommended that the Town play a role in regulating these transactions.
Local liaison	Businesses often express a desire for film companies to be required to appoint a “local liaison” to maintain contact with the LDBA, Chamber of Commerce, Town and local businesses and that this person have the ability to resolve issues raised by these parties. Most, but not all, film companies have such a person.
Timing (i.e. days of the week, special events etc)	The timing of filming, in relation to special events, time of day and days of the week often generate concern for residents and businesses. It has been suggested that filming could be restricted to certain dates and times.
Requirement for Council approval	Under the existing policy, Council approval is required for most filming activities. Staff have noted this requirement lengthens approval times and shortens notification periods. Moreover, film companies often need to make last minute changes due to weather or other unforeseen factors which must be quickly considered by the Town. In most other jurisdictions, Council approval is not required for film permits. Instead these permits are issued by staff who follow clear guidelines set by Council.
Unclear, confusing or missing regulations.	Staff note that existing regulations in the film policy are often vague and unclear. There are conflicting approval requirements (where it is unclear if certain approvals override others). Guidelines often lack specific details that

	<p>staff and the film industry benefit from during planning phases, such as notification, external approvals (e.g. transit, MOTI) application deadlines, fees and bonds. The policy also contains confusing (and likely ineffective) indemnification (which are normally addressed in a separate contract), fee calculation and delegation clauses.</p> <p>Overall the policy framework results in an ad hoc and inefficient review process. For film companies, the current policy presents a planning, timing and budgeting challenge. For the public, it is difficult to determine what rules the film companies will be expected to follow. For staff and Council, it is difficult to determine what conditions should and should not be required of film productions.</p>
<p>Applicability of other bylaws</p>	<p>Staff note that the policy requires compliance with all Town bylaws unless “otherwise exempted by Council”. In many cases, Council cannot exempt a film company from bylaws (e.g. OCP and zoning). This may trigger time-consuming amendments, permits etc. Filming is a temporary activity for which many bylaws are unsuited to regulate (e.g., zoning). A more efficient approach is to exempt filming from certain bylaws and use properly drafted filming regulations to create a singular, applicable and flexible regulatory framework for filming.</p> <p>Similarly, recent film productions have made permanent improvements to local businesses (e.g. façade improvements) and a harmonized approach where film companies can quickly install these improvements for filming and leave them in place afterwards supports investment in the Town. This requires greater integration between filming regulations and zoning and permitting regulations.</p>
<p>Inconsistency with other locales</p>	<p>Staff reviewed film regulations from other jurisdictions and found that Ladysmith’s film policy is generally inconsistent. Film companies work in multiple jurisdictions and creating parallels, where desirable, with other jurisdictions makes it easier for film companies to understand and adhere to the Town’s policies.</p>
<p>Fees</p>	<p>The current policy relies on an “at cost” fee structure requiring fees to be estimated on an ad hoc, case-by-case basis. This creates a significant burden on staff resources and adds to permit processing times. It also means fees are not “up front” for film companies when budgeting and selecting locations. Additionally, the <i>Community Charter</i> requires fees to be established by bylaw and it is unclear if the current policy meets this requirement.</p> <p>The cost to the Town for processing film permits is also an important consideration. Currently the film permit application fee is \$250. However, processing film permits requires extensive staff resources. Generally speaking, the demand on staff resources for a film permit application is comparable to a major OCP or zoning amendment application, condensed into a timeframe of 1-2 weeks. Additionally, last minute changes to the filming proposals are common, which further increases the burden on Town resources. Conversely, film productions have a set budget, and a lower</p>

	application fee (in theory) leaves a film production with more funds for business compensation, production assistants, etc. The Town can set a permit application/processing fee as low as zero or high enough to completely offset permit processing costs. There are advantages and disadvantages of either approach that should be considered.
Formatting, applications and forms	Digital, mobile-friendly forms would also be an easy and valuable addition to the package. Application forms need to be completed and submitted quickly, usually by email.
Work on Town assets	In most cases, work on Town-owned assets and infrastructure (e.g., street furniture, light posts, etc.) must be completed by Town work crews. The current policy does not provide a clear framework on when film companies can do such work, how the film company can request work by the Town and other logistical and billing aspects. It is advantageous to establish these processes “up front” to speed up the planning and permitting process and assist film productions with planning.

PROPOSED BYLAWS AND REGULATIONS:

Staff have drafted Film Bylaw No. 2045 (Appendix A) which, if approved by Council, will form the primary source of regulation for filming in Ladysmith. To harmonize the proposed filming regulations with other bylaws, several consequential amendment bylaws are also proposed. Each proposed bylaw is described below.

Film Bylaw (Appendix A)

Staff researched a number of different jurisdictions to find policy solutions to address the issues identified with the current film policy. The proposed bylaw consists of two parts: 1) a bylaw, which establishes the requirement for a permit, delegates certain authorities and executes other requirements that can only be exercised by bylaw and 2) guidelines, which are an appendix to the bylaw and provide the more flexible regulations needed to regulate filming. Highlights of the new regulations include:

- General prohibitions: The bylaw maintains general prohibitions related to disrupting essential services or special events, nuisances and damage to the environment.
- Delegation: Film permits can now be approved by the Town’s “Film Coordinator” which is a department director or the CAO. Staff note that this does not preclude informing Council about proposed productions (e.g. allowing the production to present to Council) which has often occurred in the past. The “Film Coordinator” can also negotiate contracts with film companies and has the power to take action to address issues that may arise during filming such as implementing temporary parking restrictions in non-filming areas to deal with overflow. Generally speaking, it is expected that the Director of Development services will assume the role of the Film Coordinator (which is the current practice).
- Application deadlines: Under the proposed rules, filming applications must be submitted a minimum of 10 days prior to filming with a required preliminary submission at least 20 days prior to filming.

- Vehicle identification: A guideline has been added requiring tags on film production vehicles, making it easier for the Town or residents to contact the film company if there is an issue related to the vehicle, such as where the vehicle is parked.
- Standardized forms and agreements: Templates are included in the guidelines to make legal paperwork, such as insurance verification and licenses of occupation, easier and publically available. This also allows a film company's legal team to review the documents in advance.
- Standardized notification requirements: Mail or hand delivery to nearby businesses and newspaper notification within specified timeframes is required under the proposed bylaw. The Town can also require the film company to prepare a joint communications plan with the Town where warranted.
- Owner and tenant consent: The proposed rules require owner and tenant consent for certain disruptions, such as blocked accesses or significant nuisances. However, the Film Coordinator can issue a permit without owner and tenant consent in reasonable circumstances. Essentially, this rule requires the film company to collaborate with stakeholders where there will be a significant impact, but also allows the Town to arbitrate if an agreement cannot be reached.
- Bonds: The new regulations explicitly allow the Town to require a performance bond, with specific requirements on how the bond is calculated and drawn from. Previously this was calculated on an ad hoc basis, without the use of standardized costs.
- New traffic control/road closure regulations: Under the proposed rules filming on roads will require a traffic management plan and certified traffic control services, both of which support safer, less disruptive road closures. This requirement is common in most jurisdictions and a common practice in the film industry. The film coordinator also has the power to impose additional off-site traffic control measures, such as establishing a detour route.
- Location manager: Under the proposed guidelines a film company must appoint a "location manager" who must be reachable during filming and have the power to alter or stop filming if directed by the Town.
- Rules for work on Town assets: Clearer guidelines have been added related to work on Town-owned assets (e.g. moving street furniture or changing banners to accommodate filming). Guidelines have been developed to better establish how a film company can make requests to have these works done and how the film company can have work done if Town crews are unavailable.

Consequential Amendments

Five consequential amendments to existing bylaws are proposed. With the exception of the amendments to the Fees and Charges Bylaw, these amendments generally exempt *permitted* filming activities from other bylaws. It is important to note that more targeted regulations have been added to the proposed film bylaw, which has the same force and effect as other bylaws. Each consequential amendment is described below.

Building Bylaw Amendment (Appendix B)

Bylaw 2048 will amend the building bylaw to exempt film companies from the requirement to obtain a building permit for temporary structures related to filming (e.g. set features and props). Industry timelines and the temporary nature of film-related construction do not align with the typical building permit process, which is geared more towards permanent structures. Under the proposed film guidelines, the Town can require temporary filming structures to be built under the supervision and seal of a professional engineer, with assurances the structures will be safe for their intended use. In cases where a film company wishes to construct permanent structures so they can remain after filming, transitional provisions have been developed to ensure the appropriate approvals take place after filming has finished.

OCP Amendment (Appendix C)

Like Bylaw 2048, OCP Amendment Bylaw 2047 will exempt temporary structures used for filming from the requirement to obtain a development permit. Likewise, transitional regulations in the proposed film bylaw allow property owners to obtain development permits for filming-related structures to become permanent after filming is complete.

Zoning Amendment Bylaw (Appendix D)

Zoning Amendment Bylaw 2049 will render the zoning bylaw inapplicable to temporary authorized filming activities. Like the building bylaw, zoning is typically used to regulate permanent land uses and structures, making it a cumbersome regulation that may interfere with successful filming. Bylaw 2049 will add an exemptions clause to the zoning bylaw (a common feature section in most zoning bylaws) which will exclude permitted temporary filming activities from the scope of the bylaw.

Fees and Charges (Appendix E)

Bylaw 2050 will amend the fees and charges bylaw to replace an obsolete schedule of trolley fees with common filming-related fees. Previously, fees were estimated on an ad hoc basis. The proposed fees schedule has specific, standardized fees for most municipal facilities and sites, and general fees for services not specifically listed in the schedule. For the most part, fees are consistent with the actual cost of providing the service. However, some fees, such as recreation facility fees, are slightly higher to factor in community impact and loss of revenue. New fees are also proposed for processing film permit applications. These fees have been calculated based on the staff resources required to process film permit applications.

Noise Bylaw Amendment (Appendix F)

Bylaw 2046 will amend the noise bylaw to exempt permitted film productions from the noise bylaw. Under the proposed film bylaw, noise impacts will be evaluated and if necessary mitigated on a case-by-case basis. Additionally, the proposed film bylaw requires owner and tenant consent where excessive noise is expected to reach private property.

DISCUSSION

Overall, staff are confident the draft regulations are a significant improvement over the current policy framework and responsive to stakeholder, industry and staff needs. The table below outlines how specific issues have been addressed in the new rules.

Concern	How the proposed regulations address these concerns
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Notice and consultation	<ul style="list-style-type: none"> • Specific notification requirements requiring direct delivery to businesses and residents. • Requirement for owner and tenant consent for significant disruptions (e.g. blocked access). • Town may require a joint communications plan. • Signage requirements.
Parking	<ul style="list-style-type: none"> • Delegated authority to film coordinator to address issues as they arise (e.g. temporary time limits to address parking overflow). • Standardized fees for parking with per space daily rates to encourage film companies to use parking spaces efficiently. • A film permit can be refused if parking closures are unreasonable (e.g. too long, too many spaces, etc.). • Vehicle and equipment identification tags allow issues with film vehicles to be resolved quickly.
Street closures and access	<ul style="list-style-type: none"> • Requirement for traffic management plan and traffic control provided by accredited professionals. • Requirement for owner and tenant consent where access is blocked (e.g., blocked driveway, sidewalk, etc.) • Film permit can be refused if road closures are unreasonable. • Filming affecting highway traffic or transit requires external approval from transit providers and the Ministry of Transportation and Infrastructure (existing requirement now explicit in the regulations). • A film permit can require traffic control or road closures (at the cost of the film company) in excess of what the film company has requested. For example, the Town could require detour routes to ease traffic impacts.
Impact on business operations during filming	<ul style="list-style-type: none"> • New notification requirements provide more time for businesses to prepare for filming (see ‘Notification and Consultation’ above) • Owner consent required for more significant disruptions, including blocked accesses. • Vehicle and equipment identification tags allow issues with film vehicles to be resolved quickly.
Financial compensation	<ul style="list-style-type: none"> • Staff do not recommend that the Town attempt to regulate compensation paid to businesses as this is likely unlawful ¹. • Owner and tenant consent is required for most activities that would disrupt business (e.g., blocked access) which supports negotiations between businesses and residents and film companies. • Creative BC sets guidelines for business/resident compensation and provides resources, such as loss of business instructions, to businesses to help them negotiate with film companies for fair compensation. • Improved notification processes will provide more time for

¹ Under section 25(1) of the *Community Charter* the Town cannot provide benefit, advantage or other form of assistance to business. Requiring payment to businesses as a condition of approval of a film permit would likely violate this rule.

	businesses to prepare for filming, allowing them to take preventative steps to prevent or mitigate financial losses (e.g., rescheduling deliveries, notifying customers, etc.)
Local liaison	<ul style="list-style-type: none"> • The proposed regulations require the film company to designate a location manager. • The location manager must be reachable during filming and given the authority to alter or stop filming if instructed to do so by the Town. • The Town can provide contact information for the location manager to members of the public as required.
Timing (i.e. days of the week, special events etc)	<ul style="list-style-type: none"> • General prohibitions in the guidelines prohibit filming that would interfere with special events, or cause undue hardships or nuisances for businesses and residents. The film coordinator can evaluate each filming proposal on a case-by-case basis and refuse to issue a permit if the timing of filming is too disruptive. • Owner and tenant consent is required for significant disruptions (e.g., after hours noise)
Requirement for Council approval	<ul style="list-style-type: none"> • Approvals are now delegated to staff. Film companies can still make presentations to Council, as has been past practice.
Unclear, confusing or missing regulations.	<ul style="list-style-type: none"> • The proposed regulations are now divided into clear sections and internal inconsistencies have been resolved.
Applicability of other bylaws	<ul style="list-style-type: none"> • The proposed consequential amendments eliminate the conflict between filming rules and other bylaws.
Inconsistency with other locales	<ul style="list-style-type: none"> • Staff researched film policies from a number of other jurisdictions in BC. Most of the rules in the proposed regulations are consistent (in some cases identical) to those in other municipalities.
Fees	<ul style="list-style-type: none"> • The fees and charges bylaw amendment will establish a clear fee schedule. • For costs not listed in the fee schedule there are methodologies specific in the proposed rules that allow the Town to calculate fees fairly and consistently. • Costs for processing film permit applications have increased to better reflect processing costs incurred by the Town. Incentives have been added to encourage early applications and to minimize last minute changes.
Formatting, applications and forms	<ul style="list-style-type: none"> • The new regulations are better organized with clearer headings • The bylaw delegates the authority to design application packages to the film coordinator. New “digital” application forms under development are expected to be ready when the bylaws are given final consideration.
Work on Town assets	<ul style="list-style-type: none"> • The new regulations clarify that work on Town assets must be completed by Town work crews and allows the film coordinator to exempt a film company from this requirement where appropriate. • Under the proposed regulations, film companies must submit a list of required works as part of their application. Staff are developing an easy-to-use form that will be included in the new application package

	<ul style="list-style-type: none"> • A new guideline has been added to ensure that Town workers performing work on the site are included and considered in the film company’s workplace health and safety plan.
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Staff are hopeful that after the draft film regulations are referred to stakeholders for input, they can be refined before formal consideration by Council. With restrictions on filming related to the COVID-19 pandemic easing, it is in the Town’s best interest to update its film regulations before new productions arrive. Staff note that location scouts have already been visiting Ladysmith, and many businesses are still recovering from the economic impacts of the pandemic. Well-developed film regulations will help ensure filming in Ladysmith contributes to the local economy, while being sensitive to the community’s needs.

ALTERNATIVES:

Council can choose to:

1. Direct staff to cease work on the proposed policy changes.
2. Direct staff to make changes to the proposed bylaws prior to further consultation with stakeholders.
3. Specify another course of action.

FINANCIAL IMPLICATIONS:

The proposed fee structure maintains an existing policy of full cost recovery for filming costs incurred by the Town. Improvements have been made to the policy framework to improve costing and billing and make fees more transparent. It is proposed to increase permit application fees to better reflect the cost of processing film applications. If the proposed bylaws are adopted, the Town will continue to recover costs associated with filming.

LEGAL IMPLICATIONS:

Under sections 8 and 194 of the *Community Charter*, the Town has the authority to regulate filming and impose fees related to filming. If Council elects to proceed with further consultation on the proposed bylaws, staff will implement feedback from stakeholders and have the bylaws reviewed by the Town’s legal counsel prior to further consideration by Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Chamber of Commerce and LDBA represent the local business community, which is often the most impacted by filming. Staff will be available to work with these groups and their membership to review and refine the proposed regulations. A public hearing is also required prior to final consideration of the OCP and zoning amendment bylaws.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed regulations have been reviewed by the directors of each department and were referred to the Fire Department and RCMP. Their comments have been incorporated in the proposed regulations.

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 |

- Innovative Infrastructure
- Healthy Community
- Not Applicable

- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Infrastructure
- Economy
- Community
- Not Applicable
- Waterfront

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

- Appendix A: Proposed Film Bylaw 2045
- Appendix B: Building Bylaw Amendment Bylaw 2048
- Appendix C: OCP Amendment Bylaw 2047
- Appendix D: Zoning Amendment Bylaw 2049
- Appendix E: Fees and Charges Amendment Bylaw 2050
- Appendix F: Noise Bylaw Amendment Bylaw 2046

TOWN OF LADYSMITH

BYLAW NO. 2045

A Bylaw to Regulate Filming in the Town of Ladysmith

WHEREAS it is deemed desirable to regulate film production activities within the Town of Ladysmith to protect the well-being of residents and to regulate businesses as provided for by sections 8(3)(h) and 8(6) of the *Community Charter*,

AND WHEREAS section 194 of the *Community Charter* provides that Council may impose fees in respect of the use of municipal property and the exercise of authority to regulate;

AND WHEREAS section 154 of the *Community Charter* authorizes Council to delegate its powers, duties and functions to its officers or employees;

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

TITLE

- 1) This bylaw may be cited as "Town of Ladysmith Film Bylaw 2020, No. 2045".

INTERPRETATION

- 2) In this Bylaw, unless the context otherwise requires:
 - a) "emergency" means a present or imminent event or circumstance, inside or outside the boundaries of the Town, that requires prompt action or resources of the Town to prevent death, injury, damage to public infrastructure, environmental damage, disruption of essential services or social or economic losses.
 - b) "essential service" means services vital to the health, well-being and essential needs of residents and includes health care providers, pharmacies and government offices.
 - c) "Film Coordinator" means the Director of Development Services, the Director of Infrastructure Services, the Corporate Officer, the Director of Financial Services the Director of Parks, Recreation and Culture or the Chief Administrative Officer.
 - d) "Filming Guidelines" means the guidelines for filming established by the Film Coordinator and attached to this Bylaw as Schedule "A".
 - e) "film crew" means any person, other than a Town employee or Royal Canadian Mounted Police (RCMP) officer, employed by or otherwise providing services to the film company including contractors, actors, directors and production assistants.
 - f) "filming" means the production of a television show, movie, commercial or similar media and any activities incidental to such production, but excludes filming for the purposes of journalism or personal use.
 - g) "firearm" means a firearm as defined in the *Criminal Code*.

- h) “highway” means a highway as defined under the *Transportation Act*
- i) “location manager” means a representative of the film company who has been given the authority by the film company to coordinate film activities, work with the Town on behalf of the film company, and pause, alter or stop filming activities if requested to do so by the Town.
- j) “municipal property” means any land owned or otherwise controlled by the Town, inside or outside the municipal boundary of the Town, and includes highways, sidewalks, parks, statutory rights of ways, easements and property leased by the Town.
- k) “overhead” means, in the context of employee wages, the average cost, expressed as a percentage, of administration and benefits payable to an employee of the Town by the Town as determined from time to time by the Manager of Human Resources or Director of Finance.
- l) “professional engineer” means a professional engineer as defined by the *Engineers and Geoscientists Act* of BC.
- m) “set” means, in the context of locations where filming occurs, any area where filming and related activities are taking place and includes vehicle parking, “circuses”, storage and staging areas.

FILM PERMITS

- 3) Any person proposing to carry out filming on:
 - a) municipal property; or
 - b) any portion of the Trans Canada highway that is within the boundaries of the Town,
 must apply for and be granted a valid film permit.
- 4) Filming occurring entirely on private property does not require a film permit, however, film companies must contact the Bylaw Department, Fire Department and RCMP if filming will involve stunts, special effects, firearms or pyrotechnics.
- 5) A person who applies for a film permit must submit a film permit application to the Film Coordinator.
- 6) A film permit application shall be in the form prescribed by the Film Coordinator and include the supporting documentation and attachments specified from time to time by the Film Coordinator.
- 7) Where an application for a film permit is for filming on fee simple Municipal Property, a License of Use is required in the form attached as Schedule "B" to this Bylaw.
- 8) Where the film permit application has met the requirements of the Filming Guidelines, the Film Coordinator is delegated the authority to:
 - a) deny a film permit application;
 - b) approve and execute the application for a film permit, including the authority to add special conditions to and issue the film permit;
 - c) enter into a License of Use for filming on fee simple municipal property;
 - d) execute or require measures to lessen the impacts of filming on the community that have not been requested by the film company, at the cost of the film company, such as off-site highway closures, traffic control and parking restrictions and the provision or alteration of municipal services;
 - e) enter into agreements with the film company pertaining to copyrights and the use of recordings;

- f) estimate and administer fees, where a service to be provided by the Town to the film company is not provided in a Town bylaw;
 - g) tow or otherwise remove vehicles and other items from municipal property to facilitate filming; and
 - h) authorize the provision of works and services provided by the Town.
- 9) A person issued a film permit must comply with the requirements of this bylaw, or any other applicable bylaw of the Town and all applicable statutes, regulations, rules, codes, and all orders of a federal, provincial or local government authority having jurisdiction.
- 10) Nothing in this bylaw entitles a film company to a film permit. The Town reserves the right to refuse or revoke a film permit if, for reasons not outlined in this bylaw, if the Town determines the filming activity is not suitable for the Town.
- 11) The Town reserves the right to revoke a film permit or otherwise shut down filming, without notice, in the event of an emergency. The Town is not responsible for any damages incurred by the film company resulting from an emergency shut down.
- 12) A person who is applying for, or issued a film permit must comply with the requirements in the Filming Guidelines attached as "Schedule A"

FEES AND BONDS

- 13) Fees for standard services provided by the Town are payable pursuant to Fees and Charges Bylaw 1644.
- 14) Where the Town incurs costs resulting from filming that are not specified in a bylaw of the Town, costs shall be billed to the film company on a cost recovery basis.
- 15) Labor costs associated with services provided by the Town shall be calculated as follows:
- a) Hourly rates for labor will be determined according to remuneration established under the *Employment Standards Act*, Town of Ladysmith Collective Agreement, employment contracts and any other obligations of the Town to its employees.
 - b) Labor costs will include overhead.
 - c) Hourly rates, will be calculated to the nearest ¼ hour with a minimum four hour charge for each Town employee.
 - d) Overtime, callout, meal and similar costs are also payable by the film company.
 - e) Meal costs are not payable if meals are provided to Town employees working on the set, provided meals and mealtimes are consistent with the Town's obligations to its employees.
 - f) Permit processing cost are covered by application fees and shall not be charged as hourly rates.
- 16) The Film Coordinator may require a bond, equal to 125% of estimated costs to cover the cost of damages, correcting an unsafe condition, lost or stolen municipal equipment, clean-up, fines, or fees.
- 17) Film permit application fees are payable at the time of application for a film permit and are non-refundable.
- 18) Any quotes provided by the Town for services provided by the Town are non-binding. The Town reserves the right to charge for unforeseen costs.

ENFORCEMENT AND PENALTY

19) The Film Coordinator may suspend or cancel a film permit where the permit holder has failed to comply with the terms and conditions of the film permit or provisions of this Bylaw.

20) A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than ten thousand dollars (\$10,000.00) and not less than two hundred dollars (\$200.00) the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act*. Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.

SEVERABILITY

21) Any part, section, subsection, clause or subclause of this Bylaw is, for any reason held to be invalid by the court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

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 (D. Smith)

Schedule A: Town of Ladysmith Filming Guidelines

Purpose

The purpose of these guidelines is to ensure filming in Ladysmith supports the film industry without unduly burdening the community, or creating unnecessary safety or environmental risks. Compliance with these guidelines is necessary to obtain a film permit.

Background

Ladysmith's unique character and amenities make the community an excellent location for filming. When properly managed, film productions bring economic benefits to the Town and surrounding region. Ladysmith prides itself on its ability to provide a world-class venue for filming through small-town resourcefulness and hospitality. Film companies are expected to plan and carry out filming activities accordingly.

These guidelines were developed with the intention of balancing the needs of the film companies with those of residents. They were developed considering processes and rules from other local governments in BC, the experiences of the Town during past film productions and the unique needs of the community. Subsequently, many requirements in these guidelines are unique to Ladysmith and are necessary to ensure film productions are accepted and welcomed into the community. By understanding and following these guidelines, film companies can expect efficient, high-quality service from the Town and the support and excitement of the community.

Guidelines

Permit applications

1. A film permit application must be submitted to the Development Services Department a minimum of 10 business days prior to filming.
2. Applications submitted less than 20 days prior to filming will not be accepted unless, at least 20 days prior to filming, the film company has notified the Town of the film company's intention to apply for permit and provided preliminary details of the proposed film production.

General Requirements

3. Filming must not:
 - a. compromise the safety of participants or the public;
 - b. pose a risk to the environment;
 - c. unreasonably disrupt essential services; or
 - d. unreasonably disrupt municipal services, or special events.
4. Filming must not generate undue negative impacts on residents and businesses, such as service disruptions, extended highway or public parking closures or noise and other nuisances.
5. The film company is responsible for:
 - a. maintaining filming areas in a clean condition;
 - b. any required clean-up and restoration following filming;
 - c. the cost of correcting any damage or unsafe condition resulting from filming;
 - d. the cost of repairing or replacing any damaged or missing Town equipment resulting from filming;and

- e. ensuring the professional and appropriate conduct of the film crew.
- 6. Filming must generate a zero net increase in costs, including opportunity cost, to the Town. All services provided to the film company by the Town before, during and after filming will be provided on a cost recovery basis. All costs incurred by the Town as a result of filming will be charged to the film company.

Stunts, special effects, firearms and pyrotechnics

- 7. Filming involving special effects, stunts or pyrotechnics requires the approval of the Royal Canadian Mounted Police (RCMP) and Ladysmith Fire/Rescue Department (Fire Department).
- 8. The use of firearms, or staging gunfights using replica firearms, requires the written approval of the RCMP.
- 9. Where potential emergencies arising from filming activities may exceed the capabilities of the Town's emergency services, the film company may be required to provide an emergency response plan and additional emergency response resources, at their cost, and to the satisfaction of the Town.

Highway, parking and sidewalk closures and traffic control

- 10. A traffic management plan is required for any filming that will include:
 - a. full or partial closure to vehicle traffic on any highway within the Town; or
 - b. vehicle traffic control on any highway within the Town.
- 11. Traffic control services are not provided by the Town. Where filming will include highway closures or traffic control, the film company must provide certified traffic control technicians in accordance with an approved traffic management plan at the film company's cost.
- 12. Filming affecting traffic along the Trans-Canada Highway requires approval of the Ministry of Transportation and Infrastructure (MOTI). The film company must obtain MOTI approval and submit MOTI authorization prior to issuance of a film permit.
- 13. Filming affecting public transit requires the approval of appropriate transit authorities including the Province, Regional District of Nanaimo and the Cowichan Valley Regional District. The film company must obtain transit authority approval and submit transit authority authorization prior to issuance of a film permit.
- 14. Filming must not obstruct access by emergency vehicles. Sets and equipment on a highway must facilitate emergency access or alternative access must be arranged and provided in advance. The Town reserves the right to damage, destroy or move any set or filming equipment, reopen a highway closed for filming or otherwise halt or disrupt filming in the provision of emergency services and bears no responsibility for any resulting cost incurred by the film company.
- 15. Highway closures must not disrupt essential services. A film company may be required to provide, at their cost, alternative service arrangements or written endorsement from the essential service provider.
- 16. A film permit may require traffic control or highway closures in excess of those requested by the film company to be provided at the film company's cost.

Structures and building alterations

- 17. Temporary structures, buildings or alterations to existing buildings for the purposes of filming do not require a building permit or development permit. However, the Film Coordinator may require written assurances from a professional engineer that the works will be designed and constructed in accordance with good engineering practice, are safe for the use intended and do not pose a risk to users, occupants or the public.
- 18. To promote environmental sustainability and good will from local residents and businesses, film companies are encouraged to incorporate set features that create a lasting benefit to the Town such as new awnings, building paint, signage, street furniture and parks and playground equipment. Set features of this type will be subject to the following requirements:
 - a. Where additional permits are required (e.g. building permit or development permit) the film company may submit these applications, together with the required fees and property owner authorization, in conjunction with a film permit application.
 - b. To expedite filming, the Town may issue a film permit authorizing these works as temporary works under guideline 17 while additional permits are under review. The Town may issue additional permits to the property owner after filming has ceased.
 - c. The Town may require a bond when a film permit is issued to cover fees payable when additional permits are issued (e.g. development cost charges, landscape bonds etc.) or for demolition costs if additional permits cannot be issued.

Public Notification

19. The Film Coordinator may require a film company to prepare a joint communications plan with the Town.

20. The film company must make reasonable efforts to obtain written consent of affected property owners and tenants if filming will:

- a. block any pedestrian or vehicle access or egress serving private property such as a driveway or door;
- b. block, interfere with or render unusable any feature intended to provide access or egress to private property for persons with disabilities;
- c. create a noise or nuisance on private property as defined in the Town’s noise and nuisance abatement bylaws; or
- d. disconnect or disrupt electrical, water, gas, telephone, internet, solid waste collection, transit, sewer or similar services to private property.

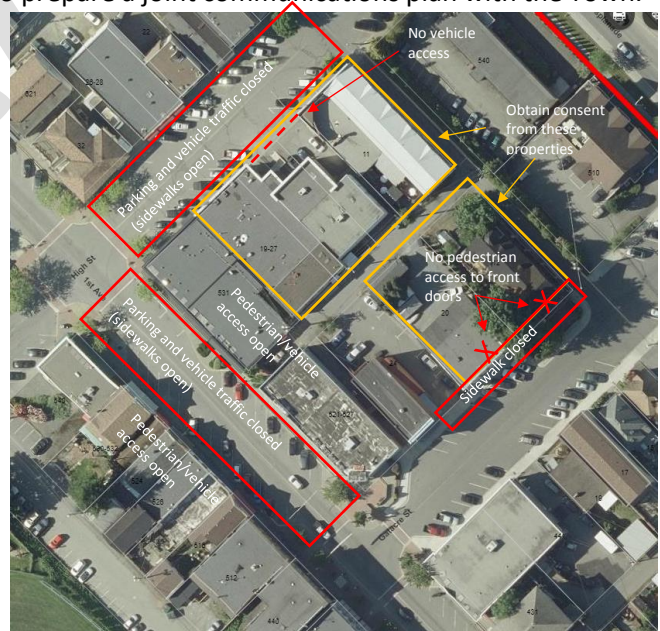


Figure 1: Example of when owner consent is required

21. The Film Coordinator may issue a film permit if the film company is unable to obtain consent under guideline 20 if, in the opinion of the Film Coordinator, all reasonable attempts to obtain consent were

made and impacts to property owners and tenants have been adequately addressed or are negligible.

22. It is recommended that, prior to filming, film companies notify the Ladysmith Downtown Business Association (if filming in the Downtown) and the Ladysmith Chamber of Commerce and make presentation to Council.
23. The film company is responsible to provide public notification, to the satisfaction of the Film Coordinator, as follows:
 - a. Written notice must be delivered to all adjoining tenants and owners where any highway, parking or sidewalk fronting their property will be closed for filming activities.
 - b. Filming involving the closure or extensive use of municipal property open to the public, other than a highway, requires signage posted at all commonly-used public entrances or other conspicuous locations.
 - c. For an intensive or lengthy disruption to a neighbourhood, the Film Coordinator may require mail notification to all properties within 60 meters of areas where filming is occurring and newspaper advertising.
 - d. All notifications and signage shall include:
 - i. The name of the film company.
 - ii. The name, phone number and email address of the location manager.
 - iii. The date(s) and time(s) the film company will be working in the area with a brief description of what the activity and the impacts on those receiving the notice will be.
 - e. Written notification shall be delivered and signage shall be posted no less than five business days prior to filming.
 - f. Newspaper notification shall be published in the issue of the local newspaper immediately preceding the date filming will commence.

Location Manager

24. The film company must designate a location manager.
25. The location manager must:
 - a. provide an email address and mobile phone number where the location manager can be reached during filming;
 - b. be within Ladysmith and available by mobile phone during filming, setup and tear down; and
 - c. be available for site meetings or inspections that may be required by the Town to complete its review of the application or in an emergency.
26. The Town reserves the right to provide the contact number for location manager to members of the public with questions or concerns about filming activities.

Vehicles and mobile equipment

27. All vehicles and equipment used by the film company must display a clearly visible sign or tag with the name of the film company and the name and phone number of either the location manager or the operator of the equipment or vehicle.

28. Vehicles parked on highways open to the public must be parked pursuant to the Town's bylaws and the *Motor Vehicle Act*. The Town reserves the right to ticket or tow vehicles that have been parked contrary to the conditions of a film permit or Town bylaws.

Towing

29. The Film Coordinator may authorize the towing of vehicles left on municipal property when filming is scheduled to occur provided that:
 - a. the film company has posted notice prior to filming, indicating that vehicles may be towed; and
 - b. the costs of towing, impound and other fees will be covered by the film company.

Works and Services on Municipal Property and Assets

30. Unless otherwise approved by the Film Coordinator, works on municipal property, assets and infrastructure, such as sign and street furniture removal and snow removal must be done by Town work crews.
31. A film permit application must include a list of works under guideline 30. The Town will determine staffing and equipment requirements or authorize the film company to complete the works.
32. If Town employees will be present on the set, the film company must account for the presence of Town staff in its workplace health and safety plan and the Town may request a copy of the film company's workplace health and safety plan.

Insurance and indemnification

33. A film permit shall contain an indemnification clause indemnifying and saving harmless the Town from all claims, arising from in connection with the film production.
34. A film permit must be signed by an authorized representative of the film company.
35. The film company must provide proof of insurance with a minimum coverage limit of \$5,000,000 Commercial General Liability insurance against third party claims for bodily injury, death, property, and loss of use.
36. For higher risk filming activities, higher coverage may be required.
37. All required insurance policies must include:
 - a. a cross liability clause;
 - b. an additional insured endorsement naming the Town of Ladysmith, its affiliates, employees, officers, agents and volunteers as "Additional Insured" with respect to liability arising out of the activities conducted by or on behalf of the named insured; and
 - c. 15 days of written notice for cancellation or any material change that will reduce the coverage of the policy.
38. Prior to the issuance of a film permit the film company must provide
 - a. a completed copy of the Town's Standard Insurance Certificate attached as Schedule C; and
 - b. proof of current WorkSafe BC registration and coverage.

Schedule B: License of Use

THIS AGREEMENT dated for reference the ___ day of ____ 20

BETWEEN:

"[Enter Name of Film Company]" (hereinafter called the "Licensee")

AND:

The Town of Ladysmith, a municipal corporation, having offices at 410 Esplanade, PO Box 220 Ladysmith, B.C. V9G 1A2

(hereinafter called the "Town")

GIVEN THAT:

- A. The Town is the registered owner or tenant of those certain lands and premises situate, lying and being in the Cowichan Valley Regional District in the Province of British Columbia, more particularly known and described as:

"[Enter Legal Description(s) for all filming locations]" (the "Land").

- B. The Licensee wishes to use, occupy and pass through an area of the Land as outlined as "Film Production Area" on Schedule A to this agreement for the purposes of filming a motion picture movie (the "Event").
- C. The Town has agreed that the Licensee may use and occupy the Land for the purposes and on the terms and conditions herein set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained herein and sum of \$10.00 now paid by the Licensee to the Town, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Grant of Licence

- 1) The Town, on the terms and conditions set forth herein, grants to the Licensee the non-exclusive right and licence (the "Licence") to:
 - a) Enter onto and use the Film Production Area for the purposes of filming a motion picture movie for only the Licensee and its permitted assigns and their servants, agents and invitees.
 - b) Enter onto the Land for the sole purpose of accessing the Film Production Area for only the Licensee and its permitted assigns and their servants, agents and invitees.
 - c) This Agreement does not grant any interest in the Land to the Licensee.
- 2) Term - This Licence shall commence on the ___ day of ____ , 20_ (the "Commencement Date"), and shall terminate on the ___ day of ____ , 20_ unless terminated on an earlier date by the Town or by the Licensee pursuant to section 6 herein.
- 3) Licence of Use Fee - The Licensee shall pay the Town \$ ___ per day per property/film location plus GST) in return for the right to use the Lands under this Licence. The Licence of Use Fee shall be payable at the time of execution of this Licence.

- 4) Taxes - The Licensee must pay all taxes, rates, duties and assessments whatsoever, whether federal, provincial, municipal or otherwise charged upon the Licensee or the Municipality as a result of the Licensee's occupation of or use of the Land . Without in any way restricting the generality of the foregoing, the Licensee must pay to the Municipality G.S.T. on the Licence of Use Fee.
- 5) Security - The Licensee shall provide refundable security "the Security" in the amount of \$ _____ , as directed by the Town.

Termination

- 6) The Licence may be cancelled or terminated despite any rule of law or equity to the contrary in accordance with any of the following provisions:
 - a) if the Licensee defaults in the observance or performance of any of the terms and conditions contained in this Licence and the Licensee fails to cure such default(s) within 30 days after written notice from the Town, then the Town will be entitled to terminate the Licence without limiting the Town 's other remedies at law or at equity;
 - b) if the default under subsection (a) reasonably requires more time to rectify or cure than 30 days, the Licensee will be deemed to have complied with the rectification or curing of it if the Licensee commences rectifying or curing the default within 30 days after notice from the Town and diligently completes same as soon thereafter as is reasonably practical;
 - c) the Licensee will be entitled to terminate this Licence for any or no reason at any time;
 - d) the Town will be entitled to terminate this Licence at its sole discretion, for any or no reason and at any time upon giving 1 month written notice to the Licensee.

All of the Licensee's obligations under this Licence that are outstanding on the date that this Licence is terminated will survive the termination of this Agreement. For certainty, the Licensee's obligations to release and indemnify the Town shall survive the termination of this Agreement, but only in respect of events occurring before termination of this Agreement.

Powers

- 7) Subject to the section 8, for the purposes of the Licence herein, the Licensee and its servants, agents and invitees shall have the right to:
 - a) use the Film Production Area;
 - b) have access to and from the Film Production Area by the Land at any and all times;
 - c) bring onto and take through the Land all materials and vehicles that must be transported through the Land to the Film Production Area; and
 - d) with the exception of clearing, cutting or removing live trees, clear the Land and keep it clear of anything which might in the opinion of the Licensee, acting reasonably, constitute an obstruction to the use of the Land by the Licensee.

Town and Public Access

- 8) The Town will at all times have a priority right to use and occupy any portion or all of the Land, without notice, in order to:

- a) access other portions of the Land; or
- b) carry out any public service or responsibility that requires use of or access to the Land.

Public access will be maintained through the Film Production Area, although it is recognized that temporary closures may be required from time to time. Signage noting the Film Production Area and impacts on the public shall be erected at the start of the access road to the film production area.

No Other Improvements

- 9) The Licensee will not, without the prior written consent of the Town, construct, install, affix, place or store or permit the construction, installation, affixing, placing or storage of any buildings, structures, works, improvements, fencing, material or chattels or anything of any nature or kind including, without limitation, the parking or storage of vehicles on any part of the Land

Use

- 10) The Land will be used by the Licensee solely for the purpose to pass and repass over and through the Land, on foot or by vehicle for the purpose of preparing for and carrying out the production of a motion picture movie
- 11) The Licensee acknowledges and agrees that, by granting this Agreement, the Town is not accepting any responsibility for the Licensee's use of the Land. The Licensee shall use best efforts to cause a minimum of obstruction and inconvenience in the Land.

Site Clean-up

- 12) Upon termination of this Licence:
 - a) the Licensee must clean up the Land and remove any or all of the Licensee's buildings, structures, or improvements from the Land, unless the Town consents otherwise;
 - b) the Licensee shall arrange for an inspection by the Town of the Land prior to the Event starting and within 30 days of the Event being completed to ensure the site has been cleaned up to the satisfaction of the Town;
 - c) should the site be found not to be cleaned up to the satisfaction of the Town, the Town shall inform the Licensee in writing of the deficiencies and the Licensee shall have 30 days to remedy the deficiencies; and
 - d) the Town has the right to remedy any deficiencies remaining beyond the 30 days and use any security required under section 4 of this Agreement to recover the cost of remedying the deficiencies, plus a 15% administration fee. In the event that security was not collected by the Town, the Town reserves the right to charge the Licensee.

No Damage to Infrastructure

- 13) The Licensee agrees to not damage, modify or foul any existing infrastructure such as but not limited to culverts, cross-ditches, waterbars, ditches, bridges or signage. Should damage, modification or fouling occur, the Licensee shall have 30 days to remedy the deficiencies. The Town has the right to remedy any deficiencies remaining beyond the 30 days. and charge the Licensee the cost of remedying the deficiencies plus a 15% administration fee or use any security required under section 5 of this Agreement to recover the Town's costs.

No Waste or Nuisance

14) The Licensee will not commit or allow any willful or voluntary waste or destruction of the Land, or do anything that may become a nuisance or annoyance to other occupiers of the Land or adjoining lands. The Licensee will not stockpile or burn any materials on the Land

Parking

15) The Licensee will not permit parking of the Licensee's vehicles on Town roads adjacent to the Land without first having received authorization from the Town.

Compliance with Laws

16) The Licensee will at all times during the currency of this Licence use the Land in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or local government laws or statutes or bylaws relating to environmental matters, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.

Assignment

17) Except as expressly set out herein, the rights granted to the Licensee under this Agreement may not be sublicensed, assigned, or otherwise transferred. The Licensee may assign its interest under this Licence with the prior written consent of the Town, such consent not to be unreasonably withheld or delayed.

Risk

18) The Licensee accepts the Land on an as-is basis and agrees that it will use the Land at its own risk, and that the Town will not be liable in respect of any loss of life, personal injury, damage to property or loss of property suffered by the Licensee, its servants, agents, or invitees arising out of this Agreement or its or their use and occupation of the Land.

Builders Lien Act

19) If any claim of lien over the Land is made under the Builders Lien Act for work performed on or materials supplied to the Land at the Licensee's request, on the Licensee's behalf, or with the Licensee's permission, the Licensee will immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by the Licensee and the Licensee has taken the steps necessary to ensure that the claim of lien will not subject the License Area or any interest of the Town's under this Agreement to sale or forfeiture.

Indemnity

20) The Licensee shall release, discharge, indemnify and save harmless the Town, its officers, directors, elected officials, employees and agents from and against any and all losses, claims, costs, expenses, damages and liabilities, causes of action, suits and judgments including all costs of defending or denying the same, and all costs of investigation, monitoring, remedial response, removal, restoration or permit acquisition and including all solicitor's fees and disbursements in connection therewith which at any time may be paid or incurred by or claimed against the Town, its officers, directors, elected officials, employees, agents and invitees arising, directly or indirectly, out of:

- a) the uses of the Licensee under this Licence;
- b) a breach by the Licensee of any of the covenants contained in this Licence;
- c) any wrongful act or neglect of the Licensee on or about the Land;
- d) any damage to property related to the Licensee's use and occupancy of the Land; or

- e) the death of or injury to any person arising out of or in any way connected with, directly or indirectly, the Licensee's use and occupancy of the Land.

This section does not apply to liabilities, damages, costs, claims, suits or actions arising out of the gross negligence or wilful misconduct of the Town, its agents, servants, employees or contractors.

Insurance

- 21) The Licensee shall obtain and keep in force throughout the existence of the Licence a policy of comprehensive general liability insurance naming the Town as an additional insured and protecting the Town and the Licensee (without any rights of cross-claim or subrogation against the Town) against claims by any person, including any member of the public using the Lands, for personal injury, death, property loss or damage, and third party liability or public liability claims arising from any accident or occurrence on the Lands or other loss relating to the Licensee's use of the Lands to an amount of not less than Five Million (\$5,000,000.00) Dollars per occurrence (the "Insurance Policy").
 - a) The Insurance Policy shall provide that it is not terminable or alterable without the giving of 30 days' written notice to the Town.
 - b) At the time of execution of this Licence, the Licensee shall deliver to the Town a copy of the insurance Policy or an insurance binder or note evidencing that the Licensee has obtained the Insurance Policy on the terms set out herein.
 - c) At any time during the Term of this Licence the Town may require the Licensee to provide evidence to it that the Insurance Policy is valid and in full effect.
 - d) The deductible on the policy of insurance must not be more than Five Thousand (\$5,000.00) Dollars.

Environmental Matters

- 22) For the purpose of this Part:
 - a) "Environmental Law" means all federal, provincial, municipal or local laws, statutes or ordinances relating to environmental matters, including all rules, regulations, policies, guidelines, criteria or the like promulgated under or pursuant to any such laws;
 - b) "Hazardous Substance" means a contaminant, pollutant, dangerous good, waste, toxic substance, special waste or hazardous substance as defined in or pursuant to any Environmental Law;
 - c) "Notice" means any citation, directive, order, claim, litigation, investigation, proceedings, judgment, letter or other communication, written or oral, actual or threatened, from any person, including any governmental agency;
 - d) "Permit" means any authorization, permit licence, approval or administrative consent issued pursuant to Environmental Law.
- 23) The Licensee will conduct its business and operation on the Land in compliance with all Environmental Laws and all Permits.
- 24) The Licensee will notify the Town of the occurrence of any of the following and will provide the Town with copies of all relevant documentation:
 - a) a release of a Hazardous Substance on the Land, except as is authorized under Environmental Law;

- b) the receipt by the Licensee of a Notice from any governmental agency of non-compliance pursuant to any Environmental Law, including a Notice of non-compliance respecting a Permit in connection with the Land;
 - c) the receipt by the Licensee of a notice of a claim by a third party relating to environmental concerns in connection with the Land; or
 - d) the receipt by the Licensee of information that indicates that Hazardous Substances are present in or on the Land.
- 25) The Licensee will not permit the storage, treatment or disposal of Hazardous Substances on the Land.
- 26) The Licensee will conduct such investigations, searches, testing, drilling and sampling ("Investigations") as may at any time be required by the Town where any reasonable evidence exists that the Licensee's use or occupation of the Land pursuant to this Licence may be introducing or increasing the existence of any Hazardous Substance on the Land. If the Licensee does not complete the Investigations to the satisfaction of the Town, the Town may take any actions necessary to complete the Investigations, the cost of which actions will be borne by the Licensee.
- 27) If Hazardous Substances are present on or in the Land as a result of the Licensee's use or occupation of the Land pursuant to this Licence, the Licensee will take all necessary action, at the cost of the Licensee to remediate the Land to a level acceptable to the Town and to governmental authorities having jurisdiction.
- 28) Prior to the termination of this Licence, the Licensee will conduct all Investigations required by the Town where any reasonable evidence exists that the Licensee's use or occupation of the Land pursuant to this Licence has introduced or increased the existence of any Hazardous Substance on or in the Land. The Licensee will provide the result of the Investigations to the Town. Where any Hazardous Substance is found on or in the Land as a result of the Licensee's use or occupation of the Land pursuant to this Licence, the Licensee will take all necessary action, at the cost of the Licensee, to remediate the Land to a level acceptable to the Town and to governmental authorities having jurisdiction.
- 29) The Licensee will provide to the Town satisfactory documentary evidence that all Permits are valid and in good standing as requested by the Town from time to time.
- 30) The Licensee will indemnify and save harmless the Town, its elected officials, officers, employees, agents and others from and against any and all losses, claims, costs, expenses, damages and liabilities, including all costs of defending or denying the same, and all costs of investigation, monitoring, remedial response, removal, restoration or permit acquisition and including all solicitor's fees and disbursements in connection therewith which at any time may be paid or incurred by or claimed against the Town, its elected officials, officers, employees, agents and others arising, directly or indirectly, out of:
- a) the Licensee's use or occupancy of the Land which results in the presence, release or increase of any Hazardous Substance on or off-site of the Land;
 - b) any reasonable action taken by the Town with respect to the existence of or remediation for any such Hazardous Substance on or off-site of the Land; or
 - c) any reasonable action taken by the Town in compliance with any Notice of any governmental authority with respect to the existence of any such Hazardous Substance on or off-site of the Land.

31) Notwithstanding anything else in this Licence, the Licensee shall have no liability relating to contamination resulting solely from the Town's use of the Land nor shall the Licensee be required to remediate any environmental concerns which may result solely from the Town's use of the Land

Notice

32) Any notice or other writing required or permitted to be given to any party shall be sufficiently given if delivered by hand, or if sent by prepaid courier or if transmitted by email to such party: in the case of a notice to the Licensee, at:

"[Enter Film company contact information]"

in the case of a notice to the Town, at:

Town of Ladysmith
410 Esplanade PO Box 220 Ladysmith, B.C. V9G 1A2
Attention: "[Enter Contact Name]"
Email: info@ladysmith.ca

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is so delivered unless that day is not a business day, in which case the notice shall be deemed to have been given and received on the next day that is a business day.

Town May Take Action

33) If the Licensee fails to do any matter required of them under this Agreement, the Town is entitled to take all such actions on the Licensee's behalf and at the Licensee's cost as are reasonably necessary to rectify the Licensee's failure, in addition to the Town's ability to draw on any security required pursuant to the Agreement.

34) The Town is in no circumstance liable for not taking such action or its manner of doing so, provided that the Town acts reasonably.

35) The Licensee shall pay to the Town the costs the Town incurs pursuant to this provision forthwith upon receipt of an invoice including a 15% administration fee.

General

36) This Agreement will enure to the benefit of and be binding upon the Licensee and its successors, administrators and approved assigns and upon the Town and its successors, administrators and assigns.

37) Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or permits.

38) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

39) Any Schedules attached to this Agreement form part of this Agreement.

40) This Agreement constitutes the entire Agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement, and this Agreement may not be modified except by subsequent agreement in writing between the parties.

- 41) Time is of the essence of this Agreement.
- 42) The section headings have been inserted for reference only and do not define, limit, alter or enlarge the meaning of any provision of this Agreement.
- 43) The Licensee's use of the Land will under all circumstances be viewed as a licence only and will not create nor be deemed to create any property interest in favour of the Licensee in the Land.
- 44) If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid does not affect the validity of the remainder of this Agreement, the parties hereby agreeing that they would have entered into the Agreement without the severed portion.
- 45) The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
- 46) This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.
- 47) This Agreement may be executed in separate counter parts, each of which will be an original and all of which taken together shall constitute one and the same contract, and any Party hereto may execute this Agreement by signing any such counterpart. Any party may deliver an executed counterpart signature page to this Agreement by facsimile transmission or by email in PDF format.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

Town of Ladysmith
by its authorized signatories:

Mayor

Corporate Officer)

"[Enter Film Company Name]")
By its authorized signatories)

Authorized Signatory)

Name)

Authorized Signatory)

Name

Schedule C: Standard Insurance Certificate

Insurance coverage is required as a condition of a film permit. The film company's **insurer must complete this document, and attach the film company's certificate of insurance**

Name of Insured film company:	
Name of production:	
Insurer Address:	
Insurer Telephone:	Email:
Name of Insurer:	
Policy Number:	
Effective Date:	Expiry Date:

The undersigned confirms that the following coverages have been affected through the policy noted above for the duration of the activity:

- Comprehensive General Liability Insurance in the minimum amount of \$5,000,000 per occurrence covering bodily injury, death and/or damage to or destruction of property including loss of use thereof, arising from the above Named Insured activities. Such insurance to include Broad Form Property Damage, Blanket Contractual Liability, and Cross Liability or Severability of Interest Clause as defined below.
- The Town of Ladysmith and/or their officers, agents, employees and volunteers are added as Additional Insureds but solely with respect to the liability which arises out of the activities of the Named Insured.
- The Town of Ladysmith to receive 15 days prior written notice of cancellation or material change. Thirty days written notice is required on Certificates evidencing annual blanket insurance coverage.
- Cross Liability or Severability of Interest Clause: The Policy shall protect each Insured in the same manner and to the same extent as though a separate Policy had been issued to each but nothing herein shall operate to increase the Insurer's liability as set forth elsewhere in this Policy beyond the amount or amounts for which the Insurer would be liable if there had been only one Insured. Any breach of a condition of this Policy by any Insured shall not affect the protection given by this Policy to any other Insured.

Name of Insurer: _____

Signature of Authorized Representative: _____

Name of Authorized Representative (please print): _____

TOWN OF LADYSMITH

BYLAW NO. 2048

A Bylaw to Amend "Building and Plumbing Bylaw 1994, No. 1119"

WHEREAS pursuant to the *Community Charter*, the Municipal Council is empowered to enact and amend a building bylaw;

AND WHEREAS the Municipal Council considers it advisable to amend "Building & Plumbing Bylaw 1994, No. 1119";

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

(1) Section 3.8 is amended by adding the following:

“3.8.4 No permit shall be required for temporary construction for the purposes of filming for which a valid film permit has been issued pursuant to “Town of Ladysmith Film Bylaw 2020, No. 2045 ”.”

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2020, No. 2048".

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 (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2047

A Bylaw to Amend "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488"

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

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488";

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

(1) Section 4 ('Exemptions') of Schedule A.1 (Development Permit Areas) is amended by adding the following item:

"(m) temporary works or structures for the purposes of filming for which a valid film permit has been issued pursuant to "Town of Ladysmith Film Bylaw 2020, No. 2045". "

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2020, No. 2047".

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 (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2049

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 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) Part 2 – (Application & Compliance) is amended by adding the following:

“2.4. Notwithstanding this part, this bylaw does not apply to:

- a) The temporary use of land and temporary structures for the purposes of filming for which a valid film permit has been issued pursuant to “Town of Ladysmith Film Bylaw 2020, No. 2045”.

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2020, No. 2049”.

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 (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2050

A Bylaw to Amend "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644"

WHEREAS pursuant to the *Community Charter* the Municipal Council is empowered to enact and amend the level of fees to be charged for certain services;

AND WHEREAS The Municipal Council considers it advisable to amend "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644";

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

1. Delete existing Schedule 4 "Trolley Transit Service" and replace with the attached Schedule 4 "Filming Fees".

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2020, No. 2050".

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 (D. Smith)

**SCHEDULE 4
FILMING FEES
“TOWN OF LADYSMITH FEES AND CHARGES BYLAW 2008, NO. 1644”**

Permit Processing and Application Fees	
Film Permit application fee—Submitted more than 20 days prior to filming	\$ 2,000
Film Permit application fee—Submitted less than 20 days prior to filming	\$ 3,000
Material change to film permit application less than 10 days prior to filming	\$1,000
Material change to film permit application more than 10 days prior to filming	No charge
Labour Costs	
Unionized staff*	Rate payable under collective agreement and employment contracts + 15%
Exempt staff*	Rate payable under employment contract + 15%
RCMP	Applicable overtime rate
* Labour costs directly related to permit processing are included in permit fees	
Parking Lots/Spaces	
On-street parking spaces	\$3.00/space/day
Off-street parking spaces	\$5.00/space/day
Equipment Rates	Equal to annual equipment charge out rates
Parks and Recreation Facilities	
Sports field or ball diamond	\$225/day
Other parkland	\$0.10/m ² /day
Trail	
Requires full closure to public	\$200/day
Does not require full closure to public	No charge
Playground, picnic shelter, outdoor sports court, horseshoe pitch, community garden or similar	\$75/day
Outdoor washroom, concession, change room or similar	\$14/day
Outdoor water park	\$100/hour
Aggie Hall	\$45/hour or \$200/day
Transfer Beach Park Amphitheatre	\$600/day
Frank Jameson Community Centre	
Gymnasium	\$60/hour or \$450/day
Meeting room or change room	\$25/hour/room or \$100/day/room
Lower program room	\$45/hour or \$200/day
Lower rec room	\$45/hour or \$400/day
Pool	\$125/pool/hour
Miscellaneous Municipal Lands and Facilities	
Undeveloped land or road allowance	\$0.08/m ² /day
Building space	\$0.52/m ² of floor area/day
Developed road allowance (e.g. sidewalk, tread way, lane)	No charge

TOWN OF LADYSMITH

BYLAW NO. 2046

A Bylaw to Amend "Town of Ladysmith Noise Suppression Bylaw 2003, No. 1478"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend a noise bylaw;

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Noise Suppression Bylaw 2003, No. 1478";

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

(1) Section 12 (Exempt Noise) is amended by adding the following item:

“m) Any sound or noise authorized by a filming permit issued under “Town of Ladysmith Film Bylaw 2020, No. 2045”.”

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2020, No. 2046".

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 (D. Smith)

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Erin Anderson, Director of Financial Services
Meeting Date: September 8, 2020
File No: 1970-04
RE: PERMISSIVE TAX EXEMPTIONS FOR TAX YEAR 2020

RECOMMENDATION:

That the Committee direct staff to:

1. Provide a 1-year Permissive Tax Exemption to all properties currently identified in “2020 Permissive Tax Exemptions Bylaw 2019, No. 2017”;
2. Provide a 10-year Permissive Tax Exemption for 630 2nd Avenue;
3. Provide a 10-year Permissive Tax Exemption for 220 High Street;
4. Not include the fully exempt properties on the water parcel tax or the sewer parcel tax; and
5. Prepare the necessary Permissive Tax Exemption Bylaws for Council consideration.

EXECUTIVE SUMMARY

Staff are seeking direction to prepare the annual Permissive Tax Exemption bylaws. All properties included in the current bylaw are proposed to be included in the new bylaw. Additionally, “Community Services Centre Tax Exemption Bylaw 2010, No. 1742” is set to expire. Staff are seeking direction to prepare another 10-year bylaw for the property at 220 High Street, currently occupied by the Boys & Girls Club of Central Vancouver Island, and 630 2nd Ave, currently occupied by the Ladysmith Resources Centre Association and the Ladysmith Seniors Centre.

INTRODUCTION/BACKGROUND

Under Section 224 and 225 of the *Community Charter*, Permissive Exemptions are permitted to certain properties providing the property or property owner meets specific conditions. These conditions include ownership, such as not for profit organizations or charitable organizations, and specific use, such as care homes and recreational organizations.

Many churches are statutorily exempt for the building and footprint; the permissive tax exemption extends the exemption to the remaining portion of the property.

DISCUSSION

Each year, a bylaw is presented to Council for consideration. The bylaw and corresponding advertisement must be adopted prior to October 31 for the exemption to be in effect for the following taxation year.

The following properties are currently contained in the annual bylaw:

<i>224.2 (f) Building for Public Worship</i>	
Organization	Address
Trustees of the Ladysmith First United Church	232 High Street
Ladysmith Fellowship Baptist Church	381 Davis Rd
Bishop of Victoria (St. Mary's Catholic Church)	1135 4th Ave
Pentecostal Assemblies of Canada	1149 4th Ave
<i>224.2 (a) Non-Profit</i>	
Organization	Address
Ladysmith & District Historical Society	721 1st Ave
Canadian Legion Branch #171	621 1st Ave
Ladysmith Health Care Auxiliary	910 1st Ave
Ladysmith Golf Club Society	380 Davis Rd
Ladysmith & District Historical Society	614 Oyster Bay Dr
Ladysmith Maritime Society	616 Oyster Bay Dr
Ladysmith Maritime Society	Unit C, I & M - 610 Oyster Bay Dr
Ladysmith & District Historical Society	612 Oyster Bay Dr
Arts Council of Ladysmith & District	Units J, K & L - 610 Oyster Bay Rd
Eco-Tourism Building	200 Capt Dekonick Way
Ladysmith Senior Citizens Housing Society	207 Jamison Rd
Ladysmith Senior Citizens Housing Society	101 1st Ave
Ladysmith Resources Centre Association	314 Buller St
Ladysmith & District Historical Society	1115A - 1st Ave
Ladysmith Festival of Lights	1163 4th Ave
Ladysmith Maritime Society	611 Oyster Bay Dr

There are three other properties currently exempt under “Permissive Tax Exemptions Bylaw (Partnering Agreements) 2018, No.1979”, expiring in 2028:

Organization	Address
St John's Masonic Temple	26 Gatacre St
Municipal Parking lot	17 Roberts St
Municipal Parking lot	25 Roberts St

The approximate value of 2020 taxes foregone for the proposed annual bylaw is:

	Municipal	Other	Total
Building for Public Worship	12,953	5,046	18,000
Non-Profit	85,127	34,628	119,755
Parcel Tax			9,708
		Total	147,463

The value of the total 2020 taxes forgone at 630 2nd Avenue was \$33,836 and 220 High St was \$11,218.

Below is a summary table from 2020 BC Assessment’s Assessment Link BC that shows the number of taxable and exempt properties. The statutory folios include properties owned by the Town of Ladysmith, the Provincial and Federal Governments as well as specific properties with unique circumstances. The permissive tax exemption includes revitalization exempt properties as well as all the properties currently on the 2020 Permissive Tax Exemption bylaw.

Summary	# Folios	Total Assessed Value
Fully Taxable Totals	10	4,311,600
Permissive Totals	35	18,147,700
Statutory Totals	167	106,157,580

SCOPE OF WORK

Once the Committee confirms the properties to be included on the list, staff will prepare the bylaw for first 3 readings at the October 6 Council meeting. Advertising will be placed in the October 8th and 15th editions of the Chronicle. The bylaws are expected to be adopted on October 20. The adopted bylaws will be forwarded to BC Assessment to ensure the exemption to the assessments are put in place for the tax year 2021.

ALTERNATIVES

Option 1: No Exemptions. There is no requirement for Council to provide tax exemptions.

Option 2: Grant cash-in-lieu of exemptions. Instead of creating a bylaw, Council can grant exemptions in the actual taxation year. Rather than just forgoing the municipal taxes, which are just shifted to other property owners, the Town would lose the municipal portion of taxation revenue and be responsible for paying all taxing agency taxes, which would be significantly more money.

Option 3: Provide a 10-year exemption, which will streamline the process for applicants and staff. However, there would be less scrutiny and oversight with this option.

FINANCIAL IMPLICATIONS

For each exemption granted, the exemption tax burden is passed on to other property owners in the municipality. There is no property tax revenue lost - just a shifting of the taxation dollars from each exempt property to all the other taxable properties. All other taxpayers pay for tax exemptions.

Many of the organizations that received a Permissive Tax Exemption also receive a Grant in Aid and/or reduced costs for rent.

Permissive Tax Exemptions are reviewed again during the Financial Plan process.

LEGAL IMPLICATIONS

The bylaw, in its entirety, is at risk if one of the properties on the bylaw is successfully challenged in the Courts.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Statutory notification will be published in the newspaper and the exemption notification will be forwarded to BC Assessment.

RESOURCE IMPLICATION

A thorough review, per policy, was completed in 2019.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Legislative Services and the Financial Services Department will work together to complete the bylaw and all the statutory requirements.

SUMMARY

Council has previously granted permissive tax exemptions to specific organizations or properties within the Town boundary. Staff is requesting the Committee approve the properties to be included in the permissive tax exemption bylaw for the 2021 tax year.

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

STAFF REPORT TO THE COMMITTEE OF THE WHOLE

Report Prepared By: Erin Anderson, Director of Financial Services
Meeting Date: September 8, 2020
File No:
RE: **PURCHASING POLICY UPDATE – SEPTEMBER 2020**

RECOMMENDATION:

That the Committee recommend that Council approve the amended Purchasing Policy 05-1790-D as presented by the Director of Financial Services.

EXECUTIVE SUMMARY:

The proposed amendment to the Purchasing Policy is an increase of the formal bidding process from \$25,000 to \$75,000 and informal bidding from \$3,000 to \$5,000.

PREVIOUS COUNCIL DIRECTION

CS 2017-278	09/18/2017	That Council approve the amended purchasing policy, which includes a provision for Social Procurement.
CS 2013-118	04/08/2013	It was moved, seconded and carried that the amended Purchasing Policy be adopted as presented.

INTRODUCTION/BACKGROUND:

The current Purchasing Policy requires Staff to obtain formal bids for values over \$25,000. There is work required by both Staff and bidders to create a robust Request for Proposal (RFP), Tender, or Request for Quotation (RFQ) as well as reviewing the submissions. The proposed policy change will increase the limit from \$25,000 to \$75,000.

For smaller purchases, the current policy allows up to \$3,000 to be made based on informal quotes. The proposed policy change will increase the limit from \$3,000 to \$5,000.

The policy does permit waiving the Purchasing Policy for emergencies, though on occasion Council is asked to waive the Policy in order to ensure the work can be completed in a timely manner. Projects over \$75,000 will still require the approval of Council to waive the purchasing policy.

The last amendment to the Purchasing Policy was in September of 2017 to add a provision of Social Procurement. The threshold values have been in place since 2013.



Some examples of projects that would not have come before Council if the proposed amendment was in place:

Resolution	Council Decision Date	Project	Amount
CS 2020-184	16-Jun-20	Chicken Ladder Hardening	32,000
CS 2020-193	16-Jun-20	Stocking Lake Access Culvert	50,000
CS 2020-087	03-Mar-20	Poverty Reduction Grant	25,000
CS 2019-420	16-Dec-19	Website upgrade	35,000
CS 2019-203	03-Jun-19	Lot 108 Site Plan	20,000
CS 2019-206	03-Jun-19	FJCC Tile repair (pool)	40,000

ALTERNATIVES:

The Committee may:

- Deny the proposed change
- Provide alternative threshold amounts

FINANCIAL IMPLICATIONS;

All purchases must be approved in the Financial Plan.

LEGAL IMPLICATIONS;

Apart from the Town’s Purchasing Policy and procedures, the Town must abide by the Canadian Free Trade Agreement (CFTA) and the New West Partnership Trade Agreement (NWPTA). The CFTA has a \$100,000 threshold for goods or services and \$250,000 threshold for construction; and the NWPTA has a \$75,000 threshold for goods and services and a \$200,000 threshold for construction.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Town operates under a decentralized purchasing model.

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 |

Healthy Community

Local, Diverse Economy

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Infrastructure

Economy

Community

Not Applicable

Waterfront

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENTS:

- 05 1790 D Purchasing September 2020_red line

TOWN OF LADYSMITH POLICIES AND PROCEDURE MANUAL

TOPIC:	PURCHASING POLICY		
APPROVED BY:	Council	ORIGINAL DATE:	March 5, 2001
		CURRENT AMENDMENT DATE:	September 18, 2017
RESOLUTION #:	CS-2017-278		
<i>Amended: March 26, 2001 & Oct. 30, 2001, Jan 2002, January 2007, April 8, 2013 (replaces Jan 2007 version in its entirety)</i>			

POLICY STATEMENT

Effective procurement is a critical support function for the Town of Ladysmith to responsibly manage the public funds placed in their trust. The procurement system must be responsive, cost effective, socially responsible and as open as possible to public scrutiny.

GUIDING PRINCIPLES

The Town's Procurement Policy is guided by the following principles which set the standard for performance:

1. Procure the goods and services requirements of all departments in an efficient, timely and cost effective manner while maintaining the necessary controls;
2. Engage in an open bidding process wherever practical;
3. Ensure maximum value is obtained during the acquisition of goods and services. The concept of maximum value includes the value derived from social impacts (See Appendix B for desired Community Benefit Goals). Where applicable, the total cost of the goods and services purchased should be taken into account. Total cost may include but not be limited to acquisition cost, disposal cost, residual value, training cost, maintenance cost, product performance, social impact and environmental impact;
4. Take into account wherever practical the commitment to social responsibility, protection of the environment, and energy conservation;
5. Ensure the acquisition of goods and services meets the requirements of applicable legislation and trade agreements, including the New West Partnership Trade Agreement, and the Agreement on Internal Trade; and
6. Ensure that maximum value is realized when disposing of surplus goods, materials and equipment.

In addition to the principles outlined above, Town employees will demonstrate ethical purchasing behavior including:

1. Declaration of Interest - An employee who has a direct or indirect pecuniary interest with a supplier must disclose this relationship to his or her superior, and will be excluded from the quote or tender process;
2. Confidentiality and Accuracy of Information - The confidentiality of information received in the course of duty must be respected and should not be used for personal gain; information given in the course of duty should be true and fair and not designed to mislead;
3. Competition - While considering the advantages of the Town of Ladysmith maintaining a continuing relationship with a supplier, any arrangement which might prevent the effective operation of fair competition should be

5-1790-D

avoided;

4. Business Gifts and Hospitality - To preserve the image and integrity of the employee, the employer and the profession, business gifts other than items of small intrinsic value should not be accepted. Reasonable hospitality is an accepted courtesy of a business relationship. The frequency and nature of gifts or hospitality accepted should not be such that the recipient might be or might reasonably be perceived by others to have been influenced in making a business decision as a consequence of accepting such hospitality or gifts. All gifts should be reported to the City Manager; and,
5. Discrimination and Harassment - No employee shall knowingly participate in acts of discrimination or harassment towards any person that he or she has business relations with.

PROCUREMENT PROCESS:

OVERVIEW

Procurement is the process by which a government acquires goods, services and capital works for its own use. This policy is designed to assist Town staff in meeting the Town's procurement objectives and to protect the Town and its staff against potential litigation and perceived or actual conflicts of interest. The essential elements of the Town's Procurement Policy are outlined below.

AUTHORITY

All staff members undertaking procurement actions must have formal authorization to do so. As outlined in section 149 of the Community Charter, the responsibility for the financial administration of the Municipality resides with the Chief Financial Officer (CFO). These duties include:

- a. receiving all money paid to the municipality;
- b. ensuring the keeping of all funds and securities of the municipality;
- c. investing municipal funds, until required, in authorized investments;
- d. expending municipal money in the manner authorized by the council;
- e. ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe; and
- f. exercising control and supervision over all other financial affairs of the municipality.

Authorization for expenditures is set out in the *Community Charter* Part 6, Division 3, s.173:

- (1) A municipality must not make an expenditure other than one authorized under subsection (2) or (3).
- (2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.
- (3) A municipality may make an expenditure for an emergency that was not contemplated for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

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- (4) The following apply in relation to the authority under subsection (3):
- (a) the council must establish procedures to
 - (i) authorize expenditures under that subsection, and
 - (ii) provide for such expenditures to be reported to the council at a regular meeting;
 - (b) if an expenditure is made under that subsection, as soon as practicable, the council must amend the financial plan to include the expenditure and the funding source for the expenditure;
 - (c) the authority under that subsection does not include the authority to borrow for the purpose of making the expenditure.

Through this Policy, the Director of Financial Services (CFO) authorizes staff to perform and oversee the established processes of the Procurement Policy.

PROCESS:

COMPETITIVE BIDDING

The Town will utilize a competitive bidding process to secure goods and services wherever practical to obtain maximum value for its purchasing dollars.

The level of competition required for Town purposes is based on the dollar value and nature of the purchase ensuring the cost associated with administering a competitive process is proportionate to the benefit received as a result of the competition.

Purchases valued at less than \$~~53~~,000 may use the informal methods of verbal or written quotations.

Purchases valued between \$~~35~~,000 and \$~~725~~,000 must have a minimum of three (3) written quotations.

Purchases of goods and services with a value over \$~~725~~,000 must utilize a competitive process, which may be either a Request for Quotations, Request for Proposals, or Request for Tenders. These opportunities are given public notification by way of the internet, advertised on the Town website and on provincial government BC Bid website.

Under certain circumstances, at the discretion of the Director of Financial Services (CFO) together with the City Manager, select bidding may be utilized. Select bidding may be utilized for goods and service if delivery or project deadlines dictate that time is of the essence, or where extraordinary circumstances or market conditions exist. Bid documents would be sent to a minimum of three known suppliers of the required goods or services, thereby ensuring a competitive bid process.

The use of select bidding for projects valued at over \$~~7505~~,000 will require the further approval of the Council.

SOLE SOURCING

The requirement for a competitive process may be waived, if negotiating with a single supplier would offer better

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value. Examples of sole source items includes:

- technological advancement;
- standardization;
- compatibility with another item;
- clearly superior product;
- expertise in a specific area or field that cannot be matched by others;
- warranty requirements.

Negotiations for such items will only be permitted:

- in extraordinary circumstances or market conditions;
- if there is only one supplier for the product or service;
- in Emergency situations.

All sole source purchases over \$~~7550~~,000 require approval of the Council, following a Staff Report to Council from the originating department.

CO-OPERATIVE PURCHASING

Wherever possible, the Town will participate in cooperative purchasing to afford the taxpayers the benefits of both large volume purchases of common municipal requirements and the administrative efficiency in cooperative acquisition ventures.

DISPOSAL OF TOWN ASSETS

Disposal of obsolete or surplus goods, materials and equipment which are not used as trade-ins and RCMP recovered goods shall be through public auction or by way of publicly solicited offers.

Generally, Town employees, through public auction or sealed public bids may purchase Town assets or RCMP recovered goods. Those employees not eligible to purchase surplus assets shall be those employees responsible for declaring those assets surplus to the Town's needs or requirements.

The CFO shall make all final decisions with regard to the disposal of assets.

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PURCHASING CARDS

Purchasing Cards are designed to provide a convenient and less burdensome method of procuring and paying for low value goods and services. The cards simplify the procurement process, reduce paperwork, speed up vendor payments and empower department heads and administrators to quickly and easily acquire the goods and services they need to manage their business units. The use of purchasing cards requires compliance with this policy.

The Purchasing Card is designed to replace a variety of payment processes including petty cash and low-value cheque requisitions.

PROHIBITIONS/ RESTRICTIONS

In order to ensure adherence to Purchasing policies, certain activities are prohibited:

- Procurement of goods or services prior to authorization.
- Procurement of goods and services by non-authorized staff, other than the use of purchasing cards, unless so permitted under the Purchasing Policy.
- The division of a single purchase into multiple increments to circumvent policies or levels of authority.
- Purchases of goods or services from any member of Council, appointed officers, employees of the Town or from any other source that would result in a conflict of interest situation.
- The purchase of any surplus goods, materials, or equipment by an employee of the Town responsible for declaring the goods, materials, or equipment surplus to the Town's needs.
- Procurement of land is not covered by this purchasing policy.

DOCUMENTATION

All steps in the procurement process will be documented in writing. The Town is subject to Freedom of Information and Protection of Privacy legislation, therefore purchasing decisions will be subject to public scrutiny from time to time. It is critical that we not only follow our policy but are able to demonstrate compliance.

ROLES AND RESPONSIBILITIES

The Finance Department, under the direction of the CFO, is committed to build a robust purchasing system that enables the user department to implement its purchase plan.

Department Heads are responsible for ensuring the Purchasing Policy is followed within their areas of control. In addition, the user department is the expert in the goods and services it plans to purchase. As such, its role is also to establish and implement its purchasing budget (through the annual operating and capital budget plan), receive and evaluate supplied goods and service, and provide feedback on the purchasing policy.

Council is responsible for ensuring that the principles of this Policy are operationalized. Annually Council will review

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and approve the 5 Year Financial Plan and the purchasing requirements of the Town, as required by the *Community Charter*.

RECOMMENDED METHODS OF PURCHASE

The nature of a purchase, as well as its dollar value, determines the procurement process and tools available. Appendix "A" attached hereto defines the authority of staff to approve the various purchasing thresholds, and outlines the recommended methods of purchase. Nothing in this policy restricts the discretion of responsible staff to require a written contract with a supplier whenever circumstances warrant.

Except where select bidding or sole sourcing is utilized in accordance with this Policy, purchases will be made using the following methods:

- Informal Quotes - for low dollar value or commodity type items employees will typically get quotes from multiple sources.
- Formal Quotes - where higher dollar value or non-routine items are required, employees will endeavor to get written quotes from a minimum of three suppliers
- Request for Quote (RFQ) - where the items required are over \$~~725~~725,000 and are for specific known or identifiable products. A formal quote process including: providing a description of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award and the issuance of the PO is required.
- Request for Proposal (RFP) - where the items required are over \$~~725~~725,000, and the Town requires the vendor to propose how to complete a product or service. A formal Proposal process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, establishing the evaluation criteria, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.
- Request for Tender (RFT) - where the items required are over \$~~725~~725,000, and the Town requires the vendor to complete a product or service where the project specifications and result are known. A formal tendering process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.

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Appendix A

Acquisition:	0- 42 ,999	\$ 53 ,000 - 9,999	\$10,000 - 27 4,999	\$ 725 ,000- 250,000	\$250,000+
Authority	Approved Staff	Manager	DH	DH + CM & DOF	DH CM & DOF/ Council
Documents	Informal	Formal	Formal	RFP, RFQ, RFT	RFP, RFQ, RFT
Process	Discretionary	Competitive Bidding	Competitive Bidding	Competitive Bidding	Competitive Bidding
Commitment Documentation	Direct Coding & Signature	PO	PO	PO	PO

RFP = Request for Proposal
 RFQ = Request for Quotation
 RFT = Request for Tender
 PO = Purchase Order
 DH = Department Head
 DOF = Director of Financial Services (CFO)
 CM = City Manager

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Appendix B – Community Benefit Goals (up to 5% of total points)

Economy

- Demonstrate job creation within the local area, which is defined as the Cowichan Valley Regional District and the Regional District of Nanaimo.
- Contribute to a stronger local economy (buy local)
- Increase training and apprenticeship opportunities
- Provide work experience and employment opportunities for youth aged 15 to 24
- Ensure that a Living Wage for the local area is paid

Public Spaces

- Enhance community recreation, arts and/or culture infrastructure
- Improve and enhance public spaces
- Improve access to public spaces for people living with disabilities

Environment

- Demonstrate that work undertaken exceeds requirements for environmental standards

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Chris Barfoot, Director of Parks, Recreation and Culture
Meeting Date: September 8, 2020
File No:
RE: **TREE, BENCH AND AMENITY DEDICATION POLICY**

RECOMMENDATION:

That the Committee review additional options provided by staff regarding the Park Bench Donations Guidelines Policy 12-5810-A and recommend to Council with which option it would like to proceed.

EXECUTIVE SUMMARY:

Staff presented options for a revised Park Bench Donations Policy to the Committee at its July 14, 2020 meeting. The report recommended to limit the term of a park bench donation to a 10-year period with an increase to the initial price of the Park Bench to \$3,950 and a “program renewal fee” of \$1,050 following the 10-year term. Staff have provided additional options for review in this report, including consideration of recent feedback and concerns from the public and other groups.

PREVIOUS COUNCIL DIRECTION:

CS 2020-215	07/21/2020	That Council refer the issue of the Park Bench Donations Policy to the September 8, 2020 Committee of the Whole Meeting for further discussion.
CS 2019-123	04/01/2019	That Council refer the matter of a tree and bench dedication process to staff for consideration and clarification, and report back to Council.
2000-324	06/19/2000	That the Park Bench Program policy be ratified and implemented.

INTRODUCTION/BACKGROUND:

Residents have dedicated benches in memory of significant others for many years, and the original formalized program was first introduced in June of 2000. Since then, there have been over 90 park benches installed.

The existing policy is attached for information. The policy facilitates the dedication or memorialization of individuals through plaques placed on park benches and amenities such as trees in select parks and boulevards.

A program review was recently conducted to assess long-term sustainability and community access to the program, ensuring the program operates on a close to cost-neutral basis and providing access to as many community members as possible. At the July 14th meeting, staff proposed that the Committee consider recommending that Council discontinue dedications in perpetuity, but rather introduce a 10-year renewable term. A term such as this allows those who would like to continue funding a dedication



the opportunity to do so, or, if requested, to withdraw from the program, thereby providing an opportunity for others, should space for these amenities become limited in the future.

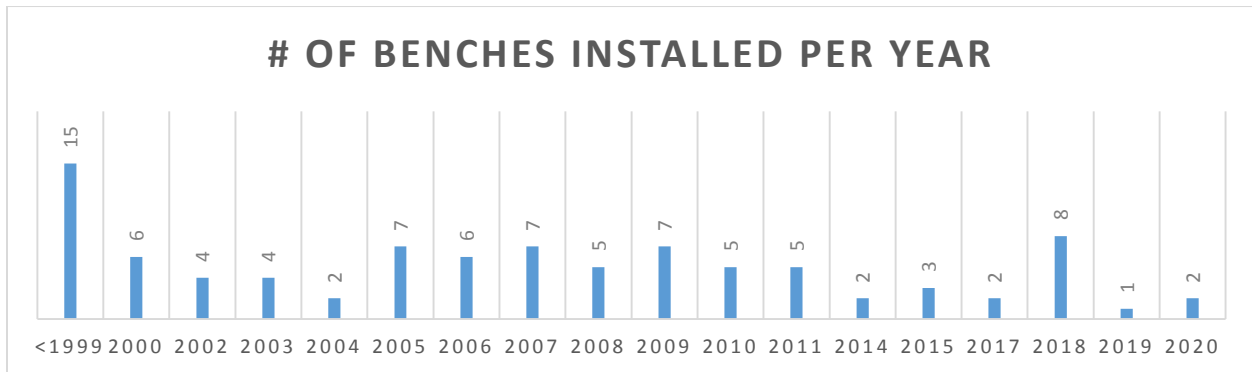
Citizens who purchased the existing benches urged Council to reconsider the term, as many believed they were purchasing an in-perpetuity memorial. However, the original policy limited the guaranteed term to only 5-years of maintenance.

The current cost of a bench is as follows:

ITEM	COST
IPE WOOD BENCH (delivered)	\$ 2,850
CUSTOMIZED PLAQUE (delivered)	250
CONCRETE	200
LABOUR & ADMINISTRATION	650
TOTAL COSTS	\$ 3,950

The IPE wood has proven to require minimal maintenance. On occasion, the benches require graffiti removal or parts replacement due to vandalism. The cost can run from \$100 to \$800, though the higher range costs are rare.

There are currently 91 benches in the program, and 15 were purchased before the official program started in 2000.



Following are options that the Committee could direct staff to incorporate into the policy:

Option 1 – 10 year term with renewal fee (as presented)

Increase the Park Bench dedication fee to \$3,950 as proposed. Town staff will acknowledge the bench or amenity dedication for a period of 10 years from the date of installation. Donors will have the opportunity to continue their sponsorship of the bench or amenity after the 10-year dedication period by paying the Program Renewal Fee. Existing park dedication participants will be notified of the program changes including the renewal fee but will not be required to pay any renewal fee for 10 years from the date of notification.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Presents a cost-neutral program for the 	<ul style="list-style-type: none"> • Past participants will be presented with a

<p>Town with continued maintenance or replacement of the amenities built into the program, as the \$1,050 renewal cost is just over a quarter of the full cost.</p> <ul style="list-style-type: none"> • Families have the option of retaining, for a fee, a bench at a specific location. 	<p>renewal option 10 years after being notified to transition to the new program.</p> <ul style="list-style-type: none"> • May be difficult to track down family for renewed sponsorship. • The existing program does not have a renewal fee and could be viewed as unfair by existing participants. • A bench may outlast the 10 year period, so if a renewal is not received, a decision regarding the current bench must be made.
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Option 2 – 20 year term guarantee

Increase the Park Bench dedication fee to \$3,950 and provide a guarantee for 20 years. This is an increase over the existing guarantee of 5 years. After the 20 years, the bench will continue to be maintained and monitored for safety concerns and will be removed at the end of its useful life with no replacement.

Advantages	Disadvantages
<ul style="list-style-type: none"> • This option addresses much of the feedback received from the public regarding the proposed policy. • The term would be consistent with the average lifespan of the existing benches. • This option does not require a renewal fee. 	<ul style="list-style-type: none"> • Though the existing policy is clear regarding the ownership of the bench, there may be a perception that the bench has rights to that location, which is incorrect. • There may be necessary replacement or bench replacement costs within the 20 year guarantee that would be the responsibility of the Town.

Option 3- Establish a “Dedication Care Fund” – no renewal fee

Increase the Park Bench dedication fee to \$5,000 and establish a program similar to that of a “Cemetery Care Fund” for the maintenance and care of all dedication amenities. A portion of the funds collected, such as 25% of the current purchase cost of the amenity, will be maintained in a separate account, with the funds designated as the “Dedication Care Fund”. Any interest and dividend income earned on the investments of the “Dedication Care Fund” may be used for maintenance and care of the dedicated amenities and its eventual replacement.

Advantages	Disadvantages
<ul style="list-style-type: none"> • The addition of a “Dedication Care Fund” would create a cost-neutral maintenance program for the Town’s donated amenities such as benches, providing the opportunity to continue the dedication program in perpetuity with only the initial cost of the dedication borne by the participants. 	<ul style="list-style-type: none"> • Those who participated in the program prior to the “Dedication Care Fund” would not have paid into the fund despite the existing amenity dedications still requiring periodic maintenance costs that would be drawn from the care fund. • The value of the fund would be contingent on interest rates. • Any maintenance costs over the amount in the Care Fund would be at the expense of taxpayers.

Option 4- No changes to the existing Park Bench Donations Guidelines Policy

The Committee may recommend that Council not make any changes to Park Bench Donations Guidelines Policy 12-5810-A at this time.

Advantages	Disadvantages
<ul style="list-style-type: none">• Limited public relations implications.	<ul style="list-style-type: none">• Does not recognize that the benches do have a limited life span and will eventually require additional maintenance or replacement at an unknown future cost.

Option 5 – Discontinue Dedication Program

Discontinue the dedication program for amenities such as benches, continue to maintain the existing benches and continue to seek suitable locations for future park benches and amenities. This has been done in other jurisdictions.

Advantages	Disadvantages
<ul style="list-style-type: none">• The existing benches would remain until such time as they need to be removed.• There would be administrative and operational advantages, however, there are no visible benefits to the community moving forward by discontinuing the program.	<ul style="list-style-type: none">• The public would lose the opportunity to make a dedication to recognize people in a meaningful manner.• There would remain ongoing costs associated with maintenance and repair of the remaining dedicated benches.• A future decision regarding the replacement of the bench will be required.

FINANCIAL IMPLICATIONS:

The annual maintenance for the benches is currently absorbed in the Parks budget. Fortunately, the costs are not substantive to maintain, though there is a large cost to replace a bench at the end of its useful life.

If all of the benches installed before 2001 were to be replaced (ie, the ones over 20 years old), it would cost the Town over \$68,000 (21 x \$3,250) based on today’s costs. The replacement cost is based on a new bench and a portion of the labour and administration costs.

Assuming all benches are replaced after 20 years, the total cost, factoring a 1% inflationary cost increase each year, would be \$314,000 or \$15,000 per year.

It should be noted that the existing policy references that a Charitable Deduction is provided to the donor of a bench. Charitable Deductions cannot be provided if it is perceived that the donor is *receiving* something in return.

LEGAL IMPLICATIONS:

There are no legal implications identified at this time.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town's dedication program remains a popular opportunity for community members to recognize loved ones, while simultaneously contributing to the enhancement of the Town's parks and open spaces. Some proposed options to the program will allow for increased opportunities for individuals to become involved as well as the necessary means for the Town to sustain the program and assist in covering costs to maintain or replace benches as required.

The proposed changes will impact existing dedications and potentially past participant expectations and understanding of the term the bench will be in place.

The Committee may also request that Council consider a public engagement process involving current donors and the broader public prior to making a final decision on the proposed policy.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

There is no interdepartmental involvement identified at this time, however Financial Services will collect and process application fees and Parks Operations will maintain the amenities.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input checked="" 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"/> Infrastructure | <input type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

- Park Bench Donations Guidelines Policy 12-5810-A
- Regional Comparison
- Correspondence

TOWN OF LADYSMITH

POLICIES AND PROCEDURE MANUAL

TOPIC: PARK BENCH DONATIONS GUIDELINES											
APPROVED BY: COUNCIL	DATE: JUNE 19, 2000										
RESOLUTION #: 00-324											
<i>(Amended from)</i>											
<p>This program allows a donor to contribute to the cost of installing a park bench at one of the Town's parks, the beach or on a boulevard.</p> <p><u>Bench Location:</u> The Parks Department and donor will determine a mutually acceptable location for the bench. A final or deciding choice will be the responsibility of the Parks Department.</p> <p><u>Bench Ownership:</u> Donations to the Town in no way constitute ownership of the item, the land upon which it is situated or the surrounding lands. The Town retains the right to use lands adjacent to these donated items as it deems appropriate and if necessitated, to relocate the item if redevelopment of the area warrants that action.</p> <p><u>Tax Receipts</u> Tax receipts will be issued, as donations to Canadian Municipalities may be tax deductible.</p> <p><u>Bench Memorial Plaque</u> Up to 34 letters on three lines are permissible on a memorial plaque.</p> <p><u>Bench Maintenance:</u> The Town will provide normal maintenance for a minimum period of 5 years. If, through vandalism or accident, for example, a bench is extensively damaged, the Town will, at the discretion of the Parks Department, repair the damage, replace the bench, or relocate the donor plaque to a suitable location. However, the Town is not obligated to replace the bench.</p> <p><u>Bench Styles and Costs</u> The following are examples of bench styles and costs. Actual costs will depend on Market quotation at time of order.</p> <table border="1"> <thead> <tr> <th><u>Style</u></th> <th><u>Cost to Donor</u></th> </tr> </thead> <tbody> <tr> <td>Dumor Bench 105 6' long, backless, IPE (hard wood)</td> <td>as per bylaw</td> </tr> <tr> <td>Shaughnessy BT3-B, (front city hall, H.C Trail) 6' long Clear Cedar</td> <td>as per bylaw</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p>A permanent memorial registry will be kept at City Hall.</p> <p><i>(ADDED COMMENT: For each bench an application form should be completed and fwd to City Hall for the Memorial Registry. As this form may change from time to time it is not incl. as part of this policy)</i></p>		<u>Style</u>	<u>Cost to Donor</u>	Dumor Bench 105 6' long, backless, IPE (hard wood)	as per bylaw	Shaughnessy BT3-B, (front city hall, H.C Trail) 6' long Clear Cedar	as per bylaw				
<u>Style</u>	<u>Cost to Donor</u>										
Dumor Bench 105 6' long, backless, IPE (hard wood)	as per bylaw										
Shaughnessy BT3-B, (front city hall, H.C Trail) 6' long Clear Cedar	as per bylaw										

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AREA COMPARISON

CITY/DISTRICT	DEDICATION TYPE	PLAQUE	COST	RENEWAL	RENEWAL FEE	BENCH MATERIAL
LADYSMITH (CURRENT)	BENCH TREE PLAQUE ONLY	INCLUDED	\$3200 VARIED \$250	Undetermined	N/A	WOOD (SOME PREVIOUS METAL BENCHES)
PARKSVILLE	BENCH TREE	INCLUDED	\$3000 \$1000	BENCH: 10 YEARS (DONOR GETS 1 ST RIGHT OF REFUSAL TREE: 10 YEAR GUARANTEE	\$3000	WOOD
CVRD	NO FORMAL PROCESS, CURRENTLY UNDER REVIEW					
DUNCAN	BENCH, PICNIC TABLE, PLAYGROUND, BIKE RACK ETC.	INCLUDED	VARIED WITH 100% BOURNE BY THE DEDICATOR	10 YEARS		WOOD
NANAIMO	PROGRAM NO LONGER EXISTS					
QUALICUM	BENCH	INCLUDED	\$1800	8 YEARS	\$1800	WOOD
PORT ALBERNI	BENCH TREE TABLE	INCLUDED	\$2500 \$1500 \$2500	PERPETUITY	N/A	PLASTIC
MUNICIPALITY OF NORTH COWICHAN	BENCH TREE TABLE	NOT INCLUDED COST SUBJECT TO SIZE	\$1450 \$1270 \$1755	10 YEARS	CURRENT FEE FOR RENEWAL	WOOD
SAANICH	BENCH TREE TABLE	INCLUDED	\$3000 \$1350 \$3650	10 YEARS	\$1500 N/A \$2150	WOOD
VICTORIA	BENCH	INCLUDED	\$3500	10 YEARS	CURRENT FEE FOR RENEWAL	WOOD (SOME PREVIOUS METAL BENCHES)
KELOWNA	BENCH/TABLE TREE OTHER	INCLUDED	\$2800 \$600 BASED ON ITEM	10 YEARS	CURRENT FEE FOR RENEWAL	ALUMINUM FRAME W RECYCLED PLASTIC

From: Muriel Carlson
Sent: August 12, 2020 4:46 PM
To: 'Rob Johnson' <rjohnson@ladysmith.ca>
Cc: 'Garth Gilroy'
Subject: RE: Benches/ reply

Hi Rob: Thank you for replying to Greg Edwards e-mail. I watched the last Council meeting on Zoom & I definitely will tune in to the Sept. 8th Council meeting. I have done a lot of thinking about this new proposed by-law, perhaps you can put my mind at rest or at least ease the thought process.

- a) Is or will the Town be willing to contact all of the Families who have donated Memorial Benches & Trees & Parks such as the Tom Wickham Park & Gourlay Jane Park & ask them for input prior to passing this new by-law. I personally feel this should be done, in all fairness to those who donated "in good faith."
- b) Personally I feel that the Maintenance cost of the Trees & the Parks far out weighs the cost of maintaining any of the Memorial Benches. The African Hardwood benches require no maintenance, they don't need to be sanded, painted/stained/power washed or anything else & have a life span of upwards to 100 years. (we were told this when we donated the bench in Memory of my dad) To date the bench has withstood time (20 years), perhaps a bit of seagull poop or ice cream has needed to be wiped off at times & that is about it. Trees & Parks are a different matter, trees need to be pruned annually, Parks need to have the lawns mowed weekly & if they have gardens/shrubs etc. then they need to be maintained. I can quite understand the cost of maintaining the Parks & Trees, but I refuse to understand that there is any cost to the Town at all for maintaining the Memorial Benches!
- c) In the proposed by-law, it was stated, that Donor Families would be contacted prior to the 10 year time period ending as to whether or not they wanted to pay the Ransom/Rent or is it actually Emotional Blackmail, on a Bench & if they didn't the plaque would be removed & the bench "sold" to another family to place their family members plaque on. It was also stated that "an effort would be made to contact the family prior to removing the plaque," how do you think this would work, perhaps no family member is left in Town to contact due to their demise or they have moved. The Staff at City Hall now, are not from the "old time family of Ladysmith" when everyone knew everyone & who was related to who & where they lived. The Staff now would not even know where to begin to find a family member. I also find it very rude/ignorant & all those other things, that something we families donated to the Town in good faith, is now under scrutiny with Town Council about the cost of maintaining the donation! Like I keep repeating, Donations were made in "good faith, they were made to help beautify the Town, during a time when the Town wanted to have Memorial Benches & Trees, but it was not in the Town Budget to do this on their own, so many families donated Benches, Trees & Parks not just as a Memorial to their loved one, but to help the Town out, for the enjoyment of new comers, locals, visitors. I just keep shaking my head that any of this has ever even been thought of by anyone at Public Works or Town Council. I am sure there is more wastage of Funds on other projects be them big or small in this Town than what it costs to maintain " these donations." If we were to donate a Lawnmower or Grader to the Town of Ladysmith, would you also be charging us an Annual Maintenance Fee for its annual Tuneups!

Thanks for reading this e-mail, perhaps this has put some ideas/thoughts in your head also.
Cheers,

Muriel Carlson,

From: Linda Edwards
Sent: Monday, August 10, 2020 10:42:02 AM
To: Rob Johnson <rjohnson@ladysmith.ca>; Muriel
Subject: Benches

Hi Rob I have been wondering if the families would be afforded the same consultation process as the new Bike park. The meeting in September is fast approaching and not a word to this point.

I realize you are in support of us however you appear to be lonely in that.

Regards

Greg Edwards

From: Quentin Goodbody
Sent: July 20, 2020 8:21 AM
To: Council
Subject: Proposed changes to the Tree Bench and Amenity Dedication Policy

Dear Mayor and Council

I note that Council will be voting in the regular Council meeting July 21st on changes to the 2000 Ladysmith Tree Bench and Amenity Dedication Policy, proposing an increase in fees, and a 10 year periodicity with possibility of renewal.

Before Council makes a decision on whether or not to approve the proposed changes, I would like to suggest that a discussion be held to clarify the role at least some of these dedications play in relation to Ladysmith history and how they fit into a coherent heritage policy.

While dedications are essentially 'family memorials' remembering loved ones lost, some bear significant relevance to the history of Ladysmith through their connection to early pioneering families and individuals which contributed significantly to the founding and shaping of our town.

Would Council consider that the motion before Council for changes to the existing bylaw be tabled until there is further clarification regarding 'types' of dedications and how they might fit into a coherent heritage policy? The Ladysmith & District Historical Society would be pleased to assist in this discussion.

Yours,

Quentin Goodbody

President LDHS

From: Stephanie Henry
Sent: July 17, 2020 10:02 PM
To: Council
Subject: Park benches

July 17, 2020

Re: Ladysmith Park Benches

To Your Worship and Council of Ladysmith:

The purpose of this letter is to let you know that I am vehemently opposed to your proposal to charge families for memorial benches after the initial purchase.

While I am not a citizen of Ladysmith, both my maternal and paternal great-grandparents were pioneers in Ladysmith and Saltair. I continue to return to Ladysmith, a place which I consider to be my families' home.

My elders purchased a bench in memory of William and Cynthia Dabb for \$3000+; it is situated at Transfer Beach, a site that had much meaning to them.

I can only imagine that a proposal such as this, comes from someone who is not a long time Ladysmith citizen nor has respect for history.

A proposal, such as this reflects the repugnance of current society and its lack of respect for the memory of its pioneers. It also reflects a lack of integrity for upholding contracts.

My family purchased this bench and gave it to the community in perpetuity. This means that there is no time limit. To break this contract reflects a lack of your morality. I find that quite morally defecit. I would align it with asking future generations to pay for the continuance of memory plaques in cemeteries. That is not acceptable.

Honestly, if one of my aunts or uncles, or my mother came to Ladysmith, and saw that bench had another family name on it, you would be responsible for their heartache. This decision is hurtful and it is wrong.

I would encourage the municipality of Ladysmith to look elsewhere to amass pennies and acquire pounds.

Sincerely,

Stephanie Henry
(Nee Southin)

Sent from my iPhone

July 17, 2020

Mayor, Aaron D. Stone
410 Esplanade
P.O. Box 220
Ladysmith, B.C. V9G 1A2

Your Worship & Council:

Re: Park Bench Donation Policy

We have just learned of the proposed change to the policy regarding donations of park benches in Ladysmith and feel compelled to write to Council regarding this.

My husband and I strenuously object to the proposed changes to the policy regarding Park Bench donations. My family and I purchased a bench which is located at Transfer Beach at the time of our parents passing. Our family has been in Ladysmith for over 100 years and our parents contributed to the community their whole lives. We felt the purchase of a bench was a suitable memorial for one of Ladysmith's pioneer families. We purchased the bench with the understanding that it would be a perpetual memorial and to us that means "forever".

To change the By-law now, asking us for an additional fee of \$1,050.00 seems to us as if the Council is breaking an agreement with our family. I feel that benches that have been purchased to date should be "grandfathered" if the new by-law is passed as proposed.

Two further comments are appropriate:

1. If the Council is concerned about maintenance there are metal and composite benches that require little maintenance over the years which look as good or better than wood. We have many of those in Peachland.
2. We propose that Council strongly consider recommitting to the existing by-law but with a change in the types of benches proposed for the future.
3. We strongly feel the purchase of the bench in our parents' memory was a fitting memorial for them and to now sell the bench to another family **hurts deeply**.

When visiting Ladysmith a couple of years ago I had the pleasure of telling another visiting couple, who were enjoying the use of the bench, a little about our parents. They were thrilled to hear what we had to say and it made their time at the park more meaningful.

I encourage you and Council to give very serious consideration to this proposed change. It should not be taken lightly and it should not be done simply to add extra dollars to the town's finances.

Sincerely,

Peggy Southin (nee Dabb)

Re: Tree, Bench & Amenity Dedication Policy

Attention: Mayor Stone & Council Member:

I have recently read the proposed Amendment/change of Policy to the By Law regarding Memorial Benches etc. To say the least, I am totally appalled at the lack of forethought to the Families who undertook purchasing a Memorial Bench or Tree in Perpetuity & in good faith with the Town of Ladysmith. I am speaking on behalf of my 7 siblings also..

I would like to suggest that any & all Memorial Benches, Trees or Land that was Donated to the Town of Ladysmith in Memory of a loved one prior to the year 2020, be grandfathered in permanently. This means that after the suggested 10 year grandfather clause as written by Chris Barfoot, Director of Parks & Recreation for All Benches, Trees etc., they "Not" be included in the 10 year Fee for maintenance. Furthermore, any Benches, Trees, Land donated to the Town as of Jan. 1, 2021 can come under this new Policy. By doing this at least a family will know what they are getting into when they want to Donate to the Town of Ladysmith, prior to making the decision. Although, I feel even this is totally deplorable to charge any one a maintenance fee on something that they donated. Plus, who knows how much the cost will increase over the years, this is like signing a blank cheque.

These Memorial Benches, Trees, are donated to the Town of Ladysmith by families, not because they are "grieving or need a place to grieve" as suggested by Chris Barfoot. They are donated out of the goodness of a family's heart, they want to keep assisting in beautifying their home town, they want all citizens & visitors to the Community, to have a place where they can sit and enjoy the vista's of our Town.

Our Dabb Family Memorial Bench was purchased in 2000, the cost was \$1100.00, at the time of purchase we were told the Town would maintain it, it was in Perpetuity. The bench is made of African Hardwood, as suggested by the Town, this wood would last for upwards of 100 years & require very little maintenance. So far, it has stood the time of years, the weather, the bird poop & the thousands of people who have sat on it & required next to No maintenance. The Bench is located on a knoll below the Kin Hut, it is a symbolic place at the beach, where we have history of family events taking place back to 1912 in that exact area. Over the last 20 years we have had relatives from England, Italy, Sicily, New Zealand, India, Australia come to visit & sit awhile on my dads Memorial Bench & enjoy the beautiful view.

Ladysmith prides' itself on preserving Our Heritage, our family was definitely a part of the Pioneer days in Ladysmith as were many other families.

To now change the By Law Policy & ask that 10 years from now we pay a "rental fee" for the Bench that we originally paid for & Donated is ludicrous, it is a big slap in the face to our family & all families. The Town will be holding the families at "Ransom", pay up or your plaque is gone on the bench you already paid for in good faith & someone else's family will have their name on the bench.

This is not the Town doing something "in good faith, it is very, very mean spirited, it is spiteful to the deceased & the memories of the family, for the people who helped build this Town & who volunteered many thousands of hours. My dad was born & raised in this Town, he lived here, volunteered here for 82 years, my mom lived here since 1944 & died a couple years ago, she also volunteered in the Community.

This does Not represent the "Ladysmith By the Sea" a friendly community. This represents "Gone but not Forgotten.... except by the Ladysmith Town Council."

Please, please, please do not include the original Memorial Benches, Trees or donated land back in 2000 until the present year! This is unjust, unfair & uncalled for. If you must change the policy, then have it start in the year 2021! This is the most Honorious way to go about making the changes you have in mind.

Please VOTE NO when the Issue arises at the Town Council Meeting.

Sincerely,

Muriel Carlson (nee Dabb)

Dear Mayor Stone and Members of Council,

RE: Tree, Bench and Amenity Dedication Policy

In response to the proposed Tree, Bench and Amenity Dedication Policy as discussed at the Meeting of the Whole on Tuesday July 14th, 2020, it is my sincere hope that you will not adopt this Policy.

I hope you will take a few moments to read through my comments, respond to my questions and consider my suggestion:

Comments:

- Over the past couple of decades Ladysmith residents have donated Memorial park benches to the Town of Ladysmith, presumably in perpetuity, and in good faith. This new proposal simply feels mean spirited.
- The Town of Ladysmith is opting to renege on a solemn contract, poor optics indeed.
- The donation of a Memorial Park Bench would have been made to the Town of Ladysmith with no expectation of further charges.
- Implementing an unexpected new "Program Renewal Fee" erodes the trust between citizens and the Town for new amenities, moving forward.
- The Staff Report indicates the "Program Renewal Fee" will be reviewed annually. The current proposed "Program Renewal Fee" is \$1,050.00, however, given this proposal, we would be well within our expectation to believe that this will increase over the next 10 years. Those who choose to enter into an agreement to pay the "Program Renewal Fee" in 10 years time may be in for a nasty surprise.

Questions:

1. If this new policy is implemented as per the Staff Report, does this "Program Renewal Fee" apply only to "In Memorium" dedications (for those who have passed), or will it be applied to any other amenities and dedications, such as acknowledgement of a donation or commemoration, for example: concrete tables, brick pavers or any other thing?
2. In reference to "workable solutions" for financial hardship, what type of arrangements will be made available?
3. Will "workable solutions" be available to new applicants as well as current dedications?

Suggestion:

The Staff Report recommends: 1) Change the policy or 2) Do not change the policy. There is a middle ground: Do not charge the families/donators the proposed "Program Renewal Fee" for the previously donated benches with plaques in perpetuity (as per the agreement), but do implement the Policy for new applicants, moving forward.

Thank you for your time,

Cathy Gilroy

Town of Ladysmith Parks Dedication Bylaws

Bylaw 797 (March 28, 1984)

- Davis Road Park
- Lions Park
- Kin Park

Bylaw 811 (November 26, 1984)

- Transfer Beach Park
- Holland Creek Park
- Aggie Field Park
- Hilltop Park
- Bob Stuart Park
- Little League Park

Bylaw 1532 (August 16, 2004)

- Dedication of Cenotaph

Bylaw 1665 (November 17, 2008)

- Wickham Park (on Rigby Place)

From: Erin Anderson <eanderson@ladysmith.ca>

Sent: July 14, 2020 3:27 PM

To: Council <towncouncil@ladysmith.ca>

Subject: Life guards at Transfer Beach Park

Hello Council,

We had an inquiry from a Council member as to why our pool lifeguards are not providing lifeguarding at Transfer Beach.

Lifeguards require a certification depending on where they are guarding - National Lifeguard Waterfront certification for lake or oceanfront guarding and National Lifeguard Pool certification for pools. Currently, we only have a few lifeguards with the waterfront certification though not enough to adequately staff the beach during the summer. And, due to COVID, we cannot access waterfront training for any more lifeguards. Unfortunately, this all means the Town cannot provide lifeguarding at Transfer Beach at this time.

The Town has not provided ongoing summer lifeguarding at Transfer Beach in recent years apart from special events (ie Canada Day).

From: Chris Barfoot <cbarfoot@ladysmith.ca>
Sent: July 31, 2020 12:23 PM
Subject: Lifeguard response

Like other waterfront municipalities concern around our parks is always an important consideration and one we did investigate. What we learned was:

1. A National Lifeguard Waterfront Certification is needed to be able to provide lifeguarding services at Transfer Beach. The National Lifeguard Waterfront certification is designed to develop the fundamental values, judgment, knowledge, skills and fitness required by waterfront lifeguards. The NL Waterfront course emphasizes the lifeguarding skills, principles and practices, and the decision-making processes which will assist the lifeguard to provide effective safety supervision in waterfront environments. It is important to note that this certification is different from the National Lifeguard Pool certification that all the Ladysmith PRC AQ staff are required to have to work at FJCC.
2. As for the training we did investigate to have the current AQ staff trained to potentially certify more staff with the NL Waterfront Certification (especially in light of having the pool closed due to COVID). Unfortunately, this was not available as there was not an available Waterfront Lifeguard Trainer and most in-person training programs/classes have been cancelled due to COVID-19. In addition, COVID-19 safety supervision and 1st aid plans need to be created for waterfront specific areas (these plans are different than the ones staff are currently working on for the pools at FJCC).
3. Beyond the special occasions we've had lifeguards on duty in the past when we could utilize our only 2 waterfront trained personnel, however we do not presently have the guard equipment required for Beach Front lifeguarding.
4. Another important issue with waterfront is there are no definitive cork lines in place to have the swim area properly defined and safer for the public and for guarding (as you can see from the attached photo).

We do currently have signage and the rescue assist available (see photos) that are recommended in the Waterfront Safety Audit.

This is something we can take another look at before the summer of 2021 but unfortunately, due to COVID is not possible this year.

TOWN OF LADYSMITH

Chris Barfoot

Director of Parks, Recreation & Culture

250.245.6421 |

810 Sixth Avenue MAIL PO Box 220 Ladysmith, BC V9G 1A2

Celebrate our Present. Embrace our Future. Honour our Past.



STAFF REPORT TO COUNCIL

From: Clayton Postings, Director Parks, Recreation and Culture
 Meeting Date: January 21, 2019
 File No:
 RE: **DOWNTOWN PUBLIC WASHROOM**

RECOMMENDATION:

That Council:

1. Advise Ladysmith Kinsmen Club of a grant opportunity and the intention of the Town to submit an application for funding for the remainder of the downtown public washroom project, and request that the Club continue to work as a partner in the development of the downtown washrooms; and
2. Direct staff to submit application to the Canada - British Columbia Investing in Infrastructure Program (Community, Culture and Recreation) for the downtown washroom project, with a budget of \$150,000.00; and
3. Direct staff to include in the 2020-2024 Financial Plan \$26,000.00 for servicing and maintenance of the downtown washrooms.

PURPOSE:

The purpose of this staff report is to provide Council with an update on the proposed downtown washroom, while also providing an option for the Town to apply for grant funding related to the construction of the downtown washroom.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2018-278	07/16/2018	That Council provide a letter of support for the Ladysmith Kinsmen Club to accompany their application for funding to BC Gaming for a public washroom project.
CS 2018-008	01/15/2018	That Council direct staff to include in the 2018 budget an allocation of funds available from the Real Property Reserve as a financial contribution to the Ladysmith Kinsmen Club project to construct a public washroom in downtown Ladysmith.
CS 2017-230	07/17/2017	That Council: 1. Support the concept of a public washroom being placed in the alley between the buildings at 521 and 531 First Avenue, subject to: i. The Kinsmen Club presenting a more complete proposal for the washroom and site including:



Resolution	Meeting Date	Resolution Details
		<p>→ A site/landscape plan and building design with exterior façade details respecting ADP and HRAC comments, and the Downtown Development Permit Area guidelines; and</p> <p>→ A review of safety and Crime Prevention through Environmental Design (CEPTED) impacts of the proposed washroom and solutions to mitigate impacts.</p> <p>ii. Review by Development Services staff and the Heritage Revitalization Advisory Commission of the site/landscape plan and building design;</p> <p>iii. Approval by Infrastructure Services for the water and sanitary service solutions for the proposed washroom.</p> <p>iv. The Town following the requirements in Section 40 of the Community Charter to commence closure and removal of road dedication to allow a washroom building to be located on that portion of the alley.</p> <p>2. Approve the site/landscape plan and building design and maintenance costs prior to installation.</p>
CS 2017-179	06/05/2017	That Council direct staff to refer the proposed washroom concept as provided by the Ladysmith Kinsmen Club in their letter dated March 27, 2017 to the Advisory Design Panel (ADP) and the Heritage Revitalization Advisory Commission (HRAC) for comment, seeking feedback on the exterior design of the building.
CS 2017-180	06/05/2017	That Council refer the proposed washroom concept as provided by the Ladysmith Kinsmen Club in their letter dated March 27, 2017, to the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association for their comment.
CS 2017-055	02/20/2017	That Council refer to staff the request from the Kinsmen Club of Ladysmith to support the building of downtown public washrooms at the alley end between the Health Food Store and the Royal Bank in order to investigate the proposal and report back to Council.

INTRODUCTION/BACKGROUND:

The Town was contacted by the Ladysmith Kinsmen Club in regards to the development of a public washroom in the downtown area. Through conversations a location was identified (see attached map) as a preferred site to construct the public washrooms.

Recently the Town was advised of the possibility to submit a second grant application for the Canada – British Columbia Investing in Infrastructure Program (Community, Culture and Recreation). Staff have reviewed existing capital projects and determined the downtown washroom meets the criteria of the grant program. This project is close to

being ready for construction (shovel ready), which is what the grant program is seeking. The washroom project also satisfies many of the aspects identified within the grant program criteria, including being a project which has high visibility to the community. The grant funding available does provide an increase to the previous project budget which will permit some upgrades to the design. Lastly in determining this project as the suitable option, it has been determined that the required Town contribution of 27% to the grant is already in place (project reserve) and will not impact other projects.

The grant criteria include projects that have a minimum value of \$150,000.00, are walking and cycling friendly, are accessible and support community building. The initial cost estimates presented by the Kinsmen Club did not include some amenities that could now be included due to the increased budget.

With 1st Avenue having the distinction of being voted the #1 street in Canada in 2018, it is believed that having a public washroom facility would only build on the positive and people-friendly experience the street and area have created.

Due to the short timelines and applications being due on the 23rd of January, it would be difficult to find another suitable project for this grant application.

ALTERNATIVES:

Council may choose not to apply for the Canada – British Columbia Investing in Canada Infrastructure Program – Community, Culture and Recreation.

FINANCIAL IMPLICATIONS:

Project cost is \$150,000

Existing contributions include:

Town of Ladysmith	\$32,000.00
Ladysmith Kinsmen Club	\$18,121.00
Ladysmith District Credit Union	\$ 1,000.00
Ladysmith Eagles	\$ 1,000.00
Ladysmith Rotary	\$ 1,000.00
Nanaimo Airport Commission	\$ 1,000.00
TOTAL	\$54,121.00

The Canada – British Columbia Investing in Canada Infrastructure Program – Community, Culture and Recreation Grant program funds projects with a minimum \$150,000 cost. The grant application would be for \$150,000 with the Town require to provide 27% funding meaning minimum funding would be approximately \$40,000.00.

The development of the downtown washrooms does also require ongoing servicing and maintenance. This cost is estimated at \$26,000.00 annually

Annual expenses include:

Wages/Benefits	\$20,000.00
Expenses	\$6,000.00

The addition of the downtown washrooms to the existing Town-owned washrooms would require daily maintenance and cleaning, which is part of the existing facilities staff schedule. It is a challenge due to adding 1.5 hours of serving of the new washrooms into the existing staff schedules, as the existing staff schedule is fully allocated. The wages would cover staff opening and closing the washrooms, inspecting and cleaning through the day.

The expenses include the janitorial supplies (toilet paper, soap), material and supplies (cleaning products, minor repair supplies), utilities, insurance, and contract services for plumbing, electrical and other related repairs or maintenance.

LEGAL IMPLICATIONS:

There are no legal implications identified

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff have spoken with Ladysmith Kinsmen Club about this opportunity and the Club has advised they are very supportive of the application and wish to support the process in anyway possible.

The community, over the years, has expressed a desire to have public washrooms in the downtown core. Also the local businesses (Downtown Business Association) who have been very supportive over the years by allowing visitors and residents to use their washrooms have also expressed the high priority for the addition of public washrooms on 1st Avenue.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public works will need to install services; Development Services will be required to inspect facility.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input checked="" 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 checked="" 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:

The Town has an opportunity to apply for funding to complete the proposed downtown washrooms. The project meets the criteria of the grant program. If the Town receives this funding the Town can proceed with completing the installation of downtown washrooms.



Clayton Postings, Director Parks, Recreation and Culture

January 15, 2019

I concur with the recommendation.



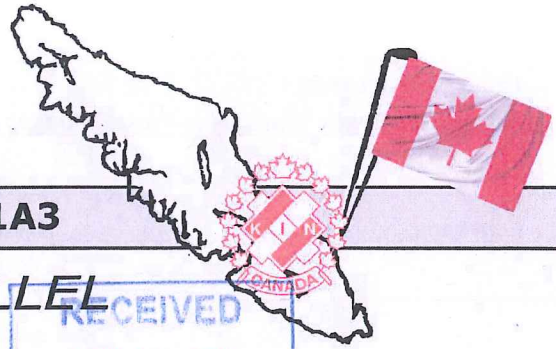
Guillermo Ferrero, City Manager

ATTACHMENTS:

Ladysmith Kinsmen Letter and Architectural Drawings
Location Map of Downtown Washroom

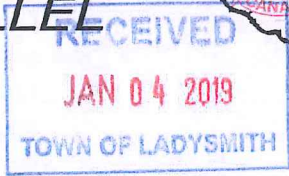


Kin Canada
Kinsmen Club
of Ladysmith



P.O. Box 324, Ladysmith, B.C. V9G 1A3

ON THE 49TH PARALLEL



January 2, 2019

Mayor and Council
Town of Ladysmith
P.O. Box 220
Ladysmith, B.C. V9G 1A2

Dear Mayor Stone, Council and Staff

We believe that you are all aware of the Ladysmith Kinsmen's efforts to build a public washroom in downtown Ladysmith. Canada's "most beautiful main street" and the local businesses, visitors as well as out local citizens need this amenity to make our downtown even more inviting.

The local Kinsmen volunteers have been working on various fund raisers, as well as grant opportunities, to get to the estimated \$84,000 cost of the two bathroom public amenity. The club had applied for a BC Gaming Grant "capital project" grant but unfortunately we did not get it. The grant request was for \$30,000. We are not going to let that stop us but, regretfully, it will slow us down.

To date the Kinsmen have already purchased the drinking fountain/bottle filler station (\$4,200) as well as we have hired an architect so that appropriate plans (enclosed) could be presented to the Heritage and Design panel Town committees.

Another draw back is that Kinsmen are not as fortunate as other organizations and can't get Canada Revenue Charitable status so we can't issue tax receipts. For a lot of donors having a tax receipt is a bit more of an incentive to donate. When the club built the spray park, at Transfer Beach, as well as the new playground, at Brown Dr. Park, the town worked with us and issued tax receipts for those folks, businesses, etc, that made donations. We feel that this worked very well and was a boost in getting both projects.

At this time our volunteers are asking the Town if this arrangement can be repeated for the proposed public washrooms downtown. If accepted receipts would not be issued (or requested) for donations under \$200 so it would not put a whole pile of extra work on Town staff. Donors can either make their payment out to the Town of Ladysmith (attn. Downtown Washrooms) or deposit into the account set up at the Ladysmith Credit Union to the "Downtown Washroom" account. Their staff will keep records of all donations so that those who qualify for a receipt can get one... this has worked in the past.

We would also like to work with the Town on installing an LED "street" light in the alley behind the new facility which will not only add more light but it will make it safer for the folks that are using the public parking lot behind the Masonic Lodge (Town parking) as well it will make it safer for all the young children that use this "path" to access the dance studio who's door is located in the alley on the other side of the Masonic Lodge. The Kinsmen will pay for the work but we need the Town to give the go ahead to Hydro (like we did with the lighting at Brown Dr. Park). This lighting will be very beneficial for public safety as well being LED will be less expensive to operate.

At the end of the day this needed facility will become a Town of Ladysmith asset so it's an actual win - win program.

The Kinsmen volunteers hope that this arrangement will meet with your approval and with luck it is our hopes to have the public washrooms finished before the end of summer 2019

Feel free to contact me at anytime if your require any further information. We thank you for your time and consideration of our request and we look forward to your favourable response.

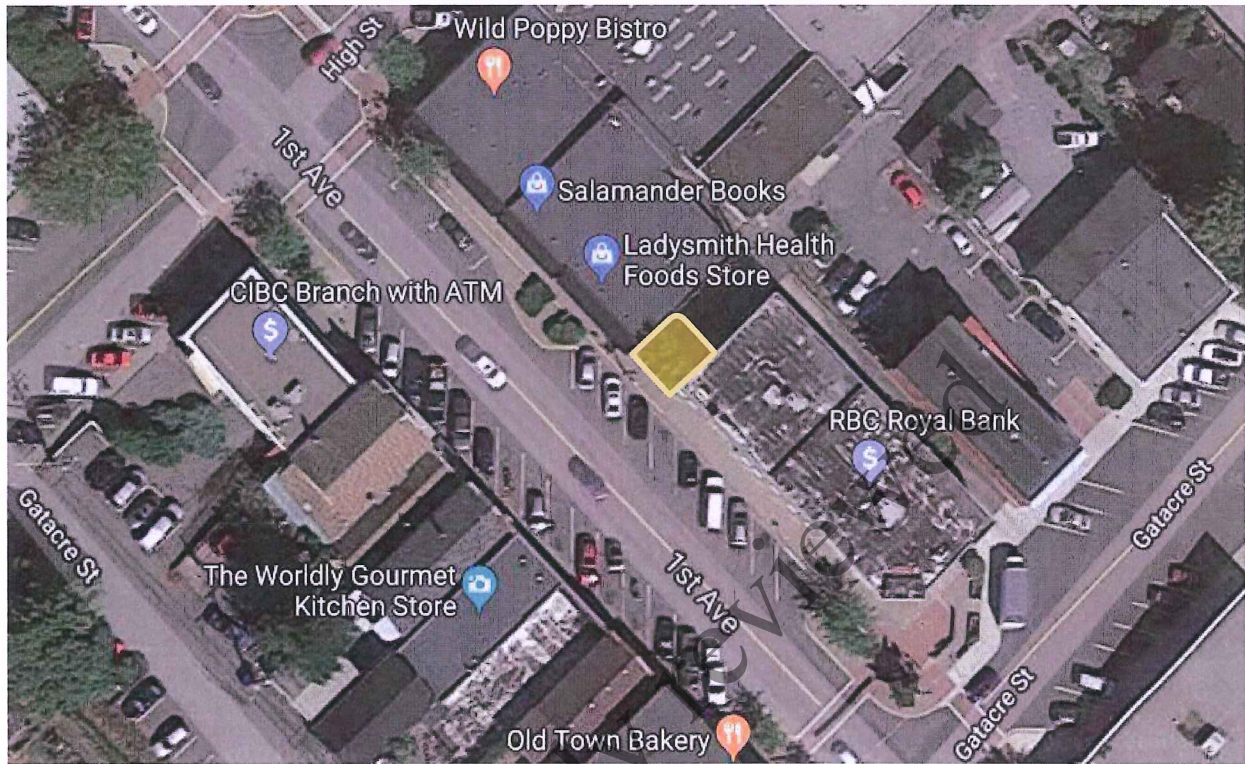
Sincerely

Mike Richardson
Project Chair co/chair
Ladysmith Kinsmen Club

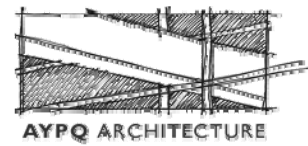
Ladysmith Kinsmen
Downtown Public Washroom Project Budget
 Jul-18

Expenses	Details	Cost
Municipal Services	Water distribution, sanitary Sewer, storm sewer, curbs and sidewalks, roadworks, asphalt concrete paving - see attached estimate from Town of Ladysmith Infrastructure Services	18,671.00
Building costs	excavation, construction, hardy plank siding, lighting, plumbing and fixtures, electrical panel, heating, painting, awning, sidewalks, landings and railings - per quote from MR Construction & Renovations	58,250
Water bottle refill station and fountain	per quote from Wolseley Canada - quote secured for recent project	4,200
Landscaping	move bench, paving stones, trees and shrubs implement features recommended by RCMP assessment and report of safety and Crime Prevention through Environmental Design (CEPTED) solutions - anticipated implementation costs	1500
CEPTED report implementation		2000
		84,621.00
Revenue	Status	
Community Gaming Capital Grant	requested	29,500
Town of Ladysmith	requested	25,000
Ladysmith and District Credit Union	confirmed	1,000
Kinsmen Club of Ladysmith	confirmed	18,121
Community support - donations	in progress	8,000
Mike & Frank Crucil	requested	2,000
Mid-Island Co-op	requested	5,000
Eagles	confirmed	1,000
Rotary	confirmed	1,000
Nanaimo Airport Commission	confirmed	1,000

Location of Proposed Site.



Previously



AYPQ ARCHITECTURE

Kinsmen Club of Ladysmith
1163 4th Ave, Ladysmith, BC
Canada V9G 1R3

LADYSMITH'S Public Washrooms





Sue Bouma

From: Jane Kilthei
Sent: August 17, 2020 2:22 AM
To: Council; Aaron Stone
Subject: letter requesting follow through & report on climate action
Attachments: Climate Action Request - Town of Ladysmith Aug2020.pdf

Dear Mayor and Council,

I am forwarding to you a letter signed by 55 groups including local non profit societies, labour unions, churches, farms, businesses and residents associations from across the Cowichan region, asking for an update about how your government will take action on the climate crisis. What actions have you initiated in the past year? What are your specific plans to reduce emissions out in the community? How will your government help us get to net zero emissions by 2050 in Ladysmith and across our region?

The full letter for your consideration is attached. We thank you for your consideration and look forward to your response.
Sincerely,

Jane Kilthei

[Redacted]
[Redacted]
info@onecowichan.ca
www.onecowichan.ca
[Redacted]

[Redacted]

I acknowledge with gratitude and respect the traditional and unceded territory of the Quw'utsun people who have, for thousands of years, cared for this land where I have the privilege to live and work.

A Request to Local Government - Follow Through on Climate Action

August 16, 2020

Mayor and Council
Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, BC, V9G 1A2

Dear Mayor and Council:

Thank you for your ongoing efforts to deal with the COVID-19 emergency. At times of crisis the public relies on its institutions for support and leadership. Your efforts have helped us weather and hopefully contain this particular storm.

In the face of COVID-19 it's understandable that our attention is focused on the virus and its implications. All of us in our own ways have been forced to focus and adapt. Likewise, your government has needed to prioritize responding to this emergency.

Yet other crises continue to accelerate, including the climate crisis. Now that the virus is more under control here, we believe this is the time to catch up. Last year we were heartened that three out of five local governments declared or acknowledged the climate emergency, with the other two also making statements of support.

Today we are writing to ask for an update about how your government proposes to turn that statement into action. What are your specific plans to reduce emissions across your local jurisdiction out in the community? What actions have you initiated in the past year? How will your government help us get to net zero emissions by 2050 in the Cowichan/Ladysmith region?

The format of that update is up to you, but we ask that it be in writing and widely available to the public so that local citizens can both be informed and able to make an evaluation about progress.

Thank you again for your leadership.

Yours sincerely,

BC Government and Service Employees Union – Brian Gardiner
BC Farms and Food – Larry Kimmett
Botanical Bliss Herb Farm – Robin Round
Chemainus United Church – John Silins
Coast Salish Journey – Herb Rice
Council of Canadians, Cowichan Chapter – Laurel Circle
Cowichan Biodiesel Co-op – Stephanie Cerins
Cowichan Carbon Busters – Peter Nix
Cowichan District Teachers' Association- BCTF Local 65 – Naomi Nilsson, Pres

Cowichan Energy Alternatives – Brian Roberts
Cowichan Estuary Nature Centre Society – Amy Clinton-Baker, Coordinator
Cowichan Estuary Restoration and Conservation Society – Goetz Schuerholz
Cowichan Lake and River Stewardship Society - Ken Traynor, Pres
Cowichan Station Area Association – Hilary Else, Pres
Cowichan Stewardship Roundtable – Parker Jefferson and Genevieve Singleton
Cowichan Valley Earth Guardians – Katia Bannister
Cowichan Valley Naturalists Society – Gail Mitchell, Co-Chair
Cowichan Women’s Health Collective – Bev Suderman, Chair
Cowichan Woodwork – Gordon Smith
Drillwell Enterprises – Shawn Slade
Duncan United Church – Rev. Keith Simmons
Eight & a Half Acres – Sharon Chapman
Euphoric Juicery, Duncan – Lori Ridley
Flor and Canto Popsicles – Cowichan Bay – Natasha Ayers
For Our Kids – Cowichan – Galen Armstrong
Friends of the Cowichan – Joe Saysell
Glenora Farm – Ita Wegman Association – Tara Batho
Heart Song Flutes, Lake Cowichan – Rommy Verlaan
Ixim Food Inc – Michelle Paez
Juniper Community Solution, Cobble Hill – Kathy Code
Lila Music Centre – Cari Burdett
Matraea Centre – Kate Koyote
A Memorable Gift, Duncan – Tina Short
Michelle Rose Community Supported Fishery – Cowichan Bay – Guy Johnston
O’ MacDonald Farm – Cam MacDonald
One Cowichan Educational Society – Jane Kilthei
Polster Environmental Services – David Polster and Genevieve Singleton
Quamichan Lake Neighborhood Association – Marilyn Palmer
Sacred Mountain Studio – Nan Goodship and Peter Spohn
Saint Peters Anglican Church – Rev MJ Lewis
Save Our Holmes Society, Youbou – Karen Deck, Pres
Shawl Farm – Rupert Koyote
Shawnigan Basin Society – Dave Munday and Shirley Astleford
Shawnigan Lake School- Sara Blair
Silk and Stone – Loni Duncan
Somenos Marsh Wildlife Society – Paul Fletcher
Sweet Maggie’s Farm – Teri Young
Sylvan United Church – Tom Baxter, Council Chair
Transition Cowichan – Sandy McPherson
Unifor Local 1138 – Travis Gregson, Pres
Vancouver Island Providence Community Association – Tracy Parow, ED
Viridian Energy Cooperative – Don Skerik and Kuan-Jian Foo
Volunteer Cowichan – Mary Lynne Weberg, Chair
Where Do We Stand – Rob Fullerton
Wildflower Natural Health, Ladysmith – Marilyn Swallow