

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

**Tuesday, May 3, 2022
City Hall Council Chambers
410 Esplanade**

Pages

1. CALL TO ORDER

Call to Order 6:00 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Members of the public may attend the meeting in person at City Hall or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for May 3, 2022.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

6.1. Minutes of the Regular Meeting of Council held April 19, 2022

6

Recommendation

That Council approve the minutes of the Regular Meeting of Council held April 19, 2022.

7. PRESENTATION

7.1. Barry Frech, Celebrations Society

Honouring Mr. Frech upon his retirement from the Celebrations Society after 35+ years of service.

8. PROCLAMATIONS

8.1. International Day Against Homophobia and Transphobia

13

Mayor Stone has proclaimed May 17, 2022 as International Day Against Homophobia and Transphobia.

8.1.1. International Day Against Homophobia and Transphobia - Flag Request 14

Request to fly the Pride Flag on May 17th in support of International Day Against Homophobia and Transphobia.

Recommendation

That Council consider approval of the request by the Fondation Émergence in their correspondence dated March 25, 2022, to fly the Pride flag on May 17, 2021 in support of the International Day Against Homophobia and Transphobia.

9. REPORTS

9.1. Alternative Approval Process Official Results – New Fire/Rescue Vehicle 15

Recommendation

That Council:

1. Receive the official results of the Alternative Approval Process for borrowing funds for the purchase of a new Fire/Rescue Vehicle;
2. Authorize up to \$2.1 Million to be borrowed under section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of purchasing a new Ladysmith Fire/Rescue aerial platform apparatus vehicle; and
3. That the loan be repaid within 25 years, with no rights of renewal.

9.2. Water Billing Adjustments – Methuen and Kitchener 19

Recommendation

That Council direct staff to:

1. Adjust the water billing amounts to zero for Account Nos. 0665000, 0666000, 0667000, 1313000, 1313100, 1314000, 1317000, and 1317100 for 2022 Q2 and beyond until the Methuen watermain project is complete;
2. Adjust the water billing amount to zero for Account No. 0043000 for 2022 Q1 (January to March) and 2022 Q2 and beyond until the Kitchener watermain project is complete; and
3. Adjust, based on suitable evidence of poor water clarity, the water billings for the specific accounts within the range of 741-821 Esplanade and 20-26 Kitchener.

10. BYLAWS

10.1. Bylaw No. 2108 22

(to adopt a five-year Financial Plan for the Town of Ladysmith, as required under the *Community Charter*)

Recommendation

That Council adopt "Financial Plan Bylaw 2022, No. 2108".

10.2. Bylaw No. 2109 28

(to set the property tax rates for 2022 in accordance with the 2022 to 2026 Financial Plan)

Recommendation

That Council adopt "Tax Rates Bylaw 2022, No. 2109".

10.3. Bylaw No. 2110 32

(to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith)

Recommendation

That Council adopt "Sewer Parcel Tax Bylaw 2022, No. 2110".

10.4. Bylaw No. 2111 34

(to establish a water parcel tax rate for property parcels in the Town of Ladysmith)

Recommendation

That Council adopt "Water Parcel Tax Bylaw 2022, No. 2111".

10.5. Bylaw Status Sheet 36

11. NEW BUSINESS

11.1. Notice of Motion

Councillor Johnson has advised that he will bring forward the following motion for consideration at the May 17, 2022 Regular Council Meeting:

"Whereas, Transfer Beach Park is much beloved and heavily used by the residents of Ladysmith and the surrounding area; and

Whereas this Council must consider plans for future expansion of Transfer Beach Park, especially when the population of the area

may grow by nearly 50% over the next 30 plus years; and

Whereas “Slack Point” and a portion of Lot 4, Plan 45800 (in the past referred to as the “jewel”) is available for park land expansion; and

Whereas the Ladysmith Waterfront Area Plan indicates that park expansion is planned for “Slack Point”, however this site is presently eroding away and is vulnerable to rising sea levels which may make the area unusable within 30 years unless major upgrades for shoreline protection are undertaken to prevent the loss of these lands. Such measures will require expenditures that the Town alone cannot afford and would be subject to significant grants from senior levels of governments, which cannot be guaranteed;

Therefore, I move: That Council not proceed with the sale of a portion of Lot 4, Plan 45800 (in the past referred to as the “jewel”) until the area known as “Slack Point” has been preserved as usable parkland and incorporated as part of Transfer Beach Park.”

12. QUESTION PERIOD

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

13. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, April 19, 2022

7:00 P.M.

City Hall Council Chambers
410 Esplanade

Council Members Present:

Deputy Mayor Tricia McKay
Amanda Jacobson
Councillor Rob Johnson

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Council Members Absent:

Mayor Aaron Stone

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba

Donna Smith
Ryan Bouma
Sue Bouma
Andrea Hainrich

1. CALL TO ORDER

Deputy Mayor McKay called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2022-091

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

The Regular Meeting reconvened at 7:00 p.m. Deputy Mayor McKay recognized with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2022-092

That Council approve the agenda for this Regular Meeting of Council for April 19, 2022 as amended to include the following changes:

- Item 8.1. "Rezoning and OCP Amendment Application: Lot 5 Holland Creek" Add delegation by members of Lamont and Ekistics, the applicants; and
- Move Item 11/11.1. Delegations/MNP to Item 7 and renumber the remainder of the agenda accordingly.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:37 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held April 5, 2022

CS 2022-093

That Council approve the minutes of the Regular Meeting of Council held April 5, 2022.

Motion Carried

7. DELEGATIONS

7.1 MNP, Auditors for the Town

Cory Vanderhorst, MNP, provided Council with an overview of the 2021 Audit Findings. He stated that this is an unqualified or clean audit and thanked Town staff for their cooperation during the audit. Mr. Vanderhorst and the Director of Finance responded to questions from Council.

CS 2022-094

That Council accept the 2021 Audit Findings report and the draft 2021 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

Motion Carried

8. PROCLAMATIONS

8.1 Lyme Disease Awareness Month

Deputy Mayor McKay proclaimed May 2022 as "Lyme Disease Awareness Month" in the Town of Ladysmith.

9. DEVELOPMENT APPLICATIONS

9.1 Rezoning and OCP Amendment Application: Lot 5 Holland Creek

Delegation:

Scott Lamont of Lamont Land LP introduced both the Lamont team and the Ekistics team for the Holland Heights rezoning and OCP amendment application. Paul Fenske, Principal - Ekistics, provided Council with an overview of the Holland Heights area plan. The team also answered questions from Council.

CS 2022-095

That Council:

1. Having considered section 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
 - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer Bylaw No. 2106 to the Stz'uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council;
2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the *Local Government Act*;
4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107";
6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one

or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:

- a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by construction activities;
 - b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;
- c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with 'Stormwater Planning: A Guidebook For British Columbia';
- d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as 'P-3 Nature Park' in Attachment C of the April 19, 2022 staff report;
- e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 report to Council;
- f. the provision of an on-street parking area adjacent to the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;
- g. prohibiting the planting or proliferation of invasive plants on the subject property;
- h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;
- i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:
 - 20 metres of the northern property line; and
 - 30 metres of the eastern property line;unless a tree preservation plan is prepared by a qualified professional;
- j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;
- k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;
- l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;
- m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;

- n. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and
7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and section 464 of the *Local Government Act*.

Motion Carried

OPPOSED: Councillor Stevens

10. COMMITTEE MINUTES

10.1 Parks, Recreation & Culture Advisory Committee - March 16, 2022

CS 2022-096

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held March 16, 2022.

Motion Carried

11. REPORTS

11.1 School Site Acquisition Charges

CS 2022-097

That Council:

1. Consider the proposed eligible school site requirements prepared by School District 68 pursuant to section 574(6) of the *Local Government Act* provided in Attachment A of the April 19, 2022 staff report;
2. Accept the resolution of the Board of Education for School District 68 respecting proposed eligible school site requirements; and
3. Direct staff to bring forward a bylaw imposing a School Site Acquisition Charge on duplex units once the new Official Community Plan is adopted.

Motion Carried

OPPOSED: Councillor Johnson

12. BYLAWS

12.1 Bylaw No. 2105

CS 2022-098

That Council adopt "Park Dedication Bylaw (1250 Churchill Place) 2022, No. 2105".

Motion Carried with 2/3 majority

12.2 Bylaw No. 2087

CS 2022-099

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087".

Motion Carried

12.3 Bylaw No. 2088

CS 2022-100

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088".

Motion Carried

12.4 Bylaw No. 2089

CS 2022-101

That Council adopt "Housing Agreement Bylaw 2021, No. 2089".

Motion Carried

12.5 Bylaw No. 2108

CS 2022-102

That Council give first, second and third readings to "Financial Plan Bylaw 2022, No. 2108".

Motion Carried

12.6 Bylaw No. 2109

CS 2022-103

That Council give first, second and third readings to "Tax Rates Bylaw 2022, No. 2109".

Motion Carried

12.7 Bylaw No. 2110

CS 2022-104

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2022, No. 2110".

Motion Carried

12.8 Bylaw No. 2111

CS 2022-105

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2022, No. 2111".

Motion Carried

12.9 Bylaw Status Sheet

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2022-106

That this Regular Meeting of Council be adjourned at 8:35 p.m.

Motion Carried

CERTIFIED CORRECT

Deputy Mayor (T. McKay)

Corporate Officer (D. Smith)



LADYSMITH

TOWN OF LADYSMITH

PROCLAMATION

International Day Against Homophobia and Transphobia

- WHEREAS:** *All people in British Columbia have the right to realize their potential regardless of sexual orientation or gender identity and expression, and to live at all times in conditions of dignity, respect and peace; and*
- WHEREAS:** *Despite recent efforts towards greater inclusion of LGBT people, homophobia and transphobia are still present in society; and*
- WHEREAS:** *The goal of the International Day Against Homophobia and Transphobia is to increase understanding and visibility for members of the 2SLGBTQ+ community; and*
- WHEREAS:** *The Town of Ladysmith is committed to the belief that equal opportunity and treatment should exist for all people, and all individuals should be valued and celebrated for their unique identities and contributions.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 17, 2022 as “International Day Against Homophobia and Transphobia” in the Town of Ladysmith, British Columbia.*

Mayor A. Stone

April 28, 2022



Montréal, Friday, March 25, 2022

Subject: International Day Against Homophobia and Transphobia, May 17, 2022

Hi,

Fondation Émergence's mission is to defend the rights of lesbian, gay, bisexual and trans (LGBTQ+) people. Each year, it organizes the International Day Against Homophobia and Transphobia (May 17), which was created by the Foundation for the first time in the world, in Quebec, in 2003. This day is now recognized nationally and internationally.

For last year's International Day Against Homophobia and Transphobia, Fondation Émergence sent a pride flag (rainbow) to every municipality in Quebec. For this year, we're trying to reach out to every municipality in Canada, this will send a stronger message to the government that the population stand with the LGBTQ+ community. We also invite you to adopt a resolution at City Council to mark this important day (see attached template in the email). Also, we invite you to send us a photo of the flag being raised (raja.dridi@fondationemergence.org), to make a mosaic of all the municipalities in Canada, which will be shared on our social networks.

In addition, we invite you to share this same photo on your social networks by identifying @journee17mai with the #may17mai so that your municipality radiates its inclusiveness throughout Canada.

If you do not have a flag in your possession, you can send us a request at the following email address: (raja.dridi@fondationemergence.org) with the complete address of the City Hall and we will be able to send you one at the price of only \$15.

Last year, several municipalities followed suit, so join us! [Map of Municipalities - May 17](#)

With your support, we continue to make history in Canada and internationally by taking a strong stand against homophobia and transphobia. Together, we can create a country that fully accepts sexual and gender diversity.

Yours sincerely

Laurent Breault
General Director



STAFF REPORT TO COUNCIL

Report Prepared By: Donna Smith, Manager of Corporate Services
Reviewed By: Allison McCarrick, Chief Administrative Officer
Meeting Date: May 3, 2022
File No: 4200-20
Re: Alternative Approval Process Official Results – New Fire/Rescue Vehicle

RECOMMENDATION:

That Council:

1. Receive the official results of the Alternative Approval Process for borrowing funds for the purchase of a new Fire/Rescue Vehicle;
2. Authorize up to \$2.1 Million to be borrowed under section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of purchasing a new Ladysmith Fire/Rescue aerial platform apparatus vehicle; and
3. That the loan be repaid within 25 years, with no rights of renewal.

EXECUTIVE SUMMARY:

The Alternative Approval Process (AAP) for the borrowing of funds to acquire a new Fire/Rescue Vehicle was conducted between March 18, 2022 and April 20, 2022. Council is being requested to receive the results and authorize staff to proceed with purchasing the vehicle through the Municipal Finance Authority's Equipment Financing Program.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2022-054	03/01/2022	<p>That Council:</p> <ol style="list-style-type: none"> 1. Confirm its direction to staff to carry out an Alternative Approval Process to obtain elector approval for the purchase of a Fire/Rescue firefighting aerial platform apparatus (Ladder Truck) for up to \$2.1 million with funds to be borrowed from the Municipal Finance Authority Equipment Financing Program; 2. Establish the deadline for receiving elector responses as 4:00pm on Wednesday, April 20, 2022 (34 days); 3. Establish that the elector response form will be the single elector response form; 4. Determine that the total number of electors of the Town of Ladysmith to which the approval process applies is 7,170; and 5. Direct staff to report the results of the Alternative Approval Process to Council.

Resolution	Meeting Date	Resolution Details
CS 2022-019	01/25/2022	<p>That Council:</p> <ol style="list-style-type: none"> 1. Increase the proposed 2022-2026 Financial Plan budgeted amount for the Fire Department Aerial Device Truck (Ladder Truck) to \$2.1 million dollars with the additional funds to be borrowed; 2. Direct staff to proceed with the required process for an Alternative Approval Process; 3. Provide early budget approval in order to facilitate an Alternative Approval Process; and 4. Upon successful completion of an Alternative Approval Process authorize staff to waive the Town's Purchasing Policy and direct award the bid to Fort Garry Fire Trucks in the amount of \$1,899,775 plus applicable taxes.

INTRODUCTION/BACKGROUND:

An AAP for elector approval to borrow up to \$2.1 Million to purchase a new Fire/Rescue aerial platform apparatus vehicle was carried out in accordance with legislation. The Town received four (4) Elector Response Forms opposing the proposed borrowing as noted in the Certification of Results (Attachment A). The total number of voters for the purposes of the AAP was 7,170 and the number of Elector Response Forms required to ensure the borrowing did not receive elector approval was 717 (10%). The proposed borrowing has therefore received the approval of the electors and Council may now authorize staff to proceed with borrowing the funds. The amount to be borrowed is up to \$2.1 million. The estimated yearly payment is \$95,429 and the term of the loan will be up to 25 years.

The vehicle is a 100 ft. Sutphen SPH100 mid-mount aerial platform apparatus to be purchased from Fort Garry Fire Trucks in Winnipeg, Manitoba. This vehicle will replace the 75 ft. Superior HP75 aerial ladder truck built in 1997.

At its meeting held January 25, 2022, Council authorized staff to waive the Town's Purchasing Policy and direct award the bid to Fort Garry Fire Trucks, subject to successful completion of the AAP.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

Now that elector approval has been received, the Town can apply to the New Equipment Financing Program of the Municipal Finance Authority to finance the new truck.

LEGAL IMPLICATIONS:

The AAP was conducted in accordance with Provincial legislation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The AAP was an opportunity for citizens to indicate whether or not they approved of the proposed borrowing.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Financial Services will manage the borrowing process and support Ladysmith Fire/Rescue in the purchase of the new vehicle.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|-----------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. Certification of AAP Results

Attachment A

Certification of Results for Alternative Approval Process Purchase of a New Ladysmith Fire/Rescue Vehicle

I, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration in the Town of Ladysmith under section 148 of the *Community Charter*, certify the results of the Alternative Approval Process that was conducted to obtain the approval of the electors for the borrowing of funds to purchase a new Ladysmith Fire/Rescue vehicle as follows:

7,170	Estimated number of eligible electors
4	Number of elector response forms submitted by the deadline
0.06%	Percentage of estimated electors who validly submitted elector response forms

and in accordance with Section 86 of the *Community Charter*, the approval of the electors was **obtained**.

Dated this 21st day of April, 2022.



Donna Smith
Corporate Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 3, 2022
File No: 1820-01
Re: Water Billing Adjustments – Methuen and Kitchener

RECOMMENDATION:

That Council direct staff to:

1. Adjust the water billing amounts to zero for Account Nos. 0665000, 0666000, 0667000, 1313000, 1313100, 1314000, 1317000, and 1317100 for 2022 Q2 and beyond until the Methuen watermain project is complete;
2. Adjust the water billing amount to zero for Account No. 0043000 for 2022 Q1 (January to March) and 2022 Q2 and beyond until the Kitchener watermain project is complete; and
3. Adjust, based on suitable evidence of poor water clarity, the water billings for the specific accounts within the range of 741-821 Esplanade and 20-26 Kitchener.

EXECUTIVE SUMMARY:

Staff are requesting Council's continuing authorization to adjust water billings on Methuen Street and add another area for select Kitchener Street properties. Due to delays in starting the Methuen watermain project residents continue to experience water discolouration. Additionally, the spring watermain flushing program prompted a resident on Kitchener Street to notify staff of disagreeable water discolouration at their residence. The contractor hired to replace the cast iron watermain responsible for the discolouration has not started the Methuen or Kitchener replacements. Staff anticipate both watermain will be replaced prior to July; however, exact timing is not known.

PREVIOUS COUNCIL DIRECTION:

Resolution #	Meeting Date	Resolution
CS 2022-018	2022-01-25	That Council direct staff to adjust the water billing amounts to zero for Account Nos. 1314000, 0667000, 0666000, 1313100, 0665000, 1317000, 1317100, and 1313000 for 2021 Q4 (October to December 2021) and 2022 Q1 (January to March).

INTRODUCTION/BACKGROUND:

The watermain on Methuen and Kitchener Streets consist of a 100mm and 150mm diameter cast iron pipe constructed in the early 1960s. Cast iron pipes are prone to developing tuberculation resulting in iron oxide (rust) on the interior walls of the pipe. With consistent

flushing, Town staff have managed to maintain an acceptable level of water clarity for the Methuen residents; however, at times discoloured water has been delivered to the residents.

Since the previous report to Council on January 25, 2022, it has come to staff's attention that 12 Kitchener Street has routinely experienced discoloured water (photo below). Staff confirmed that complaints have been previously reported and the water service was replaced in January 2019 in an attempt to improve the water clarity.



Staff are not aware of consistent quality issues at other Kitchener properties, but it is likely that other issues exist. Staff are seeking authority to adjust water billings in the event another resident in the area provides evidence of poor water clarity. Suitable evidence would include photos, records of complaints, or staff's attendance at the site to view the water.

Previously, residents requested that water charges be refunded given the intermittent water quality. Staff agree that the water discolouration doesn't meet the water clarity standards we normally provide. Although the water is technically safe for consumption there have been reports of appliance staining, constant water filter replacement, and bottled water costs.

The Methuen and Kitchener watermain capital projects were previously approved by Council and are to be completed in 2022. Field concerns and material availability have led to unanticipated delays to the watermain replacements. The contractor has now mobilized and delivered materials to the Public Works Yard, therefore staff anticipate the watermain replacements will be completed within the next couple of months.

ALTERNATIVES:

Council can choose to:

1. Not issue a reduction in the water billings.
2. Adjust the accounts to water base rates only. There would still be a minimum charge of \$55.29 for each account.

FINANCIAL IMPLICATIONS:

If approved, the Town will see a reduction in 2022 water revenues though the amount is expected to be minimal.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff have received feedback that residents are pleased to know the Town will replace the watermain as they have some assurance the water discolouration issues will be resolved.

Reducing the water consumption charges will allow residents to flush their personal water systems without worrying about the additional water (consumption) costs.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If approved, Finance will complete the necessary billing adjustments.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|----------------------------------------------------|-----------------------------------------|
| <input checked="" 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 recommendations.

Allison McCarrick, Chief Administrative Officer

TOWN OF LADYSMITH

BYLAW NO. 2108

A bylaw establishing the Financial Plan for the years 2022-2026

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

Administration

1. Schedule "A" attached to and forming a part of this bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending December 31, 2026.
2. Schedule "B" attached to and forming a part of this bylaw is hereby adopted and shall be the Statement of Objectives and Policies for the Town of Ladysmith for the five years ending December 31, 2026.

Repeal

3. The "Town of Ladysmith Financial Plan Bylaw 2021, No. 2072" in its entirety is hereby repealed.

Citation

4. This bylaw may be cited for all purposes as "Financial Plan Bylaw 2022, No. 2108".

READ A FIRST TIME on the 19th day of April, 2022
READ A SECOND TIME on the 19th day of April, 2022
READ A THIRD TIME on the 19th day of April, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"

2022 – 2026 Financial Plan

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
REVENUES:					
Revenue From Property Tax Values	9,450,931	9,837,144	10,502,164	11,183,563	11,720,103
Revenue From Grants In Lieu	177,139	179,189	181,339	183,515	185,717
Revenue From Parcel Taxes	3,167,836	3,180,556	3,193,278	3,206,051	3,218,875
Revenue From Fees & Charges	5,519,318	5,551,479	5,585,414	5,719,593	5,754,518
Revenue From Other Sources	29,145,813	954,197	1,455,968	2,631,291	2,007,806
	47,461,037	19,702,565	20,918,163	22,924,013	22,887,019
EXPENSES:					
General Operating Expense	11,694,998	11,834,385	12,134,965	12,442,430	12,629,787
Sanitary Sewer Operating Expenses	1,535,256	1,550,360	1,565,641	1,581,059	1,596,616
Water Operating Expenses	2,394,626	2,424,998	2,456,025	2,487,393	2,519,106
Interest Payments	616,337	636,337	963,337	964,237	964,237
Amortization	4,180,476	4,255,725	4,332,328	4,410,310	4,489,696
	20,421,693	20,701,805	21,452,296	21,885,429	22,199,442
Annual Surplus/Deficit	27,039,344	(999,240)	(534,133)	1,038,584	687,577
Add back:					
Amortization	4,180,476	4,255,725	4,332,328	4,410,310	4,489,696
Capital Expenditures					
General Capital	20,584,772	2,027,212	13,414,500	3,911,200	4,948,000
Sanitary Sewer Capital	3,314,079	485,000	1,440,000	580,000	1,260,000
Water Capital	28,484,051	625,927	1,385,000	1,350,000	4,970,000
Proceeds from New Debt	(8,300,000)	0	(10,900,000)	(30,000)	(3,725,000)
Principal Payments	1,966,572	1,085,872	1,412,872	1,413,772	1,525,522
Transfers from Reserves	(4,309,127)	(459,397)	(848,727)	(1,183,679)	(2,942,820)
Transfer to (from) Own Funds	(10,520,527)	(508,129)	(2,105,450)	(592,399)	(858,429)
Financial Plan Balance	-	-	-	-	-

SCHEDULE "B"

Town of Ladysmith 2022 – 2026 Financial Plan Statement of Objectives and Policies

In accordance with the *Community Charter*, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in the *Community Charter*;
2. The distribution of property taxes among the property classes; and
3. The use of permissive tax exemptions.

Funding Sources

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2022. Table 2 shows a further breakdown of the funding proposed to come from reserves, Development Cost Charges and surpluses. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source.

Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services will be charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

Objectives & Policies

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.
- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.

- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. A minimum of 10% prior year's municipal tax levy will be transferred to General Capital projects. A further 5% of the prior year's municipal tax levy will be transfer to an infrastructure deficit.

Table 1: Sources of Revenue

Revenue Source	Dollar (\$)	Percent (%)
Property value taxes	9,450,931	14%
Grants in Lieu	177,139	0%
Parcel Taxes	3,167,836	4%
User fees & charges	5,519,318	8%
Other Sources	3,843,713	5%
Borrowing	8,300,000	12%
Grants	25,302,100	35%
DCCs & Reserves	4,309,127	6%
Own Funds	11,319,536	16%

Table 2: Utilization of Reserves, Development Cost Charges and Surplus for 2022

Source	Dollar Value	% of Total
Development Cost Charges - Roads	1,849,020	12%
Development Cost Charges - Parks	50,000	0%
Development Cost Charges - Sewer	887,960	6%
Development Cost Charges - Water	92,500	1%
Cemetery Care Fund	1,950	0%
Gas Tax Funds	1,429,647	9%
Carry-forward reserve	5,041,802	32%
Safe-restart funds	197,152	1%
Surplus & Appropriated Equity	4,579,090	29%
Real Property Reserve	1,501,492	10%

Distribution of Property Tax Rates

Table 3 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives & Policies

- The amount of taxes to be collected from each of the classes will be reviewed each year.
- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community.
- Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

Table 3: Distribution of 2022 Property Tax Rates

	2022
Property Class	% of Total Property Taxation
Residential (1)	73.28%
Utilities (2)	0.58%
Supportive Housing (3)	0.00%
Major Industry (4)	11.51%
Light Industry (5)	1.01%
Business and Other (6)	13.36%
Managed Forest Land (7)	0.00%
Recreation/Non-profit (8)	0.25%
Farmland (9)	0.01%
Total	100.00%

Permissive Tax Exemptions & Revitalizations Tax Exemptions

The Town supports non-profit organizations through permissive tax exemptions. Permissive tax exemptions will be reviewed annually and considered in conjunction with:

- (a) other assistance being provided by the Town;
- (b) the potential demands for Town services or infrastructure arising from the property;
and
- (c) the amount of revenue that the Town will lose if the exemption is granted.

The Town believes revitalizations tax exemptions are an appropriate tool to assist the Town to achieve its strategic objectives. The Town can exempt municipal taxes for up to ten years where the project meets specific criteria and objectives as defined by bylaw. Recipients of exemptions must enter into a Revitalization Tax Exemption Agreement with the Town.

Objectives & Policies

- The Town will continue to provide permissive tax exemptions to some non-profit societies.
- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

TOWN OF LADYSMITH

BYLAW NO. 2109

A Bylaw for the levying of rates for Municipal, Library, Hospital and Regional District purposes for the year 2022

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

1. Definitions

In this Bylaw, the following words, terms or phrases shall have the respective meaning assigned to them:

“City Hall”	means the Town of Ladysmith City Hall located at 410 Esplanade, Ladysmith, BC with a mailing address of Box 220, Ladysmith, BC V9G1A2.
“Collector”	means the person duly appointed as such from time to time by Council, and their designate.
“Alternative Municipal Tax Collection Scheme”	means the scheme for the payment of taxes established under sections 3, 4, and 5.2 of this bylaw.

2. Tax Rates

The following rates are hereby imposed and levied for the year 2022:

- 2.1 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for general municipal purposes, the tax rates shown in column ‘A’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.2 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for Library purposes, the tax rates shown in column ‘B’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.3 For purposes of the Cowichan Valley Regional District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘C’ of Schedule “A”, attached to and forming part of this Bylaw; and
- 2.4 For purposes of the Cowichan Valley Regional Hospital District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘D’ of Schedule “A”, attached to and forming part of this Bylaw.

3. Alternative Municipal Tax Collection Scheme

- 3.1 Unless section 3.3 applies, the rates and taxes imposed under this Bylaw are due and shall be paid on or before the 4th day of July, 2022.
- 3.2 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the Alternative Municipal Tax Collection Scheme by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15th day of June, 2022.
- 3.3 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the General Tax Collection scheme established in the *Community Charter*, by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15th day of June, 2022.
- 3.4 If an owner does not make an election under Section 3.2 or 3.3, the Alternative Municipal Tax Collection Scheme applies to the rate and taxes payable by that owner.

4. Penalties – Alternative Municipal Tax Collection Scheme

- 4.1 Upon the 5th day of July, 2022, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes two (2) percent of the amount unpaid as of the 4th day of July, 2022.
- 4.2 Upon the 16th day of September, 2022, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes an additional eight (8) percent of the amount unpaid as of the 15th day of September, 2022.

5. Supplementary Tax Rolls

- 5.1 Upon receipt of a Supplementary Tax Roll from BC Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule "A" of the Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
- 5.2 For each Supplementary Tax Roll, where the Alternative Municipal Tax Collection Scheme applies, the Collector shall add penalties to the unpaid amounts as follows:
 - a) Where Supplementary Tax Notices are sent before the 1st day of June, 2022, penalties shall be added as set out in Section 4 of this Bylaw; and
 - b) Where Supplementary Tax Notices are sent on or after the 15th day of August, 2022, ten (10) percent shall be added on any amount unpaid after thirty (30) days.

Citation

6. This Bylaw may be cited for all purposes as "Tax Rates Bylaw 2022, No. 2109".

READ A FIRST TIME on the 19th day of April, 2022
READ A SECOND TIME on the 19th day of April, 2022
READ A THIRD TIME on the 19th day of April, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"
"Tax Rates Bylaw 2022, No.2109"

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

PROPERTY CLASS		<u>A</u> Municipal	<u>B</u> Library	<u>C</u> Cowichan Valley Regional District	<u>D</u> Cowichan Valley Regional Hospital District
1	Residential	2.7886	0.1309	0.6122	0.3782
2	Utilities	25.0962	1.1781	2.1427	1.3237
3	Supportive Housing	2.7886	0.1309	0.6122	0.3782
4	Major Industry	87.7363	4.1184	2.0815	1.2858
5	Light Industry	11.5119	0.5403	2.0815	1.2858
6	Business/Other	10.0385	0.4712	1.4999	0.9266
7	Managed Forest	28.6593	1.3453	1.8366	1.1346
8	Rec Non Profit	1.9494	0.0915	0.6122	0.3782
9	Farm	35.4020	1.6618	0.6122	0.3782

TOWN OF LADYSMITH

BYLAW NO. 2110

A Bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith

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

Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2022 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Three Hundred Fifty Dollars (\$350.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Sewer Parcel Tax Bylaw 2021, No. 2075" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2022, No. 2110".

READ A FIRST TIME on the 19th day of April, 2022
READ A SECOND TIME on the 19th day of April, 2022
READ A THIRD TIME on the 19th day of April, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2111

A Bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith

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

Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2022 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Four Hundred and Fifty Nine Dollars (\$459.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The water parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Water Parcel Tax Bylaw 2021, No. 2074" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2022, No. 2111".

READ A FIRST TIME on the 19th day of April, 2022

READ A SECOND TIME on the 19th day of April, 2022

READ A THIRD TIME on the 19th day of April, 2022

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

BYLAW STATUS SHEET
May 3, 2022

Bylaw #	Description	Status
2068	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068" (to designate 1130 Rocky Creek Rd. as "General Commercial" to permit a commercial plaza with drive-through coffee shop)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. Conditions to be met prior to adoption.
2069	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069" (to rezone 1130 Rocky Creek Rd. to "Shopping Centre Commercial" to permit a commercial plaza with drive-through coffee shop)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021. Conditions to be met prior to adoption.
2083	"Park Dedication Bylaw 2022, No. 2083" (to dedicate eight previously undedicated properties as parkland and consolidate existing park dedication bylaws into a single bylaw)	First and second readings, January 11, 2022. Requires 2/3 majority approval.
2108	"Financial Plan Bylaw 2022, No. 2108" (to adopt a five-year Financial Plan for the Town of Ladysmith, as required under the <i>Community Charter</i>)	First, second and third readings, April 19, 2022.
2109	"Tax Rates Bylaw 2022, No. 2109" (to set the property tax rates for 2022 in accordance with the 2022 to 2026 Financial Plan)	First, second and third readings, April 19, 2022.
2110	"Sewer Parcel Tax Bylaw 2022, No. 2110" (to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith).	First, second and third readings, April 19, 2022.
2111	"Water Parcel Tax Bylaw 2022, No. 2111" (to establish a water parcel tax rate for property parcels in the Town of Ladysmith).	First, second and third readings, April 19, 2022.