



REGULAR MEETING OF COUNCIL
Tuesday, July 14, 2020 @ 3:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

		Page
1.	CALL TO ORDER	
2.	ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
	Council would like to acknowledge the Yuułu?if?ath First Nation, on whose traditional territories the District of Ucluelet operates.	
3.	NOTICE OF VIDEO RECORDING	
	Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube. Delegates and meeting participants are also advised that this meeting is being conducted via Zoom which may store data on foreign servers.	
4.	ADDITIONS TO AGENDA	
5.	APPROVAL OF AGENDA	
6.	ADOPTION OF MINUTES	
6.1	June 23, 2020 Regular Minutes 2020-06-23 Regular Council	5 - 15
6.2	June 23, 2020 Special Minutes 2020-06-23 Special Council	17 - 18
7.	UNFINISHED BUSINESS	
8.	MAYOR'S ANNOUNCEMENTS	
9.	PUBLIC INPUT, DELEGATIONS & PETITIONS	
9.1	Public Input	
9.2	Delegations	
	<ul style="list-style-type: none"> • Gerry Marks, Pacific Rim Foundation Re: Dick Close Scholarship Presentation 	
10.	CORRESPONDENCE	
10.1	5G - What you Need to Know <i>Sherry Ridout, Citizens for Safe Technology</i> 2020-06-15 5-G	19 - 86

10.2	Local Governments and Auxiliary RCMP Program <i>Brenda Butterworth-Carr, Assistant Deputy Minister and Director of Police Services, Policing and Security Branch British Columbia</i> 2020-06-18 Auxiliary RCMP	87 - 91
10.3	Disaggregated COVID-19 Data Collection <i>Jonathan X. Cote, Mayor, City of New Westminster</i> 2020-07-08 New Westminster COVID Data	93 - 94
11.	INFORMATION ITEMS	
11.1	West Coast Fisheries: Sharing Risks and Benefits <i>MP Jordan, Minister of Fisheries, Oceans and Canadian Coast Guard, Government of Canada</i> 2020-07-06 Minister Jordan Reply to Fisheries and Oceans letter	95 - 96
11.2	Infrastructure Investment in the District of Ucluelet <i>MP McKenna, Minister of Infrastructure and Communities, Government of Canada</i> 2020-07-06 Minister McKenna Reply to Shovel ready projects letter - Copy	97 - 98
12.	COUNCIL COMMITTEE REPORTS	
12.1	Councillor Marilyn McEwen <i>Deputy Mayor January - March 2020</i>	
12.2	Councillor Lara Kemps <i>Deputy Mayor April - June 2020</i>	
12.3	Councillor Jennifer Hoar <i>Deputy Mayor July - September 2020</i>	
12.4	Councillor Rachelle Cole <i>Deputy Mayor October - December 2020</i>	
12.5	Mayor Mayco Noël	
13.	REPORTS	
13.1	Respectful Workplace Policy <i>Mark Boysen, Chief Administrative Officer</i> R-1 Respectful Workplace Policy	99 - 101
13.2	2020 UBCM Meetings <i>Joseph Rotenberg, Manager of Corporate Services</i> R-2 UBCM	103 - 104
13.3	Audio Visual Upgrades for the Main Hall <i>Joseph Rotenberg, Manager of Corporate Services</i> R-3 Main Hall AV Upgrades	105 - 107
13.4	Q1 and Q2 Financial Reports <i>Donna Monteith, Chief Financial Officer</i> R-4 Financial Report	109 - 111
13.5	Resolution Tracker <i>Nicole Morin, Corporate / Planning Clerk</i> R-5 Resolution Tracker	113 - 119

13.6	Cheque Listing <i>Nicole Morin, Corporate / Planning Clerk</i> R-6 Cheque Listing	121 - 130
14.	LEGISLATION	
14.1	Council Procedure Bylaw - Adoption <i>Joseph Rotenberg, Manager of Corporate Services</i> L-1 Procedure Bylaw	131 - 159
14.2	Reserve Berth Fees - Bylaw No. 1276, 2020 <i>Joseph Rotenberg, Manager of Corporate Services</i> L-2 Reserve Berths	161 - 179
15.	OTHER BUSINESS	
16.	QUESTION PERIOD	
17.	ADJOURNMENT	

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, June 23, 2020 at 3:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen (All Councillors attended by Zoom)
 Staff: Mark Boysen, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 Bruce Greig, Manager of Community Planning
 John Towgood, Planner 1
 Abby Fortune, Manager of Tourism and Recreation
 Kevin Cortes, Harbour Manager
 Nicole Morin, Corporate / Planning Clerk

Regrets:

1. CALL TO ORDER

The meeting was called to order at 3:30 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council acknowledged the Yuułu?iŋ?ath First Nation, on whose traditional territories the District of Ucluelet operates.

3. NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube. Delegates and meeting participants were also advised that the meeting was being conducted via Zoom which may store data on foreign servers.

4. ADDITIONS TO AGENDA

There were no additions to the Agenda.

5. APPROVAL OF AGENDA

5.1 June 23, 2020 Regular Council Meeting Agenda.

2020.118.REGULAR **It was moved by Councillor Cole and seconded by Councillor Hoar**
 THAT Council approve the June 23, 2020 Agenda as presented.

CARRIED.

6. ADOPTION OF MINUTES

6.1 June 9, 2020 Regular Minutes

Council noted that the third line of page eight should read walking tours not whaling tours.

2020.119.REGULAR **It was moved by Councillor Kemp and seconded by Councillor McEwen**
THAT Council adopt the June 9, 2020 Regular Minutes as amended.
CARRIED.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. MAYOR'S ANNOUNCEMENTS

8.1 Grad Class 2020

Mayor Noël congratulated the Ucluelet Secondary School 2020 graduating class and noted the great turnout at the Grad Parade.

8.2 Summer Program Guide

Mayor Noël noted that the Recreation Summer Guide is now available and registration for summer programs starts on June 24, 2020 at 9:00 AM.

8.3 Barkely Community Forest Appointments

Mayor Noël rose and reported that Dario Corlazzoli, Donna Monteith and James Costello were nominated at the June 23, 2020 in-camera meeting to be Directors for the Barkley Community Forest Corporation.

9. PUBLIC INPUT, DELEGATIONS & PETITIONS

9.1 Public Input

There was no public input at this time.

10. CORRESPONDENCE

10.1 Clayoquot Biosphere Trust 2019 Annual Report

Rebecca Hurwitz, Executive Director, Clayoquot Biosphere Trust

11. INFORMATION ITEMS

There were no information items.

12. COUNCIL COMMITTEE REPORTS

12.1 Councillor Marilyn McEwen

Deputy Mayor January - March 2020

- June 10 - Wild Pacific Trail Meeting - CBT approved a grant that

partially funds the Wild Pacific Trail Learn Where You Live video series and a new video was released on Friday.

- June 16 - Committee of the Whole Meeting.

Councillor Cole left the meeting at 3:39 PM due to technical difficulties.

12.2 Councillor Lara Kemps ***Deputy Mayor April - June 2020***

Councillor Cole returned to the meeting at 3:40 PM.

- Announced new grants received by the Chamber of Commerce, CARE Network, Westcoast Community Resources Society and Forest Glenn.
- Weekly recovery task force meetings.
- The 2020 Edge to Edge Marathon has been cancelled.
- June 16 - Committee of the Whole Meeting.

12.3 Councillor Jennifer Hoar ***Deputy Mayor July - September 2020***

- June 10 - Wild Pacific Trail Meeting. Councillor Hoar noted that there are five "Learn Where You Live" videos currently available and two more videos are planned.
- June 16 - Committee of the Whole.
- June 20 - attended the Ucluelet Secondary School Grad Parade.
- Reminded residents and visitors to observe physical distancing recommendations when shopping at the Co-Op and that the Co-Op is open to the general public from 10 AM to 7 PM daily.

12.4 Councillor Rachelle Cole ***Deputy Mayor October - December 2020***

- June 16 - Committee of the Whole.
- Regular ACRD Meetings - noted that the West Coast Landfill has new hours which are as follows:
 - 10 AM - 4 PM Monday, Tuesday, Thursday and Friday
 - 12 PM - 6 PM Wednesdays
 - Closed Weekends

12.5 Mayor Mayco Noël

- Weekly West Coast Regional Meetings.
- June 16 - Committee of the Whole.

13. REPORTS

13.1 District of Ucluelet Flood Mapping Project

Bruce Greig, Manager of Community Services

Mr. Greig presented this report. He noted the following:

- Ebbwater Consulting studied the potential impacts of storm surges and tsunamis on the area and prepared a report.
- An executive summary of the report is available in this agenda package.
- The entire report will be published online.
- The study and report were grant funded.
- The report will inform future community planning and emergency preparation efforts.

Tamsin Lyle, Principal at Ebbwater Consulting, presented a power point presentation and discussed or presented the following:

- The projects scope; storm surges and tsunami events and their effects in and around Ucluelet.
- The project timeline.
- The scientific method used to come to their findings.
- Maps with data related to storm surge flooding and tsunami flooding in and around Ucluelet.
- Construction level maps for Ucluelet.
- The characteristics of a tsunami.
- The areas that are vulnerable to tsunamis and storm surges.
- The steps that a local government can take to mitigate risks associated with storm surge and tsunami events.

2020.120.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

THAT Council approve recommendations 1-3 of report item "District of Ucluelet Flood Mapping Project" which state:

1. **THAT** Council receive the District of Ucluelet Coastal Flood Mapping Report for information;
2. **THAT** Council direct staff to make the full contents of the report available for public access, to inform interested community members and regional partners by:
 - a. creating a webpage on the District of Ucluelet web site with links to all final project materials;
 - b. sharing the project results with the YuułuꞀitꞀath Government, 'TukwaaꞀath Nation, Alberni Clayoquot Regional District, Parks Canada and the District of Tofino for their information;
 - c. mounting an information display in the Ucluelet Community Centre so that community members can access full-size copies of the final maps, final report and information posters explaining the project, results and next steps; and,
3. **THAT** Council earmark the results of the flood mapping project for upcoming discussions in the Strategic Planning update and subsequent Budget preparations, for next steps to:

- a. *update Emergency Preparedness plans;*
- b. *consider resiliency in long-term Asset Management planning;*
- c. *consider changes to development regulations, including a process for public consultation, as they relate to existing properties; and,*
- d. *consider new policy on future developments to avoid areas of flood risk.*

CARRIED.

13.2 Off-Leash Dog Park
Abby Fortune, Manager of Recreation & Tourism

Ms. Fortune presented this report.

Council discussed using the Frank Jones Memorial Park as an off-leash dog area, the park's history as well as the need for signage at the park and at other locations in Ucluelet.

2020.121.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT Council approve recommendations 1 of report item "Off-Leash Dog Park" which states:

1. ***THAT Council designate Frank Jones Memorial Park as an off-leash dog area, on a trial basis.***

CARRIED.

13.3 Council Proceedings Under Ministerial Order M192
Joseph Rotenberg, Manager of Corporate Services

Mr. Rotenberg explained the requirements of Ministerial Order M192 and the recommendations made in this report.

2020.122.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendation 1 of the report item "Council Proceedings Under Ministerial Order M192" which states:

1. ***THAT Council:***
 - a. *open Council Chambers to the public;*
 - b. *designate Activity Rooms 1 or 2 in the Ucluelet Community Centre as a location where members of the public may listen and watch a livestream of Council meetings when Chambers is at capacity;*
 - c. *instructs Staff to facilitate in-person and Zoom Webinar participation in public hearings; and*
 - d. *instruct Staff to prepare a report about conducting Council meetings in the Main Hall at the Ucluelet Community Centre.*

CARRIED.

13.4 Development Permit for 1911 and 1905 Peninsula Road
John Towgood, Planner 1

Mr. Greig presented this report. He noted that property owner intends to amalgamate the two subject properties. He outlined the proposal and the views of the harbour created by the proposed development.

Council discussed the process associated with amalgamating properties.

2020.123.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
THAT Council approve recommendation 1 of the report item "Development Permit for 1911 and 1905 Peninsula Road" which states:

1. ***THAT Council approve Development Permit DP20-01 for a six-unit motel, general building renovation to an existing motel building, and new landscaping on the properties located at 1911 and 1905 Peninsula Road.***

CARRIED.

14. LEGISLATION

14.1 Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908)
Bruce Greig, Manager of Community Planning

Council recessed at 4:58 PM and resumed the meeting at 5:07 PM.

Mr. Greig presented this report. He outlined the proposed bylaws, development permits, development variance permit, temporary use permit and section 219 covenant.

Council discussed the proposed development and the environmental restoration on the property permitted by DP19-01. Council was reminded of their motion that adoption of Bylaw No. 1244, 2019 is subject to the completion of the environmental restoration on the property which is monitored and signed off by a Qualified Environmental Professional.

2020.124.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**
THAT this Council meeting be recessed for a five minute break.

CARRIED.

2020.125.REGULAR **It was moved by Councillor McEwen and seconded by**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be

advanced to a public hearing.

CARRIED.

2020.126.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
THAT Council rescind second reading of District of Ucluelet Zoning
Amendment Bylaw No. 1256, 2019.

CARRIED.

2020.127.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT section 7(c) of District of Ucluelet Zoning Amendment Bylaw No. 1256,
2019, be amended to read:
“Washroom facility(s) for fully serviced Camping Spaces (camping
spaces equipped with a sewer and water connection) are to be equipped
with a minimum of one (1) toilet and one half (.5) shower stall per eight
(8) Camping Spaces.”

CARRIED.

2020.128.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
THAT Council direct staff to give notice to receive comment on Development
Variance Permit DVP19-02 and Temporary Use Permit TUP19-01 in
conjunction with the public hearing on the zoning amendment bylaws and
proposed development at 221 Minato Road.

CARRIED.

2020.129.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given
second reading as amended and be advanced to a public hearing.

CARRIED.

14.2 Zoning Bylaw Amendment for 799 Marine Drive **John Towgood, Planner 1**

Mr. Greig presented this report. He noted that the subject bylaw allows for a detached cottage on the property instead of an attached secondary suite. He explained that the detached cottage may not be used as a short term accommodation.

2020.130.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Cole**
THAT Council approve recommendation 1 of report item "Zoning Bylaw
Amendment for 799 Marine Drive" which states:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given first and second reading and advanced to a public hearing;

CARRIED.

14.3 Zoning Amendment and Development Permit for 2015 Bay Street **John Towgood, Planner 1**

Mr. Greig presented this report. He noted that proposed bylaw allows

for parking, mobile vending and a two unit motel on the subject property. He also noted that the proposed development conforms with the form and character guidelines set out in the OCP and the developer has proposed a statutory right of way in favour of the District for a public trail that travels through the property.

Council discussed the proposal and noted that the new owners upgraded the structural integrity of the dock.

2020.131.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**

THAT Council approve recommendation 1 of report item "Zoning Amendment and Development Permit for 2015 Bay Street" which states:

1. ***THAT*** District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given first and second reading and advanced to a public hearing.

CARRIED.

14.4 Zoning Bylaw Amendment for 796 Marine Drive *John Towgood, Planner 1*

Mr. Greig presented this report. He noted that the proposed bylaw would allow two detached cottages, and a single family dwelling with a secondary suite on the subject property. The secondary suite may not be used as a short term accommodation. He also noted that the total square footage of the three proposed structures is only 2225 sq ft.

The owner spoke to the application. She explained that multiple structures are proposed to preserve as many trees as possible on the property.

2020.132.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**

THAT Council approve recommendation 1 of report item "Zoning Bylaw Amendment for 796 Marine Drive" which states:

1. ***THAT*** District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given first and second reading and advanced to a public hearing.

CARRIED.

14.5 Council Procedure Bylaw - 3rd Reading *Joseph Rotenberg, Manager of Corporate Services*

Mr. Rotenberg presented this report. He noted that the proposed amendments remove three redundant sub-sections of the proposed bylaw which were drafting errors.

2020.133.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

THAT Council approve recommendation 1 of report item "Council Procedure Bylaw - 3rd Reading" which states:

1. **THAT** Council rescind second reading of "District of Ucluelet Council Procedures Bylaw No. 1264, 2020";

CARRIED.

2020.134.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**
THAT Council approve recommendation 2 of report item "Council Procedure Bylaw - 3rd Reading" which states:

2. **THAT** Council give "District of Ucluelet Council Procedures Bylaw No. 1264, 2020" second reading as amended;

CARRIED.

2020.135.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendation 3 of report item "Council Procedure Bylaw - 3rd Reading" which states:

3. **THAT** Council give "District of Ucluelet Council Procedures Bylaw No. 1264, 2020" third reading.

CARRIED.

14.6 Reserve Berthage at the Ucluelet Harbour **Abby Fortune, Manager of Recreation & Tourism**

Ms. Fortune, presented this report and explained the recommendations. She noted that the proposed bylaw introduces the option to reserve berths for a three month period rather than a six month period.

Councillor Cole left the meeting at 5:39 PM due to technical difficulties and returned to the meeting at 5:40 PM.

The Harbour Manager, Kevin Cortes, noted that he has had positive feedback about the proposed three month reserved berth option.

2020.136.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendations 1 report item "Reserve Berthage at the Ucluelet Harbour" which states:

1. **THAT** Council direct Staff to equalize any overall deficit incurred by the Small Craft Harbour resulting from COVID-19 by drawing funds from the Harbour reserve fund, if available;

CARRIED.

2020.137.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Kemps**
THAT Council approve recommendations 2 report item "Reserve Berthage at

the Ucluelet Harbour" which states:

2. **THAT** Council give "Ucluelet Harbour Regulation Bylaw No. 1276, 2020" first reading;

CARRIED.

2020.138.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendations 3 report item "Reserve Berthage at the Ucluelet Harbour" which states:

3. **THAT** Council give "Ucluelet Harbour Regulation Bylaw No. 1276, 2020" second reading;

CARRIED.

2020.139.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendations 4 report item "Reserve Berthage at the Ucluelet Harbour" which states:

4. **THAT** Council give "Ucluelet Harbour Regulation Bylaw No. 1276, 2020" third reading; and

CARRIED.

2020.140.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Kemp**
THAT Council approve recommendations 1 report item "Reserve Berthage at the Ucluelet Harbour" which states:

5. **THAT** Council Direct Staff to offset shortfalls to the Harbour Manager's revenues associated with the three-month reserve berth fees set out in Bylaw No. 1276, 2020 to a maximum of \$4,860 by drawing funds from the Harbour reserve fund.

CARRIED.

15. OTHER BUSINESS

16. QUESTION PERIOD

There were no questions.

17. ADJOURNMENT

The meeting was adjourned at 5:46 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, June 23, 2020 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Mark Boysen
CAO

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, June 23, 2020 at 2:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen (All
 Councillors Attended Via Zoom)
 Staff: Mark Boysen, Chief Administrative Officer
 Bruce Greig, Manager of Community Planning
 Donna Monteith, Chief Financial Officer
 Joseph Rotenberg, Manager of Corporate
 Services Nicole Morin, Corporate / Planning Clerk

Regrets:

1. CALL TO ORDER

The meeting was called to order at 2:00 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council acknowledged the Yuułu?i?ath First Nation, on whose traditional territories the District of Ucluelet operates.

3. ADDITIONS TO AGENDA

There we no additions to the agenda.

4. APPROVAL OF AGENDA

4.1 June 23, 2020 Special Council Meeting Agenda

2020.032.SPECIAL **It was moved by Councillor McEwen and seconded by Councillor Kemps**
THAT Council approve the Special Council Meeting Agenda as presented.

CARRIED.

5. CLOSED SESSION

5.1 Procedural Motion to go in-camera.

2020.033.SPECIAL **It was moved by Mayor Noël and seconded by Councillor McEwen**
THAT the meeting be closed to the public in order to address agenda items
under Section 90(1)(a) and (g) of the Community Charter.

CARRIED.

6. ADJOURNMENT

The matter was adjourned at 3:02 PM.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Tuesday, June 23, 2020 at 2:00 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Mark Boysen
CAO

Joseph Rotenberg

From: Darcey Bouvier on behalf of Info Ucluelet
Sent: June 15, 2020 8:16 AM
To: Mark Boysen
Cc: Joseph Rotenberg
Subject: 5G ~ What you Need to Know
Attachments: Creating a Proactive Antenna Siting Protocol_& Small Cell licensing Agreement.pdf;
 Getting it wrong in Getting it right_Preparing for 5G deployment in your municipality.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

From: [REDACTED]
Sent: June 14, 2020 4:34 PM
To: Mayco Noël <mnoel@ucluelet.ca>
Cc: Info Ucluelet <info@ucluelet.ca>
Subject: 5G ~ What you Need to Know

Subject: 5G ~ What you Need to Know

Dear Mayor Noel & Councillors,

Parliament has been remote. School has been virtual. Work has been online. Recent events have shown us how important safe and affordable high-speed broadband is.

In response, telecommunication providers are racing to install 5G. Is this the best connectivity option? What rights do local governments have when it comes to 5G? And why are the limited rights municipalities *do* have now under threat?

5G and You

The Federation of Canadian Municipalities (FCM) recently published *Getting it right: Preparing for 5G deployment in your municipality*. Although the FCM guide accurately answers the regulatory questions linked to 5G, including the potential loss of local input, it does not offer municipal governments the critical big picture information needed to understand the practical, policy and logistical implications of 5G.

To support you in making well-informed telecommunication decisions, we have prepared [Getting it Wrong in Getting it Right](#), a preamble and supplement to the FCM guide.

Action Item:

- Please take a moment to read the guide by clicking [Here](#). It is also attached.

Untying Your Hands

Perhaps you would like to create local 5G and small cell siting policies that reflect and protect community interests, but believe your hands are tied.

The second document we have prepared and attached, [Creating a Proactive Antenna Siting Protocol and Small Cell Licensing Agreement](#), shows you how to create the most protective policies possible given our regulatory landscape. It also covers critical liability issues which every local government should know about.

Action Item:

- Please read the document's *Overview* and share the document with your legal team. It is found [Here](#) and is also attached.

A Better Way

The infrastructure investments we make today will shape how the Internet will be provided and how it will impact our security, well-being, resilience, and sustainability for generations to come. **We encourage you to choose the fastest, safest, most energy-efficient and cyber-secure data delivery system for your community - fiber optics** connected directly to each premise.

Action Item:

- Visit this site to learn more:

[Connected Communities ~ Wired fiber for Sustainable Last-Mile Solutions](#)

Who are We?

We represent an umbrella group of organizations and individuals advocating for safe and responsible technology.

For more information, you may reach us at cst.citizensforsafetechnology@gmail.com,

With Warm Regards,

Sherry Ridout

On Behalf of Citizens for Safe Technology

Creating a Proactive Antenna Siting Protocol & Small Cell Licensing Agreement

Overview

If your municipality does not have its own antenna siting procedure in place, when a telecom wants to install an antenna in your community the default antenna siting policy created by Innovation, Science and Economic Development Canada (found [here](#)) will apply.

In some instances, telecommunication providers are not required to consult with land use authorities before they install small cells. For example, if a telecom is installing 4G or 5G small cell transmitters on existing structures, and its equipment does not increase the height of that structure by more than 25%, the proponent is only required to request a local government's permission if the town owns the property it wants to put the antennas on.

Clearly, it is prudent for local governments to create antenna siting protocols that include small cells, and to protect local interests in all antenna siting matters to the degree that federal telecommunication regulations permit. To draft a siting protocol for your town, use the template found [here](#) as a guide. Be sure to add the elements below to insure your protocol is as protective as possible.

The suggestions in this document may also be included in small cell licensing agreements made between telecoms and local governments.

DISCLAIMER: *The content below is provided for informational purposes only and is not intended to substitute for legal advice regarding compliance with local, provincial, or federal law. CALM makes no assurances or guarantees regarding the applicability or suitability of this language for any municipality, and shall not be held responsible for any legal action arising from the use of language or concepts contained herein.*

General Examples of Areas to Address

LOCATION

- Prohibiting small cell installations in residential areas, in certain districts
- Requiring installations to be a certain distance away from residences, schools, hospitals, and/or other installations

AESTHETICS / ENVIRONMENT

- Aesthetic, design, and noise requirements such as co-location, camouflage, height and light limits, and more

ADMINISTRATIVE / LEGAL

- Requiring that residents within a certain distance of an installation be notified
- Requiring annual recertification fees
- Requiring permittees to defend and indemnify the city from any liabilities arising from permits and the installation, operation and maintenance of small cell installations
- Requiring the proponent to have insurance that includes pollution liability with no electromagnetic field exclusions as well as cyber-security and data privacy protection
- Reserving the right to hire independent consultants at the applicant's expense
- Reserving the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify compliance with all Safety Code 6 radio-frequency emission limits

POLICY

- Appointing a committee to study the viability of a community-owned fiber optic network

Fiber networks wired directly to the premise are *always* faster, safer and more energy efficient and secure than wireless networks. To learn more about the many benefits of community-owned fiber please visit [Connected Communities ~ Wired fiber for Sustainable Last-Mile Solutions](#)

Specific Content Suggestions

Section 1: PERMITTING PROCESS

1.1 Permit Required. No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

1.2 Application Content. All permit applications must include:

- A. Detailed site and engineering plans for each proposed small cell installation, including full address, GIS coordinates, a list of all associated equipment necessary for its operation, as well as a proposed schedule for the completion of each small cell installation covered by the application.
- B. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Town.
- C. Certification that the proposed small cell installation(s) addresses an existing and significant gap in coverage in the service area, such certification to include a detailed map of the "gap areas" and documentation of such gaps causing an inability for a user to connect with the land-based national telephone network or maintain a connection capable of supporting a reasonably uninterrupted communication.
- D. Photographs of proposed facility equipment.
- E. Visual impact analyses with photo simulations including both "before" and "after" appearances, including simulations of the appearance of the equipment from the perspective of any property owner within 250 feet.

F. Certification by a certified radio-frequency engineer that the small cell installation will be in compliance with Safety Code 6 RF emissions as they relate to the general public, including aggregate emissions for all co-located equipment.

G. Certification that the applicant has a right under federal law to install wireless telecommunications facilities in the public right-of-way.

H. Documentation demonstrating a good faith effort to locate the small cell installation in accordance with the preferred provisions of this protocol.

I. Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing via certified mail of the proposed installation, including its exact location.

J. An executed indemnification agreement as set forth in section 1.7 below.

K. A disclosure of all related third parties on whose behalf the applicant is acting, including contracting parties and co-locaters.

L. If the small cell installation is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Town, sufficient evidence of the consent of the owner of such pole or wireless support structure to the proposed collocation.

M. Performance specifications and data that identify the maximum and minimum amount or level of radio-frequency emissions that are produced by the equipment when it is in full operating mode, and a monitoring plan for the Applicant's equipment capable of tracking and recording the daily amounts or levels of radio-frequency emissions that are produced by the equipment in order to verify that the average and peak emissions do not exceed the levels permitted by Safety Code 6.

1.3 Application Fee. The Town shall assess a per-installation fee of _____ to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements.

1.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the applicant.

1.5 Hydro Fees. Permittee shall pay to the Municipality an annual hydro consumption surcharge of two hundred and fifty dollars (\$250) per Structure. This amount is due on January 2 of each year and is not proratable or refundable.

1.6 Compliance Bond. Upon approval of the application, the Permittee shall be required to post a bond in the amount of \$50,000 for each small cell installation, such bond to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable Safety Code 6 limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer under Section 1.11.2 below.

1.7 Indemnification. Permittee shall provide an executed agreement in the form provided by the Town, pursuant to which Permittee agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The

agreement shall also include a provision obligating the Permittee to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

1.8 Hazardous Substances. Permittee specifically acknowledges that the Town is not responsible for the escape, discharge or release of any hazardous substances from the Equipment, and specifically agrees to indemnify, protect and save the Town harmless from any and all actions, causes of actions, claims and demands regarding any such hazardous substance that has escaped, been discharged or released from the Equipment unless caused by the gross negligence or willful misconduct of the Town, its elected officials, appointed officers, employees, agents, contractors or any person the Town is responsible for in law.

"Hazardous Substance" means any hazardous or toxic substance, and includes radiofrequency electromagnetic energy, or other radiation, petroleum products and byproducts, industrial wastes, contaminants, pollutants, dangerous substances, and toxic substances, as defined in or pursuant to any law, ordinance, rule, regulation, bylaw or code, whether federal, provincial or municipal.

1.9 Environmental Liability. Permittee agrees to assume all environmental liability under federal, provincial and local government laws in Canada, as a responsible person or otherwise, relating to its occupancy and use of the Facilities, including but not limited to any liability for clean-up of any Hazardous Substance in, on, under, along, across and around the Facilities, which are proven to result directly from:

- (a) the installation, occupation, operation and removal by Permittee of the Equipment;
- (b) any materials or goods brought to the Facilities by Permittee, or by any other person with the express or implied consent of Permittee.

Permittee shall not be responsible for, or required to remove or remediate any Hazardous Substances that have migrated onto or into a Facility or which existed at a Facility prior to Permittee's occupation or use of such Facility.

1.10 Insurance: For the duration of the Term:

(a) Permittee shall maintain comprehensive general liability insurance with coverage up to five million dollars (\$5,000,000.00), per occurrence and in the annual aggregate for products and completed operations, to protect Permittee from claims for personal injury, bodily injury or property damage arising out of Permittee's Work and/or operation of the Equipment. In addition, Permittee agrees that:

(i) the Town shall be added as an additional insured but only with respect to Permittee's legal liabilities arising out of Permittee's operations under this Agreement; and

(ii) the insurance shall include coverage for: products and completed operations; blanket contractual liability; cross-liability; non-owned automobile liability; pollution liability with no electromagnetic field exclusions, cyber-security and data privacy protection, and broad form property damage.

(b) Permittee shall also maintain automobile liability insurance, with coverage for bodily injury and property damage, for any Permittee owned or leased vehicles used in the performance of the Work in the amount of two million dollars (\$2,000,000.00) per accident.

(c) The comprehensive general liability insurance policy shall contain a provision whereby the insurers will endeavour to provide the Town with sixty (60) days' notice of cancellation.

(d) Upon execution of this Agreement, Permittee shall file with the Town a certificate of insurance of each insurance policy required. Permittee shall also provide a certificate of insurance at any time upon reasonable written

request by the Town . Failure to maintain the insurance policies as required by this Agreement is a material breach of contract.

(e) Excess (umbrella) liability insurance may be used to achieve the required insured limits.

1.11 Annual Re-certification.

1.11.1 Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that

(1) each active small cell installation is covered by liability insurance with no electromagnetic field exclusions in the amount of \$5,000,000 per installation, naming the Town as additional insured; and

(2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits.

1.11.2 The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all Safety Code 6 radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee.

1.11.3 In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of Safety Code 6 exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall

have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

1.11.4 Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

1.11.5 Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.

1.11.6 Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

1.12 Non-Permitted Installations Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered while such unauthorized installations remain.

1.13 Notice of Permit Filing. Notice of the filing of any permit submitted pursuant to this protocol shall be sent to all property owners within 500 feet of each and every proposed small cell installation within five (5) days of such filing, such notice to be sent by certified mail at the expense of the Permittee.

1.14 Public Availability of Permit Applications. All permit applications submitted pursuant to this protocol, including all related documents, shall be made available for viewing and/or copying by any member of the public during normal business hours at the relevant office of the Town. Any charge for copies shall be limited to the Town's actual cost. No additional charges may be assessed against any member of the public for access to the entire permit and all of its related documents.

Section 2: LOCATION AND CONFIGURATION PREFERENCES

2.1 Siting Guidelines. The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by the Town code.

2.2 Order of preference - Location. The order of preference for the location of small cell installations in the Town, from most preferred to least preferred is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone
4. Residential zone

Discouraged Locations:

1. Land use

- Medium and high density residential areas
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Nature protection areas
- Environmentally sensitive ecosystems

2. Other considerations, irrespective of land use designation

- Locations directly in front of doors, windows, balconies or residential frontages
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

(See Note 1)

Section 3: INSTALLATION SPECIFICATIONS

3.1. The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.

3.2. Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.

3.3. The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

3.4. At all times, all required notices and signs shall be posted on the site as required by ISED and federal law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

3.5. The Permittee shall maintain current at all times liability and property insurance including pollution liability with no electromagnetic field exclusions for each small cell installation in the Public Right of Way in the amount of \$5,000,000 (Five Million dollars) naming the Town as additional insureds.

3.6. The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, icfall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

3.7. Every effort shall be made to locate small cell installations no less than 2000 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within 1500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones. (*See Note 2*)

3.8. A single or co-located small cell installation must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

3.9. All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

3.10 If a Permittee proposes to replace a pole in order to accommodate a small cell installation, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.

3.11 Each small cell installation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The Town may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a small cell installation has the potential to become an attractive nuisance.

3.12 The Permittee shall repair, at its sole cost and expense, any damage including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a small cell installation in the public right-of-way. The Permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the Permittee fails to complete such repair within the number of days stated on a written notice by the permitting authority, the

permitting authority shall cause such repair to be completed at Permittee's sole cost and expense.

3.13 Prior to issuance of a building permit, the applicant shall obtain the permitting authority's approval of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a street tree, or a protected tree on private property, or within a 10-foot radius of the base of such a tree. Depending on site-specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 10 feet may be required by the permitting authority.

3.14 Applicant shall abide by all local, provincial and federal laws regarding design, construction and operation of the small cell installation, including all provincial and federal Occupational Health and Safety Regulations for worker safety in, around and above power lines and near radiation-emitting devices.

Note 1: The town may also wish to include preference for the *configuration* of small cell installations, from most preferred to least preferred. Configuration preferences might be:

- (1) Co-located with existing wireless facilities,
- (2) Mounted on existing utility poles,
- (3) Mounted on new poles or towers.

Considerations include the structural integrity of existing utility poles, the fact that mandating co-located equipment could result in an unfair aesthetic burden on some residents or neighborhoods, and the possibility that new poles might be bigger, heavier and more obtrusive.

Note 2: Every effort should be made to avoid placing small cell installations in close proximity to residences. Viable and defensible setbacks will vary based on zoning.

This content of this document was produced by Grassroots Communications, 52 Main Street, Port Washington NY 11050 and has been edited to be made relevant to Canada with the author's permission.

© 2020 Grassroots Communications, Inc. and CALM. All rights reserved. Permission to copy is hereby granted to municipalities, their elected officials, legal counsel, employees, contractors and residents.

Getting it wrong in “Getting it right: Preparing for 5G deployment in your municipality”

In February 2020, the Federation of Canadian Municipalities (FCM) published [Getting it Right: Preparing for 5G deployment in your municipality](#), a guide designed to help municipalities deal with the practical, policy and logistical implications of 5G technology in local communities.

This FCM document contains several half-truths, mistruths and framing tactics – listed below – which result in a biased, misleading and generally inaccurate guide.

The document did, however, get *some* things right. Part 2 of this summary outlines those points.

Part 1: Getting it Wrong

Misconception 1 The fifth generation of wireless technology (is) a necessity if Canada is to remain competitive on the world stage. (p.4)

Fact The benefits of 5G are dubious at best, and are they worth the costs?

There has been no cost-benefit analysis of 5G to see if its consequences and risks, including the costs stemming from security and data breaches, environmental damage, liability claims, lost productivity due to radiofrequency radiation-induced illness, and increased healthcare requirements, outweigh its benefits.

Driven by the belief that digital technology is neutral and therefore carries no unintended consequences or risks, politicians, policy makers, and society are ignoring the science-backed evidence that urges us to exercise precaution when investing in infrastructure that is wireless-dependent.

Learn more here:

1. Women’s College Hospital, Toronto, [Impacts of Wireless Technology on Health: A symposium for Ontario’s medical community](#), 31 May 2019
Video of Presentation by Dr. Magda Havas: [Impacts of EMFs on health in the community](#)
2. Schneier, B. (2019, September 25). [Essays: Every Part of the Supply Chain Can Be Attacked – Schneier on Security](#) – as published in the New York Times
3. Zarrett, David. (2020, February 19). [Threats to security, health, public infrastructure and other potential costs of Canada’s 5G rollout](#). Macleans

Misconception 2 5G is key to profiting and benefiting from enhanced connectivity and “Smart Cities.”

“Connectivity has become essential for any community’s economic, cultural and social development.” President’s Message (p.4)

“For municipal officials, the IoT translates into “smart cities” where countless data points generated by citizens, sensors and assets allow you to monitor traffic and parking, water, wastewater, storm water, bus and rail stops, etc. This would also allow municipalities to make adjustments, or allow systems to make adjustments on their own, as needed.” (p.8)

Fact 5G is not the pinnacle of connectivity; wired fiber optic networks are.

From resource and energy monitoring and management to improved emergency, educational and health care services, most of the smart city applications 5G promises can be provided by fiber optic cables connected directly to each premise - without the threats wireless 5G poses to privacy, national security, energy consumption, the environment and public health. A few of 5G’s perks - like autonomous vehicles - cannot be delivered by wired fiber networks. However, experts warn that self-driving cars are risk and liability laden, and that 5G will likely not be able to support them.

Learn more here:

1. The Benefits of [Wired Smart Cities](#), Connected Communities
2. Schoechle, Timothy. (2018). [Reinventing Wires: The Future of Landlines and Networks](#). The National Institute of Law and Public Policy
3. Dawson, Doug. (2019). [The Myth of 5G and Driverless Cars](#). CircleID
4. Jones Day law firm. (2017, November). [Legal issues Related to the Development of Automated, Autonomous and Connected Cars](#). A White Paper

Misconception 3 5G is the wireless industry’s solution to our ever-increasing wireless data consumption.

“The trend toward greater connectivity will only accelerate. The use of wireless Internet connected devices in our communities is exploding. The advent of fifth generation (5G) wireless networks is the industry’s response to this growth and the desire to further leverage the potential of the Internet.” (p.6)

Fact The main industry drivers behind 5G – Huawei, Ericsson and Qualcomm – admit they developed 5G by recognizing trends and opportunities. Consumers would not be consuming more and more data if an endless stream of wireless products were not being marketed and sold. Our growing wireless data consumption has serious environmental implications.

Which came first – our skyrocketing data usage or industry’s plan to sell us a wireless world that is dependent upon us consuming more and more data? Wireless technology uses 10 times more energy than wired technology does. Experts warn our environment cannot support unlimited digital consumption.

Industry is not providing 5G as a public service. When asked about the motivation driving 5G at a December 2016 meeting of *The Institute of Electrical and Electronics Engineers* (IEEE), respected industry expert and Senior Huawei Researcher Dr. H. Anthony Chan stated: “...if technology does not change, the company will die...it is about more jobs...engineering and manufacturing... People must buy a new phone.”

Learn more here:

1. A GSA Executive Report from Ericsson, Huawei and Qualcomm. (2015, November). [The Road to 5G: Drivers, Applications, Requirements and Technical Development](#)
2. The Shift Project. (2019, March). [Lean ICT: Towards “Digital Sobriety”: Our New Report on the Environmental Impact of ICT](#)
3. The Shift Project. (2019, July). [Climate Crisis: The Unsustainable use of Online Video: Our new Report on the Environmental Impact of ICT](#)

Misconception 4 5G will bring us the fastest Internet possible.

“Once fully deployed, 5G technology promises maximum theoretical speeds in the 10 Gbps range, at least 100 times faster than top theoretical speeds for existing 4G technology (up to 1,000 times faster than actual speeds in some circumstances). To get a sense of this change, downloading a two-hour movie will take less than four seconds versus approximately six minutes on existing 4G networks. (Note that consumer technology will also have to catch up as many existing devices are not 5G capable.) (p.7)

Fact New breakthroughs in fiber optics offers real-time transmission of 200 Gbps. *This is 20 times faster* than the maximum theoretical speed of wireless 5G.

Learn more here:

Brown, Mike. (2020, January 2). [A Fiber Optic Breakthrough Could Beat 5G for Rural Internet Access](#). Inverse

Misconception 5 “5G technology will outperform traditional land connections in some cases, making home routers a thing of the past.” (p.7)

Fact 5G may be faster than Internet provided through copper wires or coaxial cable, but it will never be faster than fiber wired directly to the premises.

Wireless signals can never be as fast as the fiber cables that transport data to antennas.

Learn more here:

Schoechle, Timothy. (2018). [Reinventing Wires: The Future of Landlines and Networks](#). The National Institute of Law and Public Policy

Misconception 6 “More significantly, 5G networks are key to opening up the potential of the “Internet of Things” (IoT). (p.7)

Fact A balanced and informed discussion of the IoT will include its potential, as well as its pitfalls. This discussion would include:

Privacy and National Security issues related to the IoT:

- Smart devices are easily hacked and controlled,
- They allow for increased surveillance, and potentially nefarious military and paramilitary capabilities such as “swarming” and robotic attack missions,
- They permit our personal data to be tracked and sold.

Environmental and Social Costs of the IoT:

- Powering , manufacturing and storing the data from trillions of sensor-equipped and chipped devices demands huge amounts of energy and resources,
- Massive amounts of e-waste will be generated due to planned obsolescence,
- An increasingly automated world threatens job security and heightens tech addiction,
- Mining for the rare minerals needed to make these devices is causing untold human suffering.

Learn more here:

1. Halpern, Sue. (2019, April 26). [The Terrifying Potential of the 5G Network](#). The New Yorker
2. Congressional Research Service. (2020, May 22). [National Security Implications of 5th Generation \(5G\) Mobile Technologies](#). A Report from the U.S. Congressional Research Service
3. Bordage, Frederic. (2019, October). [The Environmental Footprint of the Digital World Summary](#). A Report from Green IT.fr
4. McLelland, Callum. (2020, January 15). [The Impact of Artificial Intelligence - Widespread Job Losses](#). Retrieved from IoT for all
5. Annie Kelley. (2019, December 16). [Apple and Google named in US lawsuit over Congolese child cobalt mining deaths](#). The Guardian

Misconception 7 There are no Health Risks associated with 5G.

“Health Canada ensures that 5G installations comply with all existing safety regulations, including Safety Code 6 (SC6), which determines exposure limits for wireless devices and their associated infrastructure. Canada’s limits are consistent with the science-based standards used in other countries. Large safety margins have been incorporated into these limits to provide a significant level of protection for the general public and personnel working near radio frequency sources.” (p.23)

Fact There is ample peer-reviewed science linking non-thermal radio frequency radiation (RFR) to biological harm. Countries such as Italy, Switzerland and Russia have radiation exposure limits many times more protective than ours.

In 1976, the [US Naval Medical Research Institute](#) published a [bibliography of 3,700 scientific papers](#) on the thermal and non-thermal biological effects of RFR. The body of scientific evidence on the health implications of the non-thermal effects of RFR has grown exponentially since.

“Health Canada’s 2015 guidelines for human exposure to non-ionizing radiation (Safety Code 6) were out of date before they were published, and the review process was flawed,” says Dr. Meg Sears, PhD, Chair of Ottawa-based *Prevent Cancer Now*. “Hundreds of peer-reviewed, published studies show that radiofrequency (RF) radiation can cause cancers, damage sperm and DNA, impair reproduction, learning and memory, and more. We should be limiting public exposure, not increasing it.”

“We have sufficient data to classify RF radiation as a Group 1, known human carcinogen, along with, for example, asbestos and tobacco smoke,” states Dr. Anthony Miller MD, Professor Emeritus of the Dalla Lana School of Public Health, University of Toronto, who worked with the International Agency for Research on Cancer on the 2011 scientific review.

When the U.S. Naval Medical Research Institute identified the risks in 1976, governments should have limited the scope of technological change, and created radiation exposure standards that protected the public from harm. Instead, the evidence was hidden and ignored, and industry-influenced bodies like ICNIRP created the standards that Health Canada still emulates today.

Learn more here:

1. [Peer Reviewed Scientific Research on Wireless Health Effects](#) ~ Environmental Health Trust
2. [5G Telecommunications Science](#) - Physicians for Safe Technology
3. Lai, Henry. (2019). [Research Summaries of RFR scientific Literature](#). Retrieved from Bioinitiative.org

Misconception 8 Innovation Science and Economic Development Canada (ISED) regularly audits antenna sites to make sure they are safe.

“ISED’s regulatory framework, including market surveillance and compliance audits, provides safeguards to protect Canadians against overexposure from wireless devices and antenna installations.” (p. 23)

Fact ISED relies on cell tower operators to make sure their sites comply with Safety Code 6. Given how 5G and the IoT work, operators cannot accurately measure citizens radiofrequency radiation exposure.

Much like the fox watching the henhouse, ISED asks cell tower operators to self-monitor how much radiofrequency radiation their antenna sites are emitting. The tests these telecoms do are often software generated, and prone to inaccuracies.

ISED requires operators to “consider, in addition to their own radio system, the contributions of all existing radiocommunication installations within the local radio environment”. Given that 5G requires potentially dozens of small cell antennas on one street, and that millimetre wave 5G works “on demand”, it is impossible for an operator to take an accurate and consistent field measurement of the RF exposure residents are receiving on a daily basis.

For software-generated audits of 5G RF exposure to be accurate, operators would need to assess an ever-changing IoT “smart” landscape that includes multiple antenna sites owned by multiple operators as well as the RF-emitting smart infrastructure that 5G is purportedly there to support.

For the past six years, academics have been preparing for the increase in radiofrequency radiation exposure inherent to smart cities, and have been developing potential measurement tools. These measurement systems are much more involved and complex than what ISED now requires, and would likely put the onus on municipalities to monitor and regulate emissions and protect residents’ health.

Learn more here:

1. ISED. (2015, March 19). TN-261 [Safety Code 6 Radio Frequency Exposure Compliance Evaluation Template](#)
2. Diez, L., Aguero, R. and Munoz, L. (2017, June) [Electromagnetic Field Assessment as a Smart City Service: The SmartSantander Use-Case](#). Retrieved from [Sensors \(Basel\)](#). 17(6): 1250

Part 2: Getting it Right

The FCM’s “Preparing for 5G deployment in your municipality” outlines several 5G-related planning and regulatory issues that all municipal governments in Canada should be aware of.

Planning Concerns

“Clusters of small cells can be visually unappealing and create unique safety concerns. They can, in particular, detract from the qualities and integrity of areas such as historical or heritage districts as well as some planned urban environments.” (p.24)

Regulatory Concerns

“For stand-alone tower structures, regardless of height, the procedure provides for formal consultations with the municipality as the local land-use planning authority. However, 5G small cell installations on existing structures (towers and non-tower structures such as a building or power pole) are excluded from this requirement as long as the height of the structure is not increased by more than 25 percent.” (p.14)

“In practical terms, this means that if the power poles are owned by the provincial utility in your jurisdiction, a carrier could enter into an agreement to install 5G small cell antennas on these poles and not even have to notify your municipality (even if the small cell is added at the top of the pole, as long as the addition is less than 25% of the existing height).” (p.14)

“A grey zone exists with respect to pre-emptive pole replacements by utilities. If a utility were to replace a pole with a much taller one, and then add antennas to it, it would likely fall outside the consultation requirements.” (p.16)

Liability Concerns

“... a number of municipalities, even those with comprehensive MAAs in place, are reporting the installation of 5G small cell antennas without their knowledge. Even if they are affixed to someone else’s asset—like a power pole—if the antenna is located within the ROW space, it could raise issues of interest to the municipality such as safety concerns for the public and municipal workers.” (p.14)

Municipal Rights in Jeopardy

Current Rights

“If a carrier has identified municipal assets (light poles, traffic lights, transit shelters, etc.) as one of its preferred options to install small cell antennas, it has to negotiate with the municipality and come to an agreement. As asset owners, municipalities have the right to refuse access.” (p.24)

“Municipalities can refuse antennas on their property, but they cannot refuse the installation of equipment required to connect antennas located on other assets. Municipalities cannot charge occupancy fees for the connecting cables and other equipment installed within the ROW, but they can charge market value for an antenna located on their assets.” (p.25)

“Some municipalities have been misinformed by carriers into believing that small cells deployment is already covered in MAA’s and that, as a result, carriers enjoy the same conditional right of access for antennas as they do for their cables, etc. This is not the case.” (p.25)

Potential Loss of Rights

Telecommunications in Canada is currently under two review processes:

1. The Report of the Broadcasting and Telecommunications Legislative Review Panel

In its January 2020 report, the Panel reviewed the governance framework for antennas and the issue of access to municipal infrastructure for network deployment.

2. The CRTC Telecom Notice 2019-57 – Review of Wireless Services

In this national consultation regarding the future of wireless services in Canada, access to municipal infrastructure is an important theme.

How These Two Review Processes May Affect Municipal Governments in Canada:

1) If Recommendations 22, and 34-37 of the Legislative Review Panel’s Report are passed:

- Jurisdiction over antenna siting—including small cells for 5G—will be transferred from ISED to the CRTC. (p.11)
- The right of access that carriers currently enjoy within the right-of-way will be extended to encompass all potential support structures. These structures are referred to as “passive infrastructure” in the report, terminology that inaccurately portrays the functionality of a municipality’s assets. (p.11)
- Local governments’ current ability to refuse telecoms access to municipal assets and property would be lost. (p.11)

2) If the recommendations made by telecommunication carriers to the CRTC Wireless Review are adopted:

- The CRTC will have absolute authority over siting small cells antennas (p.26)
- The CRTC will impose time limits for municipalities to process 5G applications, as well as fee caps, and more. (p.26)

Note on Cost Recovery:

“To date, municipalities have been identifying direct costs (related to the deployment of 5G) such as engineering studies, electricity supply and workforce time, and billing them back to carriers. This seems to be the accepted best practice in Canada for the moment, a practice based in the sound public policy principle that **taxpayers should not be subsidizing the for-profit ventures of the carriers**”. (p.23)



Getting it right: Preparing for 5G deployment in your municipality

GUIDE



Disclaimer

This guide has been developed for FCM's municipal members. Information contained within the guide reflects FCM's best understanding and is believed to be accurate at the time of preparation. The material contained in this document is for informational purposes only and is not intended to provide legal advice and should not be relied upon in that regard. Municipalities are encouraged to seek professional legal advice specific to the realities of each municipality. FCM accepts no responsibility for damages, if any, suffered by any party as a result of decisions made or actions based on this document.

Acknowledgements

This guide was developed by Professor Stéphane Émard-Chabot, University of Ottawa, under the guidance and review of the FCM Technical Committee on Telecommunications and Rights-of-Way. Review was also provided by the FCM Legal Advisory Committee, and this project was supported by FCM members nationwide through contributions to FCM's Legal Defense Fund.

© **Federation of Canadian Municipalities, 2020**

Federation of Canadian Municipalities
24 Clarence Street Ottawa, Ontario K1N 5P3

An electronic copy of this handbook is available on fcm.ca

Contents

4

President's message

6

Connectivity: a new challenge

What is 5G?	7
How does 5G work?	8

10

What are small cells?

How is the deployment of small cells regulated in Canada?	11
An evolving landscape	11
The current legislative backdrop	12
Wires, cables, and municipal rights of way	13
Transmission antennas: towers and small cells	14

15

5G deployment: where wirelines and antennas meet

18

Key considerations and emerging best practices

GETTING STARTED	
Administrative and stakeholder considerations	18
Technical and engineering considerations	21
Financial considerations	23
Public opinion considerations	23
Framework and legal considerations	24

26

The future

28

APPENDIX A: Photos

33

APPENDIX B: The U.S. context

Huntington Beach, California	34
Denver, Colorado	35

37

APPENDIX C: FCM submissions

Broadcasting and telecommunications legislative review process	37
CRTC Telecom Notice 2019-57 – Review of Wireless Services	38

39

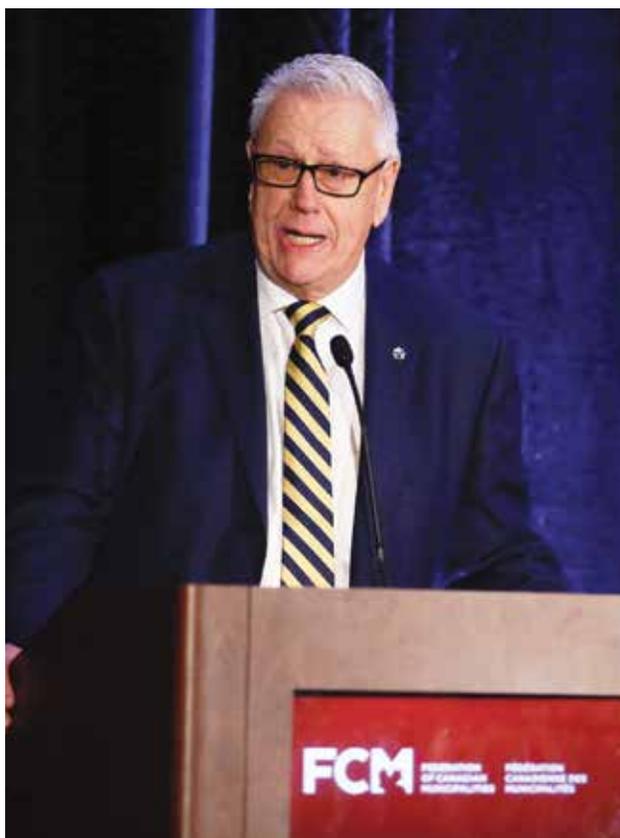
APPENDIX D: Canadian case study

Edmonton, Alberta	39
-------------------	----

41

APPENDIX E: References for further reading

President's message



Connectivity has become essential for any community's economic, cultural and social development. Even though important challenges remain in terms of access to basic broadband and wireless services in many smaller and rural municipalities—challenges which FCM continues to address in its work—the next wave of innovation is upon us. Telecommunications carriers, the federal government and the CRTC are gearing up for the deployment of the first components of the fifth generation of wireless technology (or “5G”)—a necessity if Canada is to remain competitive on the world stage.

Everyone has heard of 5G, but it is important for municipal officials to grasp and prepare for its practical, policy and logistical implications. From a practical perspective, this technology will revolutionize the place of the Internet in our professional and personal lives, including how municipalities provide services to the public.

5G will also pose challenges in that the infrastructure required is different from anything currently on the ground. In order to achieve its full potential, 5G will rely on vast numbers of small antennas—hundreds of thousands of them—that will become ubiquitous in our environment, each antenna requiring its own power and broadband connections. Furthermore, under the current legislative framework, the antenna and wireline components fall under different regulatory schemes, although this could evolve in the coming years.

Carriers have already stated that, for 5G to be fully deployed, they will require access to various municipal assets: traffic lights, light posts, bus shelters, etc. As with previous waves of communications innovation, municipalities will therefore be key in managing and supporting this deployment for the benefit of their residents and businesses. And FCM will play a leading role in advocating for the municipal sector and assisting municipalities in developing best practices.

This guide is the first practical tool developed by FCM to assist municipal officials as they prepare for 5G deployment in their communities. I wish to thank those who have contributed to this project, in particular the volunteer members of the Technical Committee on Rights-of-Way and the Small Cell Working Group.

As with other FCM resources, this guide provides members with a thorough overview of the information they need and the concrete steps they can take to adapt their individual relationships with carriers, as well as their own internal processes, in order to meet the challenge of 5G. FCM will continue to update this resource as the collective experience and the regulatory framework evolves.



Bill Karsten

FCM President and Councillor,
Halifax Regional Municipality

Connectivity: a new challenge

Connectivity is a crucial factor in ensuring a community's development and prosperity. For this reason, FCM has played a leading role in developing policies, programs, and tools that advocate for universal connectivity. Municipal officials also need help to protect their communities' interest while ensuring the efficient and timely deployment of technology within their jurisdiction. Thanks to the work of its Technical Committee on Rights-of-Way and, more recently, the work of the Small Cell Working Group, FCM has been instrumental in shaping best practices and defending municipal interests.

The trend toward greater connectivity will only accelerate. The use of wireless Internet-connected devices in our communities is exploding. Research shows that our current wireless data consumption has reached approximately 1.8 exabytes (one exabyte is one quintillion bytes) per month in North America alone, and this number is projected to grow six-fold by 2022. The advent of fifth generation (5G) wireless networks is the industry's response to this growth and the desire to further leverage the potential of the Internet. The Government of Canada is also encouraging the deployment of telecommunications infrastructure to meet its broadband and broader connectivity targets, both in urban settings and in rural areas.

5G technology requires entirely new networks comprised of great numbers of small, short-range antennas—"small cells"—to be deployed in order to provide effective coverage. Unless incentives (or even restrictions) to share infrastructure are put in place federally, each carrier will want to deploy its own network of small cells, which means that in some neighbourhoods there will be one small cell per carrier company every few hundred metres. Multiply this by the number of carriers operating in that neighbourhood and you get a sense of the magnitude of the undertaking. Estimates for 5G coverage in Canada set the number of installations at over 275,000 small cells.

The scope of this next wave of technological evolution makes it necessary for both the public and private sector to work closely together to ensure that the benefits of 5G technology become available to residents and businesses in a timely and cost-effective way. As the owners and managers of the right-of-way (ROW) space, as well as many other types of municipal or utility infrastructure (such as elevated tanks, buildings, posts and other possible supporting structures) where carriers want to install their 5G infrastructure, municipalities will have a pivotal role to play in balancing the need to provide connectivity to their communities with the protection of legitimate municipal interests such as safety and cost-recovery.

To assist municipal officials in their work and in tackling the new challenges posed by 5G, this guide seeks to provide readers with a basic understanding of 5G technology, of the current regulatory framework within which the deployment of the new networks will take place, as well as key considerations and emerging best practices municipal officials can take into account in preparing locally.

What is 5G?

5G, quite simply, refers to the “fifth-generation” of industry standards for wireless technology, the next wave in the evolution of mobile networks. While current 4G/LTE (fourth-generation/Long Term Evolution) technology revolutionized the capabilities of mobile handsets and other devices through faster connectivity and enhanced data capability, 5G will take wireless possibilities to a whole new level.

Once fully deployed, 5G technology promises maximum theoretical speeds in the 10 Gbps range, at least 100 times faster than top theoretical speeds for existing 4G technology (up to 1,000 times faster than actual speeds in some circumstances). To get a sense of this change, downloading a two-hour movie will take less than four seconds versus approximately six minutes on existing 4G networks. (Note that consumer technology will also have to catch up as many existing devices are not 5G capable.)

However, 5G is about much more than boosting speeds on your mobile phone. It is ultimately about enabling faster Internet connectivity everywhere and for everyone. In terms of coverage, 5G technology will outperform traditional land connections in some cases, making home routers a thing of the past. More significantly, 5G networks are key to opening up the potential of the “Internet of Things” (IoT), another popular term.

At the moment, most of the data that circulates on the Internet comes from human beings. In order for a news story, a research article, or a photo to find its way onto the web, someone has to create that content and upload it. To make a piece of data available on the Internet, by and large a person has to collect that data, then enter it into a computer. The IoT would allow countless devices, objects and even living beings—people, plants and animals—to be connected and provide accessible data in real time without the need for a human intermediary.

Imagine you own a dairy farm. You currently monitor the health of your cows by observing them and if you feel there is problem, by making certain tests. Now imagine if each cow

had a medical implant wirelessly connected to the Internet. You could consult, in real time on your mobile phone, any number of vital signs for each cow in your herd over the life of each animal. Each component in your car could report its own status, allowing you to make repairs before any real harm is done. Or imagine an implant monitoring your blood-sugar levels and informing you when you actually need a dose of insulin, as well as the size of the dose. Or a chip warning you that the blood markers of an imminent heart attack are present before you notice any symptoms. Smart home devices already on the market are just the tip of this technological iceberg and its potential.

For municipal officials, the IoT translates into “smart cities” where countless data points generated by citizens, sensors and assets allow you to monitor traffic and parking, water, wastewater, storm water, bus and rail stops, etc. This would also allow municipalities to make adjustments, or allow systems to make adjustments on their own, as needed. There are currently pilot projects across the country testing Smart City implementation and how to make use of the data that will flow from 5G to increase the efficiency and effectiveness of services and to respond to emerging needs.

Transportation and computer industry experts suggest the 5G deployments may also be crucial to the eventual use of autonomous vehicles or semi-autonomous driving. New pilot projects on provincial highways are exploring this possibility now.

In short, 5G opens the door to giving more and more things an IP address and connecting them to the Internet using some sort of sensor, allowing them to communicate with us and with each other, without the need for human interaction. This technology will bring new commercial opportunities, new services to residents, and open the door to innovation in the way municipal services are provided and managed.

How does 5G work?

In order to deliver on its promise to connect millions of densely packed devices and sensors, 5G relies on new technical standards as well as new infrastructure.

Without getting into too many technical details, 5G standards rely on a few key changes to achieve the new network’s full potential:

- ▶ **Greater bandwidth:** the ability to flow more data faster.
- ▶ **A different band of the radio spectrum:** different frequencies from current 4G networks.
- ▶ **Reduced latency:** the time it takes a device to connect to the network (measured in milliseconds).
- ▶ **Full duplex capabilities:** the ability to transmit and receive at the same time, instead of doing one, then the other, sequentially.
- ▶ **The ability to “speak” to large numbers of devices at the same time,** instead of switching very quickly between devices as is currently the case.

Of central importance to municipal officials is the fact that these new standards cannot be delivered with existing 4G wireless infrastructure. The larger antennas now found in most neighbourhoods do not operate in the right frequency range. 5G will therefore require an entirely new network of its own, gradually replacing existing mobile networks. The most significant change within the municipal realm is the advent of small cell installations. Although this equipment is relatively small, its range is also limited.

A study by Accenture estimates that achieving the full deployment of 5G in Canada will require the installation of somewhere in the order of 275,000 of these devices and, as you might expect, carriers will want to install these on any number of public assets. Developing business processes and technical parameters for the installation of thousands of these devices within your jurisdiction poses a challenge for municipalities and carriers alike.

The deployment of 5G networks will also require a number of new cell towers (“macro towers”), but the extent of that deployment is not known at this time, nor whether existing sites can accommodate these structures.

What are small cells?

Small cells are low-powered antennas (or “wireless base stations”, to use industry language) that function like cells in existing mobile wireless networks, typically covering targeted indoor or localized outdoor areas. It is essential to remember that “wireless” communications are only wireless for the end user. Small cells rely on a number of physical connections to function. In order for the data to flow into or from the Internet, each small cell antenna must be hard-wired into the carrier’s underground fibre-optic network. Each antenna is also accompanied by various support or control equipment and requires its own power source. Therefore a fiber optic cable conduit and a power supply conduit might need to be constructed where the cables are located underground.

There are various types of small cells: their size, shape, weight, the way in which they are attached as well as their individual ranges all vary. The smallest are for indoor use, operating on power levels similar to Wi-Fi routers. The largest are for outdoor use and typically consist of a small equipment cabinet (pedestal) and antennas. The antennas are small, mostly smaller than a briefcase, while the pedestals can be as large as fridge-sized cabinets. The larger small cells are often located on existing assets like traffic lights, street lights, crosswalk arms, power utility poles and buildings. Some can be incorporated

into LRT or subway platforms, bus shelters, or placed underground, while others are installed in municipal buildings (city hall, libraries, arenas, recreation centres, police and fire stations, etc.).

Unlike traditional cellular equipment, which is placed high up on single cell towers or buildings, small cell technology requires the density of multiple equipment installations clustered closely together, located in proximity to the end user and closer to the ground. While technical needs will vary according to the location and specific device used, providing full 5G coverage

can require small cells as close to each other as every 250 metres. For these reasons, coupled with the high cost of installing dedicated monopoles and the resulting public discontent that sometimes occurs in residential neighbourhoods due to tower proliferation, by installing small cells on existing municipal infrastructure, carriers can also reduce their costs. The collection of photographs at *Appendix A* provides you with a good overview of the variety of small cell installations that are commonly found.

How is the deployment of small cells regulated in Canada?

An evolving landscape

Having a basic understanding of how federal regulations are structured is important for municipal officials dealing with telecommunications issues. This section sets out the fundamentals of these rules. However, the legislative and regulatory landscape for small cells in Canada is currently the subject of two in-depth reviews that could bring about significant changes to this framework.

The first review was undertaken by the federal government. It appointed the *Broadcasting and Telecommunications Legislative Review Panel* to recommend revisions to the statutes that govern all aspects of communications in Canada. The Panel examined issues such as telecommunications, Canadian content creation, net neutrality, cultural diversity, and how to strengthen Canadian media. Of significance to municipalities, the Panel reviewed the governance framework for antennas and the issue of access to municipal infrastructure for network deployment.

The Panel issued its final report in January 2020 ([Full Text](#)). A number of recommendations (namely 22, and 34 to 37) involve municipalities directly. The Panel proposes transferring jurisdiction over antenna siting—including small cells for 5G—from ISED to the CRTC. The Panel further recommends that the right of access that carriers currently enjoy within the right-of-way be extended to encompass all potential support structures. These structures are referred to as “passive infrastructure”, terminology that inaccurately portrays the functionality of a municipality’s assets.

Although this is not stated explicitly, there seems to be an assumption on the part of the Panel that municipal consent will be required as per existing requirements under the *Telecommunications Act*—but the ability to refuse access to municipal assets outright would be lost if the Panel’s recommendations are adopted. Other recommendations, and several segments of the Panel’s “rationale”, on the other hand, are supportive of the municipal role and perspective as guardians of the right-of-way.

A summary of FCM’s submission to the Panel is set out at *Appendix C*. At the time of publication, FCM was in the process of determining its official response to the recommendations. The federal government was also still studying the report. FCM will remain engaged in this issue and will update this guide as required.

In a parallel proceeding, the CRTC has embarked on a national consultation regarding the future of wireless services in Canada ([Telecom Notice 2019-57](#)). FCM is also actively engaged in representing the municipal sector in this process during which access to municipal infrastructure has become an important theme. The consultation phase of this process is expected to wrap up in March 2020 with no definite timeline for a decision from the CRTC. (To access copies of FCM’s submissions to the CRTC, follow the links in *Appendix C*.)

In the meantime, please consider the present guide as a living document, which will grow alongside the legislative and regulatory landscape as it evolves.

The current legislative backdrop

All matters pertaining to interprovincial communications fall under federal jurisdiction. As it stands, the federal framework relating to telecommunications in Canada is set out in three key statutes:

- ▶ **Telecommunications Act:** The oldest of the statutes, this Act was initially meant to regulate telegraphs. Today, the Act essentially covers all modes of communication that involve a cable or wire. Significantly for municipalities, this Act gives carriers (the word used to designate telecommunications service providers) a right to use municipal ROWs to install, maintain and operate telecommunications infrastructure, subject to municipal consent. The Act is administered by the Canadian Radio-television and Telecommunications Commission (CRTC).
- ▶ **Radiocommunication Act:** This statute deals with the technical aspects of communications through transmitted signals: radio, television, cell phones, and the emerging 5G technology. The statute is administered by Industry, Science and Economic Development Canada (ISED), formerly known as Industry Canada. The placement of any towers for transmission antennas, for any consumer or commercial application, must be approved by ISED and the approval process is set out in the Antenna Tower Siting Procedure. Contrary to the *Telecommunications Act*, carriers do not enjoy any rights of access to install

transmission antennas, including small cells, and must negotiate access on a case-by-case basis.

- ▶ **Broadcasting Act:** Much less relevant to the municipal sector, this statute deals with the management of frequencies, sets out policies regarding such things as Canadian content, and establishes the CBC/Radio-Canada. Most matters under this Act are administered by the CRTC.

When these laws were put in place, telling “telecommunications” and “radiocommunications” apart was simple: a telephone relied on a wire, while watching television or listening to the radio depended on your proximity to an antenna. However, as we all know from our daily lives, this dividing line has become blurred more than ever. Technically, our telephones now rely on transmission antennas, not cables, to function. And we consume most of our content through means, such as fibre-optic cables, that do not involve traditional broadcasters or antennas. We also tend to purchase all our communications services from a single carrier. These dramatic changes are undoubtedly why legislative and regulatory reviews are underway.

For municipal officials, understanding the different set of rules, and how they are applied, is essential to develop bylaws, agreements and practices that protect their municipality’s interests while ensuring the latest telecommunications services are available to businesses and residents. Being well versed in how these rules interact will take on even greater importance with the impending deployment of 5G technology.

Wires, cables, and municipal rights of way

If you have limited experience with the carriers operating within your ROW, understanding the rules regarding wireline infrastructure (such as fibre-optic cables) is important in the 5G context since—as we have seen—each small cell antenna has to be connected to the carrier’s wire network, typically located within the ROW—usually underground.

When it enacted the *Telecommunications Act*, Parliament did two things. First, it used its jurisdiction to grant carriers a right to access municipal ROW and “other public places” to deploy their networks. Second, Parliament also expressly curtailed the carriers’ rights. Under the Act, carriers can only access ROW and other public places with the consent of the municipality. Municipalities are prevented from refusing access to carriers, but they can dictate reasonable terms of access to their ROW through the conditions of their consent.

The conditions you set and the actual tool you decide to use to grant your municipality’s “consent” to a carrier’s work depends on your municipality’s circumstances. FCM’s updated handbook *Telecommunications and Rights-of-Way* explores in great detail the best practices that have developed over the last two decades in this field. The Small Cell Guide builds on that expertise, but only provides a cursory overview. You are therefore invited to consult the telecommunications handbook if you are not familiar with this topic.

In essence, there are three options available to you to grant consent for work within the ROW (or in other public places):

- ▶ **Ad hoc or individual permits:** If you only receive the occasional request from a carrier to perform work within your municipality’s ROW (typical in less densely-populated areas), you might decide to deal with the occasional request from a carrier through ad hoc or individual permits, attaching specific conditions to each permit. Individual agreements can also be used if the carrier is seeking access to public property, other than a ROW, that has unique characteristics such as a park.
- ▶ **Municipal access agreements:** The most widely used way of granting blanket consent and setting the terms of access to municipal ROWs is through the negotiation of a mutually-acceptable, comprehensive Municipal Access Agreement (or MAA). MAAs typically cover a host of issues to protect local taxpayers by ensuring direct and indirect costs are not transferred to the municipality (e.g. reinstatement costs, pavement degradation, relocation for municipal works, liabilities, etc.). Please note that site-specific access agreements are also used when dealing with unique properties or assets.
- ▶ **Municipal access bylaws:** The Telecommunications Act does not set out the form that municipal consent must take. Theoretically, therefore, consent and terms of access can take the form of a bylaw. A handful of municipalities have opted for this approach and, in some cases, the bylaws have worked well for some time. However, in other municipalities, the carriers have reacted by challenging the bylaws in

court. At the time of publication, cases involving Calgary, Alberta and Gatineau, Quebec are proceeding through the courts so the judicial response to this approach— the definitive interpretation of the word “consent” under the Telecommunications Act— is still unknown.

Regardless of the method used to grant municipal consent, both parties, the municipality as well as the carrier, can turn to the CRTC to resolve disagreements regarding the conditions of access to municipal ROWs. The CRTC has the authority to dictate the specific terms of carrier’s access and their decisions can be appealed to the Federal Court of Appeal, with the Court’s permission.

One of the central elements of the CRTC’s approach has been the principle of cost-neutrality. Under this principle, the CRTC has clearly set out how municipalities can recover all cost elements attributable to the work and presence of telecommunications infrastructure within the ROW. The only cost element the CRTC has consistently rejected is an occupancy fee. Municipalities are not allowed to charge occupancy fees or rent to carriers for the space (even if they do so for other ROW users).

Transmission antennas: towers and small cells

The legal framework for antennas is completely different and is set out under the *Radiocommunication Act*. Contrary to wires and cables, carriers do not have any rights to access property for the purposes of installing transmission antennas. Carriers must negotiate on an equal footing with the owners of the assets where they wish to install an antenna. Typically, carriers purchase or lease the land to install large towers or, if they wish to attach a smaller antenna to an existing structure (rooftop, building wall, utility pole, etc.), they negotiate an occupancy agreement with the owner, which usually includes some form of rent. Of course, any owner is free to refuse.

Once they have secured a location for an antenna, carriers must apply to Innovation, Science and Economic Development Canada (ISED) for technical approval. ISED will assess each application based on the Antenna Systems Procedure ([Client Procedures Circular CPC-2-0-03](#)). For stand-alone tower structures, regardless of height, the procedure provides for formal consultations with the municipality as the local land-use planning authority. However, 5G small cell installations on existing structures (towers and non-tower structures such as a building or power pole) are excluded from this requirement as long as the height of the structure is not increased by more than 25 percent.

In practical terms, this means that if the power poles are owned by the provincial utility in your jurisdiction, a carrier could enter into an agreement to install 5G small cell antennas on these poles and not even have to notify your municipality (even if the small cell is added at the top of the pole, as long as the addition is less than 25% of the existing height). When the carrier undertakes work within the ROW to connect these antennas to their fibre network, they might approach you for a permit for that part of the process. However, a number of municipalities, even those with comprehensive MAAs in place, are reporting the installation of 5G small cell antennas without their knowledge. Even if they are affixed to someone else’s asset—like a power pole—if the antenna is located within the ROW space, it could raise issues of interest to the municipality such as safety concerns for the public and municipal workers. These aspects will be explored in the *Key considerations and emerging best practices* section of this guide.

5G deployment: where wirelines and antennas meet

As explained earlier in this guide, to provide connectivity, 5G networks rely on large numbers of small, short-range antennas. To properly cover a large urban area, several hundred antennas (if not thousands) must be installed throughout the service area. These might be “wireless” as far as the end user is concerned, but for the technology to function, each small cell antenna requires a power source and must usually be physically connected, by a cable, to the rest of the carrier’s Internet network.

What this combination means is that 5G deployment simultaneously engages both sets of rules—the antenna regulations and the wireline regulations—and it does so on a very

large scale. From a legal and a practical ROW point of view, the deployment of 5G networks potentially engages your municipality in at least six different ways:

1. **Municipality as an asset owner:** Carriers must obtain the consent of any property owner in order to place an antenna. Therefore, if a carrier wishes to install an antenna on a municipal asset, it cannot proceed without the full agreement of the municipality. Conditions of access to a supporting structure for each small cell antenna (traffic light, bus shelter, light standard, hydro pole, etc.) will have to be negotiated between the carrier and the owner of the structure. As we will explore further below, conditions typically include assigning liability, accessing a power source, maintenance, occupancy fees, worker safety, etc. In negotiating access, a municipality should feel free to impose any reasonable conditions to safeguard its interests. Like other private property owners, municipalities typically receive rent from carriers for any antennas installed on their property.

2. Municipality as the ROW owner/custodian: Each small cell will have to be connected to the 5G network through cables to transmit the data captured by the small cells or to deliver data to the wireless users and devices. This wire connection component of a carrier's 5G network will likely be located within your ROW and could require the installation of pedestals or cabinets at grade. As per the rules applicable to wire-line infrastructure, carriers have a right to use the ROW space for these installations but, as we have seen, this right is subject to the terms of your municipality's consent. Disagreements on the terms of access can be brought to the CRTC by either party for resolution.

3. Municipality as land use planning authority: In 2014, the FCM was successful in advocating for regulatory amendments to the federal government's Antenna Siting Procedure that previously exempted smaller supporting structures (notably towers under 15 metres in height) from the public consultation requirements. The updated federal procedure requires consultation with the municipality and the public for all tower installations, regardless of height. In the 5G context, in the absence of a readily-available supporting structure, carriers might ask to place their own dedicated poles (or "monopoles," in 5G parlance—see *Appendix A* for images) within the ROW or elsewhere, to support a small cell antenna. Officially, the request to install a supporting structure would trigger the formal public consultation requirements with the land use planning authority, set out in ISED's procedure. Practically, since the carrier would have to seek permission from the municipality as the owner of the land on which the monopole is to be installed, both processes would likely unfold simultaneously.

Installations to existing towers or other existing structures such as power poles or buildings do not trigger the formal consultation requirement set out in CPC-2-0-03 unless the installation would result in an increase in height, of the existing structure, of more than 25 percent. A grey zone exists with respect to pre-emptive pole replacements by utilities. If a utility were to replace a pole with a much taller one, and then add antennas to it, it would likely fall outside the consultation requirements.

(Please note that, in addition to the changes to the federal framework, FCM negotiated a comprehensive Antenna System Siting Protocol Template with the Canadian Wireless Telecommunications Association. This template is not mandatory and has no legal force unless it is used by a municipality and a carrier to enter into an agreement that complements the federal consultation requirements and reflects local considerations.)

-
- 4. Municipality as building code enforcement authority:** If a carrier wishes to attach a transmission antenna to an existing privately-owned building or structure, municipalities should feel free to require a building permit application if they have any concerns regarding the effects of the installation on the structure. The rationale for this requirement is the same as for any other change to an existing structure and FCM is of the view that this approach is legally and constitutionally sound.
-
- 5. Municipality as utility:** Each small cell installation requires a dedicated power supply (although battery back-ups are being reviewed by some manufacturers). If your municipality also owns the local power utility, or acts as the utility itself, it will also have to consider the technical requirements for these power connections, as well as determine how to metre and bill for each antenna's electricity usage. There is no expectation that the utility will simply allow carriers to plug in to their power source and use electricity without paying for it. Some municipalities have calculated an annual rate for non-metered power connections as the power utility, or with the agreement of the power provider.
-
- 6. Municipality as legislator:** Municipalities also enjoy a number of lawmaking powers through the adoption of bylaws. However, municipal officials should keep in mind that, in the context of telecommunications, these powers are greatly limited by the federal government's exclusive jurisdiction in this field. As the Supreme Court of Canada's decision in *Rogers Communications Inc. v. Châteauguay (City)*, ([2016 SCC 23](#)) clearly sets out, municipalities cannot use their powers to establish mandatory rules regarding antenna placement. A bylaw establishing a minimum separation distance between a dwelling and a small cell, for example, would be unconstitutional.

Key considerations and emerging best practices

As with any change of this magnitude, it is difficult to anticipate all the legal and operational issues that will arise. Looking back to the impacts of the deregulation of the telecommunications industry in 1993—and the immediacy with which issues arose on the ground—we know that such changes can create significant challenges for individual municipalities and for the municipal sector as a whole.

FCM's goal through this guide and the ongoing work of the Technical Committee, particularly its Small Cell Working Group, is to support information sharing and the development of best practices with respect to 5G technology, and to do so as proactively as possible. Although 5G deployment is barely starting in Canada, we already know from Canadian municipalities at the forefront of this work and from experience elsewhere, that there are certain steps municipalities can take right away in order to protect municipal interests while make the deployment of 5G networks on their territory as smooth as possible.

GETTING STARTED Administrative and stakeholder considerations

Internal engagement: Depending on your municipality's size and its approach and experience in processing applications from carriers for traditional ROW work, your internal structures and/or resources may or may not be adequate to deal with 5G issues comprehensively. In some municipalities, the division of responsibilities between various administrative units (engineering, public works, water, legal, transit, etc.) might not lend itself to handling the various aspects of 5G deployment naturally. There might not even be any obvious coordination point for this work.

Coming together internally to figure out the basic “who does what,” including designating a 5G function within your structure, is often a necessary and worthwhile first step, even before the carriers come knocking. Some municipalities have used the opportunity to coordinate or centralize the technical 5G work with initiatives such as smart-city opportunities and connectivity strategic plans for their communities.

Engaging carriers: Being able to anticipate and plan for the arrival of 5G with the carriers is certainly the preferred approach. This might be a slightly utopian objective as deployment is largely market-driven, with carriers going first where they can make the most money. This can make it challenging to obtain detailed plans in advance. Carriers want to protect their competitive advantages and may be reluctant to share too much information. Furthermore, experience has shown that plans can change suddenly as carriers review their commercial priorities. Nonetheless, engaging carriers as early as possible remains a preferred approach.

Obtaining information on planned service areas, deployment timelines, preferred support structures, the types of small cells that will likely be used, the requirements for power and cable connections, etc., will allow you to assess what measures are required to ensure that the framework is in place to manage the arrival of 5G technology in your municipality.

Conversely, regular meetings with carriers will allow you to test out ideas on how your municipality is proposing to deal with these issues. For example, experience has shown that carriers can have difficulty understanding how power connections and fibre-optic feeds can be best installed to avoid safety risks and planning concerns. A healthy dialogue is often the most efficient way of resolving these issues.

Lastly, a proactive approach is also helpful in developing a healthy collaborative relationship with carriers for the long term. By and large, municipalities at the forefront of 5G deployment in Canada have reported good success with most carriers in jointly developing the parameters for a successful 5G introduction on their territory.

Business processes: The information gathered in the first two steps above will assist you in adapting or developing business processes and corresponding staffing needs to manage the influx of 5G small cell installation requests. Municipalities are free to develop and use whatever process is convenient and logical in their jurisdiction but, at this point in time, it seems that the type of installation has been guiding the comprehensiveness of permitting process used:

A. Attachment to an asset owned by a third party (like a power pole) within the ROW:

In these cases, the relationship is mainly between the carrier and the third-party owner. The power supply may or may not involve municipal interests while the wire connection might only require minor work within the ROW. In such cases, the governing ROW processes might be sufficient, along with a new “notification” requirement that allows you to know that there is a small cell at this location, the type and strength of the device, etc. This information would be useful to ensure a complete shutdown of the antenna if municipal employees must work in close proximity (more on this in the *Technical and engineering considerations* below). Some municipalities are going a bit further and treating the presence of this type of small cell installation within the ROW under their general ROW occupancy bylaws and requesting an occupancy fee for the small cell as well as an indemnity agreement with the carrier for civil liability and the cost of any future relocation at the municipality’s request.

- B. Attachments to private property outside the ROW:** In such cases, you might consider that being notified is sufficient, depending on how much work needs to take place within the ROW to connect the antenna to the carrier's wireline network.
- C. Attachments to municipally-owned assets:** In these cases, municipalities are generally requiring a full permit application process to make sure that municipal interests are protected, both as the asset owner and as the manager of the space. The complexity of the process will depend on whether the installation type has already been reviewed for technical and engineering purposes. If the application is for the same type of small cell antenna on the same type of municipal asset, for example, application processes are typically simplified and bulk applications are often considered. Applications for new antenna-asset combinations, on the other hand, typically require a closer examination (see *Technical and engineering considerations*).
- D. In-building installations:** Requests for small cell installations inside municipal buildings are not frequent yet but will be coming. These will obviously require individual consideration as each building will present different challenges. However, a standard set of conditions can be developed in advance to govern general legal and operational issues associated with the presence of the antenna within a municipal building.

As with most approval processes, in developing any 5G-specific business process, you can set out the different goals that you wish to achieve: data collection on 5G infrastructure in your municipality, cost-recovery, protection for potential liabilities, public consultation or notification, etc.

- E. Pilot projects and soft launches:** In the Canadian municipalities where 5G deployment has progressed the most, municipal official and carriers have tended to work together in order to proceed incrementally and learn and develop best practices collectively. This has been achieved through limited pilot projects (installing a few small cells in different environments to identify practical issues that need to be resolved) or through soft launches of comprehensive business processes. In these cases, a permitting process and basic legal framework are put in place, a number of installations take place, and the lessons learned from this initial phase are used to inform the final versions of the permit process and master agreement between the carriers and the municipality.

Technical and engineering considerations

Civil or structural engineering: In many cases, attaching a small cell antenna to an existing asset will require a review by a civil engineer. Some poles might quite readily accommodate the added weight of the antenna, its control box and its power supply. But the added wind load on the pole (depending on the location of the device, its shape, and size) can become a problem that needs to be addressed through modifications to the pole or an outright replacement with a stronger structure. The great variety of small cell devices, multiplied with the various types of assets to which a carrier might want to attach an antenna, will mean that each antenna-structure configuration will need to be assessed to ensure public safety. On the positive side, once this work is done for a specific antenna-structure combination, approvals can proceed much more quickly, streamlining business processes over time. To that end, some municipalities are creating tables of each type of antenna coupled with each type of support structure with carriers and integrating them into their legal agreements.

Electrical engineering and power supply: How each small cell is powered is an important consideration in establishing approval parameters in your jurisdiction. This aspect will have to be examined closely as carriers often assume that a power source is readily available when, in fact, it is not. For example, in many municipalities, street lights are not powered at all during the day, requiring significant reconfiguration of lighting circuits in order to provide the 24-hour power required for the operation of the small cells. Provincial electrical codes also vary, which

means that a solution in one location might not work in another province. Lastly, metering power usage is an important part in ensuring full cost-recovery for taxpayers. Emerging practices currently vary according to the location and type of small cell, from individual smart meters attached to each cell, to a flat fee per cell negotiated with the local utility.

How an electrical feed is introduced in the pole is also another issue of contention. Where an external power feed is needed to feed a small cell antenna on an existing pole, the underground feed from the meter or the pedestal may be required, but supplying that feed through the existing streetlight's base can be problematic. Some carriers and municipalities have agreed to a shroud to cover the external cable routing on the outside of the base to the bottom of the pole itself, but it has been found to either be aesthetically undesirable or the shroud gets deformed or broken by snow clearing or by pedestrian traffic. A better practice is to allow for conduit paths in new streetlight bases/poles to allow an eventual power and/or fibre-optic feed through the base into the pole.

Access to municipal assets: In some municipalities, once the installation request has been reviewed, the carrier will be allowed to simply proceed with the work, from installing the small cell to connecting it to its power supply and to the underground fibre network. However, in other municipalities, work on municipal assets such as traffic lights and street lights can only be performed by municipal employees because of collective agreements. In some cases, this restriction might not apply to the installation of the antenna itself, as it is owned by the carrier. But the connection to the power supply within a pole might have to be done by

municipal workers. In other jurisdictions, work on municipal assets can only be performed by designated contractors. These are important considerations that will have to be examined in your own context.

It is worth noting that some municipalities have opted, with the concurrence of carriers, to undertake the work of connecting the antenna to a designated location where the carrier brings its fibre-optic. In other words, the carrier installs the antenna but the municipality does the rest of the work on (or inside) the pole. This includes hooking up the power supply and the fibre-optic cable to a designated and municipally-provided junction cabinet at grade, where the carrier then connects the antenna to its underground network. This ensures that any work affecting the integrity of the municipal asset is directly under municipal control. Furthermore, by providing common cabinets for all 5G antennas, the goal is to limit proliferation of at-grade infrastructure.

Abandoned assets: 5G will only increase demand for congested spaces. Ensuring that carriers remove infrastructure that is no longer useful will be important in many locations. By and large, carriers resist incurring these costs however, municipalities might have to become more demanding on this point as time goes on to ensure that the space available is used efficiently.

Density and antenna-sharing: The concern of demand for 5G locations outstripping the supply, particularly in dense urban areas, has been identified openly by some carriers. Municipalities should also bear this in mind as they move forward with 5G approvals. If five different carriers each want to install their own 5G small cell networks, will there be enough room on available structures? Will the resulting visual clutter be

tolerated by officials or residents? This is still an unknown variable, but an important one to keep in mind.

Shutdown and employee/contractor safety:

Municipal employees might need to work in close proximity to small cells (to install street signage, decorative banners, or flowerpots, for example), while those working on streetlight luminaires would have to pass the cells' radiation zone. First responders arriving at the scene of an accident where a pole has been knocked down and a small cell is lying on the roadway will be placed in a similar situation of being in close proximity to the radiation emitted by the small cell. While some provincial safety associations and industry groups are examining the potential impacts of this kind of deployment, mechanisms and protocols to ensure the complete shutoff of individual small cells in such circumstances should form part of any technical parameters developed with the carriers.

Interference with existing wireless assets:

There is a small risk that 5G small cells might interfere with existing wireless infrastructure. For example, if your municipality already uses wireless devices to control traffic flows or street lights, advanced testing of the carriers' preferred antenna models would be a worthwhile exercise to avoid any surprises.

Ground-mounted installations: On this point, it is sufficient to remember that all small cells have to be connected to a carrier's fibre network in order to function. How this is managed at grade is another logistical challenge, particularly in congested urban areas. Municipalities will likely want to ensure some level of coordination—or control—to avoid the proliferation of cabinets at grade.

Financial considerations

Cost recovery: With respect to traditional telecommunications infrastructure within the ROW, the CRTC has long supported full recovery of “causal costs”—cost elements associated with the work and presence of telecommunications infrastructure. Municipalities have been approaching the deployment of 5G technology with the same principle in mind: ensuring that the taxpayer is made whole. Municipalities have been identifying direct costs such as engineering studies, electricity supply and workforce time, and billing them back to carriers. This seems to be the accepted best practice in Canada for the moment, a practice based in the sound public policy principle that taxpayers should not be subsidizing the for-profit ventures of the carriers.

Permit fees: Municipal law parameters are well-established when it comes to what a municipality can charge to process permit applications. These fees must bear a direct relationship to the service provided. To charge less than the cost of processing permit applications would be problematic as carriers would be treated differently from other utilities that provide services that are also of vital importance locally and nationally. It would also amount to a *de facto* subsidy to carriers that could be challenged by others.

Occupancy fees: Although the CRTC has long held that municipalities cannot charge occupancy fees or rent for the use of the ROW space by telecommunications equipment, with respect to antennas, carriers have to negotiate access to the supporting structure and typically pay rent to the owner of that structure. This is certainly the case for current 4G antennas found on many buildings. In places where initial 5G installations

and testing has begun, agreements with carriers do include occupancy fees or rent for access to the municipality’s structure. These typically include a fixed annual fee for the location as well as a per-meter annual fee for the underground conduits where these are provided by the municipality. In some cases, in-kind contributions are also being considered, such as free access within municipal buildings, as part of the fees package.

Lastly, municipal officials should also keep in mind any developments with respect to access to hydro poles in their jurisdiction. Even in Ontario, where the Ontario Energy Board (OEB) has set a tariff for wireline attachments on hydro poles, the OEB declined to regulate fees for small cells. Carriers must therefore pay market rates for these attachments. These developments can have an effect on municipalities’ bargaining position.

Public opinion considerations

Health concerns: Health Canada ensures that 5G installations comply with all existing safety regulations, including Safety Code 6 (SC6), which determines exposure limits for wireless devices and their associated infrastructure. Canada’s limits are consistent with the science-based standards used in other countries. Large safety margins have been incorporated into these limits to provide a significant level of protection for the general public and personnel working near radio frequency sources. ISED’s regulatory framework, including market surveillance and compliance audits, provides safeguards to protect Canadians against overexposure from wireless devices and antenna installations.

To this effect, ISED requires that all wireless equipment sold in Canada, including consumer devices such as cell phones, tablets and Wi-Fi routers comply with SC6. Carriers are obligated to comply with these regulations. In cases where residents express concern about this technology and health risks, carriers and Health Canada should be equipped to address the issue.

Planning concerns: Proper municipal oversight should help address the most obvious planning concerns such as sight lines and the effective management of the public realm by avoiding duplication, ensuring proper positioning, etc. However, clusters of small cells can be visually unappealing and create unique safety concerns. They can, in particular, detract from the qualities and integrity of areas such as historical or heritage districts as well as some planned urban environments. Products and techniques are available to camouflage and mask antennas, and municipalities can also facilitate placement in less visible locations.

Framework and legal considerations

Reviewing your Municipal Access Agreement:

The current dual governance structure, coupled with the relatively low number of antennas required for traditional cell phone technology, means that wireless connections are not often addressed explicitly in traditional MAAs. You should review any agreements in place to determine whether they capture items such as power feeds and fiber optic connections to the small cell attachments from a vault or pedestal. For example, what is the definition of “works” or similar word in your agreement? What is its scope? Obtaining legal advice on this point in advance is recommended as it will allow you to know what position to take in future negotiations. You might consider proposing changes to your MAAs to explicitly cover any unique elements flowing from 5G deployment.

Prepare to negotiate a lease for supporting structures:

If a carrier has identified municipal assets (light poles, traffic lights, transit shelters, etc.) as one of its preferred options to install small cell antennas, it has to negotiate with the municipality and come to an agreement. As asset owners, municipalities have the right to refuse access. In this light, municipalities would do well to give some thought to their needs in this regard beforehand. For example, are there locations or asset types for which your municipality is not prepared to grant access? There is currently no preferred model to govern access to municipal infrastructure, but basic parameters will undoubtedly evolve over time.

Combining legal agreements: You may find this more efficient, instead of entering into two distinct agreements to negotiate a comprehensive document to manage 5G deployments alongside traditional telecommunications infrastructure in your municipality. There is certainly nothing preventing a municipality from proceeding this way. However, it is worth repeating the fundamental point that antennas and their connecting infrastructure are subject to two different sets of rules. Municipalities can refuse antennas on their property, but they cannot refuse the installation of equipment required to connect antennas located on other assets. Municipalities cannot charge occupancy fees for the connecting cables and other equipment installed within the ROW, but they can charge market value for an antenna located on their assets.

Some municipalities have been misinformed by carriers into believing that small cells deployment is already covered in MAA's and that, as a result, carriers enjoy the same conditional right of access for antennas as they do for their cables, etc. This is not the case.

Prepare for litigation: While FCM's goal is to be a constructive partner in the deployment of 5G technology, there will inevitably be a few cases where it will be necessary to turn to regulatory bodies or the Courts to clarify jurisdictional grey zones. FCM, through its Legal Defense Fund, can intervene in key cases. However, experience in the telecommunications realm over the last 25 years has clearly shown that, in order to help regulators and the courts gain a better understanding of municipal needs, the presentation of strong, objective evidence, collected by individual municipalities, is crucial. By preparing reliable data on contentious legal and operational issues, individual municipalities will be able to demonstrate the legitimacy of their arguments and positions, not just for themselves but also for the municipal sector as a whole.

The future

There is still a fair amount of uncertainty with respect to how both the legislative framework and the range of technical challenges for 5G deployment will be managed. How will the federal government respond to the Report of the Broadcasting and Telecommunications Legislative Review Panel? If the Panel's recommended changes to the regulatory framework for antennas and wireline infrastructure are adopted, this would certainly upend existing practices. Changes of that magnitude would not only take time to make their way through Parliament, they would also generate inevitable legal questions that might require final determination by the courts.

From a technical point of view, the review of mobile wireless services undertaken by the CRTC in Telecom Notice 2019-57 is another source of uncertainty. As part of this process, some carriers have urged the CRTC to adopt an expansive interpretation of its authority in order to take over the authority over small cells antennas. Others argue that the CRTC should impose measures similar to those enacted by the Federal Communications Commission in the United States: time limits for municipalities to process 5G applications, fee caps, etc.

In its various submissions (see Appendix C for the complete documents), FCM has argued strenuously that the CRTC does not have the same authority as the FCC, and that the conditions in the U.S. that led to the imposition of measures simply do not exist in Canada. FCM's central position is that, in fact, the real impediments to timely and efficient deployment of 5G are technical—not legal—and the focus of all stakeholders' efforts should be on coming together to define and resolve these issues of common interest.

To that end, FCM has supported the proposals made by certain carriers who have opted for a more collaborative tone. For example, a proposal for the creation of a national 5G working group to work through common technical issues with municipalities and other stakeholders holds tremendous potential to make sure 5G deployment is done properly. Another suggestion from a number of stakeholders was the need for a faster dispute-resolution process to facilitate 5G implementation, an idea also endorsed by FCM.

During FCM's presentation at the CRTC hearings, the Commission seemed to express a good level of interest in this collaborative approach. The CRTC also seemed receptive to the various

examples provided by FCM with respect to the nature of the challenges on the ground—congestion, power supply to small cells, backhaul connections, etc—and the fact that these challenges require a technical solution, not a regulatory one. The CRTC's process is expected to wrap-up at the end of March 2020 with a final round of written submissions but a timeline on the publication of the CRTC's preferred approach was not known at the time of publication.

In short, municipal officials should continue to monitor closely developments on these fronts, as well as FCM communications on these issues.

APPENDIX A: **Photos**



Example 1 of 13-metre tall streetlight antenna pole with connection cabinet at grade



Close-up of connection cabinet



Example 2 of 13-metre tall streetlight antenna pole with cabinet.



Close-up of connection cabinet



Small cell attachments to decorative street lights
(the white vertical element is the light)



Small cell attachments to decorative street lights
(the white vertical element is the light)

APPENDIX B: The U.S. context

The deployment of 5G is a bit more advanced in the U.S., so there is more collective experience from which to learn. However, it should be noted that the unique political dynamics at play in the US also affect the scope of municipal authority with the FCC and several states specifically curtailing local ability to manage 5G installations.

Recent U.S. federal and state legislation (presently in 21 states) concerning the deployment of small cell technology may prevent cities from addressing aesthetic or safety concerns, and severely limits what cities may charge for private sector use of public streets as well as imposing new unfunded mandates on municipalities in the form of radically shortened application timelines.

The following areas have been the focus for legislative interest in the U.S.:

- ▶ Streamlining processing times for applications and permits.
- ▶ Capping and lowering collocation, application, and ROW fees.
- ▶ Limiting municipalities' design aesthetics jurisdictions.
- ▶ Limiting municipalities' control over denying applications for reasons other than required by legislation.

The Federal Communications Commission (FCC), the U.S. regulator, believes that municipal governments are overcharging wireless carriers to access public ROW. As an example of recent action, the FCC issued a Notice of Proposed Rulemaking (NPRM) on the topic of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

This NPRM suggests stripping local governments of siting authority by significantly shortening permitting "shot clocks" and eliminating cities' ability to temporarily freeze complicated siting applications. It also limits annual lease rates to \$270 per small cell, significantly lower than the present market rate in most communities. The RVA LLC/Next Century Cities found that among municipal governments surveyed, the average annual lease rate was US\$1,438 per attachment and the median annual lease rate per pole was US\$1,200.

Interestingly, the RVA LLC/Next Century Cities report also found that municipalities are indeed concerned about maintaining local control and input. For example, over half of respondents (59% of 176 surveys returned) reported being greatly concerned about state laws and 52% are concerned about federal regulations that are passed without municipal input. A full 84% of respondents believe that state laws presently under consideration related to pole use for small cells will have negative impacts for their community.

In the U.S., market value rates are being calculated by comparison for fees charged for installation of a monopole or lattice tower on municipal ROW or titled lands. For example, based on the current rates for monopoles—which can be anywhere from US \$20,000 to US\$27,000 per year—with the standard range of 1.3 km and the stated range of various wireless units of about 180 meters, the annual rate per pole could be anywhere from US\$2,769 to US\$3,738. The fee could be applied for multiple attachments, or per attachment. Some cities charge different fees depending on the number of poles attached (e.g. in increments such as 1-25, 26-50, 51-100, 100-200, and over 201). For example, the rate in Long Beach, CA is US\$1,500 per pole per year, whereas in Buffalo, NY, it is US\$2,000 per pole per year with an automatic 3% annual increase.

A 2018 study by RVA LLC/Next Century Cities that was implemented to help determine the current deployment status of, and community attitudes toward Smart City and small cell deployment, found that the appearance of the equipment was the most common complaint about small cells. Fifty-eight percent of 176 municipal respondents reported complaints from citizens about deployment aesthetics. In Boston, the city worked with carriers and community members to come to agreement on how to ensure the equipment blended in more naturally with the cityscape.

Huntington Beach, California

Huntington Beach had great success in balancing carriers' interests with maintaining local control and community values. They found that bringing as many stakeholders as possible to the table and collaboration was important at every turn.

They were able to leverage already available assets, by acquiring 11,000 street lights from Southern California Edison. As well, Philips approached Huntington Beach to offer a deal to deploy 200 Smart Fusion Poles, making them the first city in the country to have this technology. The poles include integrated stealth antennas that can support service from several carriers at each location. So far, agreements have been made with Verizon, AT&T, and Mobilitie, creating another source of revenue for the city.

They first created a broadband strategic plan and then based on that wider plan, a specific plan with carriers to deploy small cell technology. They also made use of public-private partnerships, where this made sense, in the deployment of small cells.

They created an internal (municipal) telecommunications committee to evaluate all permitting processes. At the start, internal permitting processes didn't include any protocol for wireless siting in the public ROW, so a new process for permitting of wireless facilities through the public works department was created. They also amended the zoning code to permit small cells that meet pre-approved design standards within the public ROW. The committee created a forum that encouraged participation from all city departments, including fire and police, to work together to create policies that worked for everyone.

Importantly, the municipality worked with carriers to develop four pre-approved small cell design standards. Input from carriers on design was incorporated into the final permitting process, so if carriers' deployments fit one of the four standards, they are free to follow a streamlined, over-the-counter application process for permits. Collaborating with carriers to develop these designs was integral to ensuring the permitting process would work for both the city and the carriers. They also worked with other municipalities in Orange County to develop best practices in wireless siting. As a group, the cities worked through similar questions together to problem-solve and create shared resources and tools.

Denver, Colorado

Denver is currently exploring its policies and ordinances for Small Cell infrastructure and reviewing all new pole applications, within the parameters of federal and state law as well as Denver rules and ordinances. Under current law, it is not clear how the city can restrict height, design, or location (unless conflicting) of Small Cell infrastructure. The city is having success in coordinating expectations and recommendations through enhanced communication efforts at the outset of each carrier's program. So far each carrier has been receptive to:

- ▶ Considering standardizing pole design elements, colour, location, etc. to meet intent and character of existing infrastructure in the public ROW.
- ▶ Limiting pole heights to match existing street lighting and other poles in the public ROW.
- ▶ Generally avoiding placing poles adjacent to parks and historical places.
- ▶ Encouraging pole and equipment designs that enclose as much equipment as possible to minimize visual impact.

- ▶ Co-locating equipment onto existing infrastructure wherever feasible.
- ▶ Installing consistent infrastructure that does not discriminate based on neighbourhood type, demographic, or character.
- ▶ Exploring new concepts in combining equipment from multiple companies into single poles.

Public Works currently performs careful consultation with top executive and program management staff from each wireless carrier about proposed infrastructure programs before the carrier is allowed to submit any applications for approval. This ensures that each carrier approaches the city in a consistent manner, and that the city's current policies and permitting procedures are well known at the outset.

Per state law, the city must allow each company to propose their infrastructure in the public ROW. Additionally, the city must offer permitting procedures that can process "bulk" Small Cell programs in batches, in 90 days or less, rather than requiring individual permits for each pole or antenna. In response to these requirements, Public Works has established a plan review and permitting program that combines existing utility plan review and encroachment permitting into one contiguous process. Each applicant may submit batches of 10 or fewer unique poles or pieces of ground-mounted equipment per application. Each application will result in a revocable encroachment permit.

APPENDIX C: FCM submissions

Broadcasting and telecommunications legislative review process

January 2019 - Recommendations (excerpt from the full submission which can be found here: [https://www.ic.gc.ca/eic/site/110.nsf/vwapj/908_FederationofCanadianMunicipalities_10_EN_CA.pdf/\\$FILE/908_FederationofCanadianMunicipalities_10_EN_CA.pdf](https://www.ic.gc.ca/eic/site/110.nsf/vwapj/908_FederationofCanadianMunicipalities_10_EN_CA.pdf/$FILE/908_FederationofCanadianMunicipalities_10_EN_CA.pdf))

As stated, municipalities are crucial partners in the timely and cost-effective deployment of communications infrastructure in Canada. Therefore, in their submission to the Broadcasting and Telecommunications Legislative Review, (January 2019) FCM made clear their recommendations involving municipal ROW management related to access and consent, including:

- ▶ Develop a national broadband strategy, with elements that enhance accountability, transparency and cooperation between federal agencies, orders of government and with industry to improve broadband service across the country, as well as better ensure universal access to emerging technologies at affordable rates for consumers.
- ▶ Maintain municipalities' legislated role in managing public space for the benefit of all users. Achieving national connectivity objectives must build on and enhance the long-standing partnership with municipalities.
- ▶ Maintain the integrity of the local taxpayer without transferring costs onto the municipal tax base.
- ▶ Maintain the wording of sections 43 and 44 of the *Telecommunications Act*.
- ▶ Maintain the jurisdiction between the CRTC and ISED in the governance of small cells.
- ▶ Clarify the responsibilities of ISED and the CRTC over broadband in order to facilitate the implementation of a national broadband strategy.

FCM continues to focus on ensuring that municipalities maintain their rights around managing ROW issues and assisting with informational tools and strategies to improve the operational deployment of emerging technologies.

CRTC Telecom Notice 2019-57 - Review of Wireless Services

Initial submission dated May 15, 2019 - <https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocument.aspx?DMID=3646824>

Response to the CRTC's "Request for Information" (RFI), a series of targeted questions, dated September 2019 <https://data.fcm.ca/documents/tools/guides/crtc-telecom-notice-2019-57-fcm-responses-to-questions.pdf>

Further comments, as per CRTC procedures, in response to all submissions and responses to RFIs submitted by all parties, dated November 23, 2019 <https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocument.aspx?DMID=3756327>

FCM presentation slides for the CRTC hearings on February 21, 2020 - https://data.fcm.ca/documents/members_only/board_march/2020/FCM-CRTC-Telecom-Notice-2019-57-Presentation-en.pptx

Video recording of FCM's presentation at the CRTC hearings on February 21, 2020 - <https://www.cpac.ca/en/programs/crtc-hearings/episodes/66152116/>

APPENDIX D: Canadian case study

Edmonton, Alberta

The City of Edmonton proceeded using a clear and precise order in finding solutions to small cell deployment issues. Public consultation was an important piece and the technical review of the technology was extensive. The telecom carriers had input, and they indicated that they thought the process made sense. Edmonton has developed ROW consent and access agreements that are separate from MAAs and has developed a streamlined permitting process along with clear policies for permit review. The following is a brief selection and summary of agreement provisions and requirements.

- ▶ The annual fee for an attachment is \$500 plus GST per attachment, as approved by city council.
- ▶ The cabinets associated with the antenna are not to be attached to the pole, contractor cabinet bases will not be allowed.
- ▶ For large cabinetry, there is no objection to the unit being wrapped or painted with a mural or other artwork approved by the City.
- ▶ Any proposal to install an attachment in an area serviced with decorative poles must be designed to match, as much as possible, the design used in that neighbourhood.
- ▶ If multiple attachments are proposed in a given area, it is the city's preference that the poles are fed from a central location (e.g. three or four poles with a fibre-optic feed from a central vault).
- ▶ Installations will be permitted at any time (subject to co-ordination with other construction work and/or events).
- ▶ "Mid-span" stand-alone poles will only be allowed in areas where there are no existing street lights or poles. Should an area become serviced by standard street lighting, any stand-alone pole may need to be removed at the telecommunication company's expense.

- ▶ Red light camera poles and/or CCTV poles are not available for attachments.
- ▶ The companies shall be responsible for all electrical permits, installation of the power feed, meter installation, and associated power consumption bills from the power carrier.

The city will review and, where appropriate, approve the installation of attachments. Once a pole has been determined to be useable, the applicant shall apply for a Utility Line Assignment (ULA) permit for the underground connections to the pole. All fees associated with the ULA permit process, pavement degradation fees, and lost productivity costs shall be charged as per the applicable agreement with the company (usually the ROW Consent and Access Agreement).

For the installation of pole attachments on public road ROW, there will be a pre-consultation site investigation meeting with the city to:

- ▶ Determine if a specific pole can accommodate an attachment.
- ▶ Identify preliminary issues of concern.
- ▶ Identify requirement for public consultation.
- ▶ Guide the content of the proposal submission.

Once the meeting has taken place, Edmonton's City Operations will give the applicant an information package that includes requirements for public consultation, installation and design and a list of plans and studies that may be required as well as any additional approvals and/or studies that the City has identified as being required. If the proposal is found to be technically possible, City Operations will forward an agreement to the applicant, advise if any additional approvals are required and require the applicant to engage in public consultation similar to the consultation required under City of Edmonton Policy C471C "Policy for Siting Telecommunications Facilities."

APPENDIX E: References for further reading

Models and Challenges for the Deployment of Next-Generation Telecom Systems in Cities, report commissioned by the City of Montreal, June 2018 (English version)

<https://res.cloudinary.com/villemontreal/image/upload/v1573053761/portail/nitmhkpzlhcl1yi00poxi.pdf>

Background of Small Cell Technology. SmartWorks Partners. December 18, 2018

<https://www.smartworkspartners.com/small-cell-overview>

Becoming Broadband Ready: A Toolkit for Communities. Next Century Cities. January 2019

<https://nextcenturycities.org/becoming-broadband-ready/>

Broadband Strategy, City of San José CA

<https://www.sanjoseca.gov/your-government/department-directory/office-of-the-city-manager/civic-innovation/broadband-strategy-and-small-cell-deployment-5147>

Broadband Strategic Plan. Huntington Beach, CA

<https://nextcenturycities.org/guest-blog-bridging-the-digital-divide-in-huntington-beach/>

New Guide: How to Plan for Small Cell Wireless Infrastructure. National League of Cities (NLC). August 27, 2018

<https://www.nlc.org/article/new-guide-how-to-plan-for-small-cell-wireless-infrastructure> accessed March 4, 2019

Next Century Cities' 5G and Small Cell Resources. June 28, 2018

<https://nextcenturycities.org/next-century-cities-5g-resources/>

Status of U.S. Small Cell Wireless/ 5G & Smart City Applications from The Community Perspective. RVA LLC/Next Century Cities. March 2018

<https://nextcenturycities.org/wp-content/uploads/5Gresearch.pdf>

Summary of Final FCC Small Cell Order Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment. Declaratory Ruling and Third Report and Order; WT Docket No. 17-79; WC Docket No. 17-84. December 20, 2018

<https://nextcenturycities.org/wp-content/uploads/Guide-to-FCC-Small-Cell-Order.pdf>



fcm.ca





June 18, 2020
Ref: 572317

Mayors
Local Governments with Auxiliary Program

Dear Sirs/Madams:

I am writing today regarding your options for the new RCMP Auxiliary Program (Tier 3). As you know, this program has undergone significant changes recently, and at the request of the Union of British Columbia Municipalities (UBCM), the Ministry of Public Safety and Solicitor General is currently exploring possible BC models for the long-term delivery of this program. Necessary legislative amendments and policy and program development issues are currently being identified; however, timelines have not yet been established, and the Province cannot provide a specific implementation date.

While the Ministry continues to explore options for a BC model, the Ministry is also exploring the option of implementing the new national RCMP Auxiliary Program (Tier 3) program in the interim. I am in receipt of a letter from UBCM and the Local Government Contract Management Committee (LGCMC), endorsing this approach. In an effort to confirm which communities are interested in proceeding with an interim program, I am writing to share information regarding the financial impacts of this option. You were included in this correspondence because your RCMP detachment currently has an active program.

The approximate costs per member are identified below, as they relate to uniform, training, and medical testing. Please note, the principles of the Ministry of Justice Auxiliary/Reserve Constable Program Provincial Policy would apply to the funding of an interim program. Therefore, the Province would provide funding for local governments with a provincial RCMP detachment. While the Provincial Policy states that medical tests are the responsibility of the candidate, it would be reasonable for candidates to be reimbursed any fees related to these new medical standard requirements.

.../2

Ministry of Public Safety and
Solicitor General

Policing and Security Branch

Mailing Address:
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Telephone: 250 387-1100
Facsimile: 250 356-7747
Website: www.gov.bc.ca/pssg

Various
Page 2

- Uniform: \$700 per candidate;
- Training (first aid, firearm, etc.), in addition to the online and/or detachment level training: from \$350 to \$500 per candidate;
- Medical tests: from \$150 to \$300 per candidate.
- **Estimated total: from \$1,200 to 1,500 per candidate.**

At this time the Province is unable to provide a specific timeline for all current auxiliary members to be fully trained; however, it is expected that most members can complete the new training in approximately four (4) to six (6) months. Please also note that current situation with COVID-19 may delay some in-person or in-detachment training, and there may be some downtime associated with retrofitting uniforms to the new standards.

In order for the Ministry to consider moving ahead with the interim implementation, please provide us with confirmation of your intent to proceed by **July 15, 2020**, by emailing Marie-Helene Lapointe at MarieHelene.Lapointe@gov.bc.ca or via phone at 236 478-2495. Marie-Helene is also available to answer questions and receive other comments. Once we understand the level of interest, we will provide information regarding next steps.

Take Care,



Brenda Butterworth-Carr; Tr'injà shär njit dintlät
Assistant Deputy Minister
And Director of Police Services
Policing and Security Branch

pc: Municipal Chief Administrative Officers
Detachment Commanders, RCMP detachments with active Auxiliary Program
Maja Tait, UBCM President
Craig Hodge, LGCMC Co-Chair
Jennifer Strachan, CO RCMP "E" Division

RCMP launches new Auxiliary Program for volunteers

📅 January 17, 2018

News release

📍 Ottawa, Ontario

For over half a century, [RCMP Auxiliaries \(/en/auxiliary-program\)](/en/auxiliary-program) have volunteered their time contributing to community policing and crime prevention across Canada.

Following extensive consultation with Auxiliaries, provincial, territorial and municipal partners and other stakeholders, the RCMP is implementing a new model that includes three tiers. Provinces and territories will be able to choose one or a combination of the tiers based on local needs and circumstances.

- **Tier 1:** Tier 1 provides RCMP Auxiliaries an opportunity to participate in community policing services, such as watch programs, public education initiatives, non-enforcement support to operations, community fundraising events and participation in parades and public ceremonies. Tier 1 Auxiliaries will perform these activities under the general supervision of an RCMP employee and will not be given peace officer status.
- **Tier 2:** Tier 2 includes all of the activities listed in Tier 1 with the addition of community presence via foot and bicycle, access and traffic control, and disaster assistance. Tier 2 does not include general duty activities (operational patrols). These Auxiliaries will be under the close supervision of an RCMP police officer, and will have peace officer status.
- **Tier 3:** Tier 3 includes activities from Tier 1 and Tier 2 with the addition of general duty patrol, attending calls, check stops, scene security and searches of persons. Tier 3 Auxiliaries will be under the direct supervision of an RCMP police officer, and will have peace officer status.

Training standards:

- Mandatory national training standards have been developed for all three Tiers.

Uniforms:

- Changes to the uniform will make Auxiliaries more identifiable. High visibility garments will be included in the Tier 2/3 uniform and the word "Volunteer" has been added. The new uniforms will be rolled out over the coming months.

"The wellbeing of our volunteers is our priority. These changes will standardize and strengthen this important program, while permitting Auxiliaries to continue serving their communities safely. The RCMP will continue working closely with its divisions and provincial/territorial governments to

administer the new program."—RCMP Deputy Commissioner Kevin Brosseau, Contract and
Aboriginal Policing

–30–

Contact information

RCMP National Media Relations

613-843-5999

RCMP.HQMediaRelations-DGRelationsmedias.GRC@rcmp-grc.gc.ca

[\(mailto:RCMP.HQMediaRelations-DGRelationsmedias.GRC@rcmp-grc.gc.ca\)](mailto:RCMP.HQMediaRelations-DGRelationsmedias.GRC@rcmp-grc.gc.ca)

Date modified:

2018-01-17

Joseph Rotenberg

From: Lapointe, Marie-Helene PSSG:EX <MarieHelene.Lapointe@gov.bc.ca>
Sent: July 7, 2020 1:23 PM
To: Joseph Rotenberg
Subject: Auxiliary program

Hello Joey,

Further to our discussion today, here is a short description of the tiers from the RCMP website (<https://www.rcmp-grc.gc.ca/en/news/2018/rcmp-launches-new-auxiliary-program-volunteers>). Although these descriptions are for the 3 Tiered levels, **Tier 3 is the only level BC is considering for the interim implementation.**

- Tier 1 provides RCMP Auxiliaries an opportunity to participate in community policing services, such as watch programs, public education initiatives, non-enforcement support to operations, community fundraising events and participation in parades and public ceremonies. Tier 1 Auxiliaries will perform these activities under the general supervision of an RCMP employee and will not be given peace officer status.
- Tier 2 includes all of the activities listed in Tier 1 with the addition of community presence via foot and bicycle, access and traffic control, and disaster assistance. Tier 2 does not include general duty activities (operational patrols). These Auxiliaries will be under the close supervision of an RCMP police officer, and will have peace officer status.
- Tier 3 includes activities from Tier 1 and Tier 2 with the addition of general duty patrol, attending calls, check stops, scene security and searches of persons. Tier 3 Auxiliaries will be under the direct supervision of an RCMP police officer, and will have peace officer status.

I hope this helps, let me know if you need any more information.

Merci ~ Thank you

Marie-Hélène Lapointe

Policing and Security Branch | Public Safety and Solicitor General
10th Flr – 1001 Douglas Street, Victoria BC
Phone (236) 478-2495

Grateful to live, work, and play within the traditional territories of the Lekwungen people – known today as the Esquimalt and Songhees Nations.



Jonathan X. Côté
Mayor

July 6, 2020

VIA EMAIL

Dear Mayor and Council:

Re: Disaggregated COVID-19 Data Collection

I am writing to seek your support for calling on the Provincial and Federal governments to collect disaggregated COVID-19 data. At a meeting on June 22, 2020, New Westminster City Council passed the following resolution:

WHEREAS it is clear from other jurisdictions, including the United States, that the COVID-19 pandemic and other health concerns disproportionately impact racialized community members and those with who experience systemic, marginalizing barriers to healthcare access as well as precarious work; and

WHEREAS BC and Canada do not capture race-based or socioeconomic data, which effectively buries the impact of illness and disease on disproportionately impacted groups within the larger aggregated data, erasing opportunities to address health inequities; and

WHEREAS BC has experienced a lower than average illness and causality rate primarily because of evidence based data; and

WHEREAS racialized communities and advocates have been requesting that the province collect disaggregated data;

THEREFORE BE IT RESOLVED THAT the City of New Westminster write to the provincial and federal Ministers of Health requesting that they collect disaggregated data including race, socioeconomic class,

Office of the Mayor

Corporation of the City of New Westminster

511 Royal Avenue, New Westminster, BC • Canada V3L 1H9 T (604) 527 4522 F (604) 527 4594

www.newwestcity.ca

and disability that will allow for evidence-based health care and social program interventions; and

THAT the data are analyzed and interpreted with community leadership and input; and

THAT the data are collected with the intention of being understood as indicators of systemic and structural oppression to identify root causes of disparity; and

THAT this letter be forwarded to all BC municipalities asking to write their support as well.

We appreciate your consideration of this important matter.

Yours truly,



Jonathan X. Cote
Mayor

Cc: The Honourable Patty Hajdu, Federal Minister of Health
The Honourable Adrian Dix, British Columbia Minister of Health

Office of the Mayor

Corporation of the City of New Westminster

511 Royal Avenue, New Westminster, BC • Canada V3L 1H9 T (604) 527 4522 F (604) 527 4594

www.newwestcity.ca

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

July 6, 2020

His Worship Mayco Noël
Mayor of Ucluelet
PO Box 999
200 Main Street
Ucluelet BC V0R 3A0
c/o Ms. Nicole Morin

Dear Mr. Mayor:

Thank you for your correspondence of February 26, 2020, regarding the 21st report by the Standing Committee on Fisheries and Oceans (FOPO) entitled “West Coast Fisheries: Sharing Risks And Benefits”. I regret the delay in responding.

As you know, we are living in unprecedented times, and in response to the COVID-19 pandemic, the Government of Canada is taking action to help. As Minister of Fisheries, Oceans and the Canadian Coast Guard, I am committed to providing the Canadian fisheries sector the support needed so it can continue to provide the world with high-quality, sustainably sourced fish and seafood. To learn about the measures the Government is taking to support Canadians and businesses, I encourage you to consult the website for [Canada's COVID-19 Economic Response Plan](#) and the Fisheries and Oceans Canada (DFO) website for [COVID-19 - Information for industry and partners](#).

I appreciate that you took the time to express your support for FOPO's report recommendations. Your perspective on the transparency of the current licensing system and the flow of benefits from fish resources are appreciated.

Fisheries and Oceans Canada (DFO) is committed to ensuring that the licensing regime on the West Coast contributes to the effective management of fisheries in a way that supports the health of the stocks as well as the Canadians who depend on the industry. DFO is engaging with key stakeholders in British Columbia to identify priority fisheries management and licensing concerns to further inform options to address these issues. The ongoing input from coastal communities that rely on the resource as a means of economic opportunity will continue to be important as the Department considers the current challenges facing the fisheries.

.../2

Canada

Rest assured, Fisheries and Oceans Canada will continue to deliver on its mandate during these times. The unpredictability of this situation continues to be a challenge, and our response will continue to evolve. I am confident that the sector is resilient and will remain a strong and vital sector in the Canadian economy.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bernadette Jordan', with a long horizontal line extending to the right.

The Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: Mr. Gord Johns, M.P.
Courtenay–Alberni

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

His Worship Mayco Noël
Mayor
District of Ucluelet
200 Main Street
P.O. Box 999
Ucluelet, British Columbia V0R 3A0

Dear Mr. Mayor:

Thank you for your letter of May 13, 2020, regarding support for infrastructure investments in the District of Ucluelet, British Columbia. Please accept my apologies for the delay in responding.

The Government of Canada is focused on overcoming the greatest health crisis of our time. It is taking strong and quick action to stabilize our economy and support communities across Canada, while protecting the health and safety of all Canadians.

Infrastructure Canada is working with federal, provincial and territorial counterparts, Indigenous leaders and municipalities to move forward on meeting immediate infrastructure needs, what can be rolled out in the short term to support jobs, and how we will restart our economy as quickly as possible while respecting public safety guidelines. The Department is also continuing to accelerate project funding approvals that create jobs and improve the quality of life for Canadians across the country, and is working diligently to process reimbursement of claims received from its partners so that they will have the funds they need to continue moving projects forward and employing Canadians.

The Government of Canada's *Investing in Canada* plan is providing over \$4.1 billion in federal funding dedicated to infrastructure projects in British Columbia. This funding will see the Government of Canada and the province make unprecedented investments in public transit, green infrastructure, communities, recreational and cultural infrastructure, as well as rural and northern communities.

...2

Canada

- 2 -

Under the Integrated Bilateral Agreement with British Columbia, proposed projects must first be prioritized by the province before they are submitted to Infrastructure Canada for consideration. I would encourage the District of Ucluelet to submit its proposals to British Columbia's Ministry of Municipal Affairs and Housing so that it may determine whether the projects should be prioritized for funding consideration.

The proposals may also be eligible under the federal Gas Tax Fund, provided that the municipalities involved, as the ultimate recipients under the program, choose to apply their allocation to these projects. As you may know, on June 1, 2020, we announced that federal funding for the 2020-21 fiscal year would flow in one payment, thus ensuring a rapid transfer of money to local governments in order to allow them to undertake, as fast as possible this year, infrastructure projects that are important in their communities.

Together, we will work to ensure that infrastructure plays a vital role in promoting economic growth, job creation and improving our quality of life in the coming months and years.

Please accept my best regards.

Sincerely,

The Honourable Catherine McKenna, P.C., M.P.
Minister of Infrastructure and Communities



STAFF REPORT TO COUNCIL

Council Meeting: JULY 14, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MARK BOYSEN, CHIEF ADMINISTRATIVE OFFICER

FILE NO: 0340-50

SUBJECT: RESPECTFUL WORKPLACE POLICY

REPORT NO: 20-65

ATTACHMENT(S): DISTRICT OF UCLUELET DRAFT RESPECTFUL WORKPLACE POLICY

RECOMMENDATION(S):

1. **THAT** Council endorse the draft Respectful Workplace Policy.

PURPOSE:

The purpose of this report is for Staff to present Council with the draft Respectful Workplace Policy for consideration.

BACKGROUND:

District Staff are currently conducting a Gap Analysis of Council and Administrative policies, as requested by Council through the 2019-2022 Strategic Plan. A report will be provided to Council later in 2020.

Staff have identified a lack of a Respectful Workplace Policy as a priority gap that should be considered before the completion of that report.

A Respectful Workplace Policy has been drafted for Council's consideration (Appendix A). The policy identifies unacceptable behaviour in the workplace, options for resolution, and a disciplinary process.

Following approval by Council, the policy will be submitted to CUPE 118 leadership for comment. If significant changes are identified, an updated draft document will be brought back for Council consideration.

OPTIONS REVIEW:

1. **THAT** Council endorse the draft Respectful Workplace Policy. **(Recommended)**
2. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Mark Boysen, Chief Administrative Officer



The Corporation of the District of Ucluelet

MUNICIPAL POLICY MANUAL**POLICY NUMBER:****DRAFT****REFERENCE:**

Respectful Workplace

ADOPTED BY:

Council

July 14, 2020

AMENDED DATE:

N/A

SUPERSEDES:

New

DEPARTMENT:

Administration

EFFECTIVE DATE:

July 14, 2020

Policy Statement:

Page 1 of 2

The District of Ucluelet is committed to providing a work environment where Employees, Managers, Elected Officials, Contractors, and Residents are treated with respect and dignity.

This policy reflects the District's commitment to ensure that all those who work at the District of Ucluelet do so in a Respectful Workplace.

All individuals are accountable for creating and sustaining a Respectful Workplace. Individuals found to be bullying, intimidating, disrespecting, or engaging in discrimination or racism, either verbally or physically, will be subject to discipline.

Definition

What is a Respectful Workplace?

A Respectful Workplace entitles everyone to have a respectful experience and recognizes the pride and dignity of each person. This includes promoting cooperation and collaboration as well as conduct that is respectful and inclusive.

A Respectful Workplace does not include aggressive or demanding behaviour, negative or inappropriate communication, discrimination, racism, or bullying that results in an individual feeling humiliated or intimidated.

Disrespectful conduct does not include legitimate job-related action performed in good faith by Supervisors and Management employees, such as work direction or assignment, performance appraisals, attendance monitoring, and implementation of disciplinary or other corrective actions.

Resolution

The following steps should be taken if an Employee is behaving in a way that makes you feel uncomfortable at work, or if you are having a conflict with an Employee at work:



The Corporation of the District of Ucluelet

MUNICIPAL POLICY MANUAL

1. If you are comfortable discussing the issue directly with the other Employee, you are encouraged to do so to try and resolve the issue. If you are uncomfortable approaching the other Employee, or if the issue is not resolved, inform your Supervisor about the conflict.
2. If you are unable or uncomfortable with resolving the conflict with your Supervisor, you should request to speak with the Chief Administrative Officer who will assist you in resolving the conflict. Complaints to Supervisors or the Chief Administrative Officer must be documented.

Employees may be disciplined by a formal warning for a first infraction and may be suspended for a second infraction. Severe or repeated infractions may result in the termination of the employee.

If a Manager, Elected Official, Contractor, or Resident is behaving in a way that makes you feel uncomfortable at work, you should try to resolve the issue. If you are not comfortable attempting to resolve the issue, or the issue is not resolved, inform your Supervisor/Manager or the Chief Administrative Officer for assistance.

Retaliation for speaking out, bringing a complaint, or participating in the investigation of a complaint is prohibited by this policy. Any allegation of a violation of this policy is a very serious matter. Complaints that are investigated and determined to be false or malicious may lead to disciplinary action.

Mayco Noël

Mayor

Mark Boysen

Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: JULY 14, 2020

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

FILE NO: 0550-20

SUBJECT: MINISTER MEETING REQUESTS FOR UBCM 2020 ANNUAL MEETING

REPORT NO: 20-66

ATTACHMENT(S): NONE

RECOMMENDATION(S):

1. **THAT** Council direct staff to request meetings with priority provincial ministries for the 2019 UBCM Convention; and
2. **THAT** Council direct staff to register Council to attend UBCM.

PURPOSE:

The purpose of this report is to confirm the provincial ministries that Council would like to request meetings with for the 2020 UBCM annual meeting.

BACKGROUND:

On September 22-24, 2020, the Union of British Columbia Municipalities (UBCM) 2020 Convention will be held online at the reduced cost of \$350.00 per member plus tax. Council is currently scheduled to attend this online convention.

The Province of B.C. has a significant presence at this convention and provides municipalities the opportunity to submit meeting requests to Provincial Ministers and their staff to discuss important issues. Staff is requesting Council feedback regarding priority ministries before proceeding with the meeting requests.

The proposed priority ministries and their related community topics include:

1. Ministry of Municipal Affairs and Housing – Regional governance issues.
2. Ministry of Agriculture – Establishment of a provincial lead agency for BC fisheries that supports wild salmon.
3. Ministry of Health – Proposed community health centre and VIHA's strategic direction.
4. Ministry of Transportation and Infrastructure – Kennedy Hill Safety Improvement Project communications, highway maintenance and Peninsula Road.
5. BC Housing – Lot 13 and future affordable housing developments.
6. BC Hydro – LED streetlighting upgrades.

OPTIONS REVIEW:

1. **THAT** Council direct staff to request meetings with priority provincial ministries for the 2019 UBCM Convention; and **(Recommended)**

2. **THAT** Council direct staff to register Council to attend UBCM. **(Recommended)**
3. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Joseph Rotenberg, Manager of Corporate Services



STAFF REPORT TO COUNCIL

Council Meeting: July 14, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES &
ABBY FORTUNE, MANAGER OF RECREATION & TOURISM

FILE NO: 0550-01 GEN 2020

SUBJECT: AUDIO VISUAL UPGRADES FOR THE MAIN HALL

REPORT NO: 20-67

ATTACHMENT(S): NONE

RECOMMENDATION(S):

1. **THAT** Council reschedule the August 4, 2020 Regular Council Meeting to August 18, 2020 at 5:00 PM; and
2. **THAT** Council approve using up to \$60,000 RMI of funds for Audio Visual (AV) upgrades to the Main Hall at the Ucluelet Community Centre.

PURPOSE:

The purpose of this report is to introduce a change to the Council Regular Meeting Schedule and obtain approval for AV upgrades for the Main Hall at the Ucluelet Community Centre through RMI funding.

BACKGROUND:

Main Hall

In response to Ministerial Order M192 which encourages public in-person attendance at open meetings, Council passed the following motion on June 23, 2020:

1. **THAT** Council:
 - a. *open Council Chambers to the public;*
 - b. *designate Activity Rooms 1 or 2 in the Ucluelet Community Centre as a location where members of the public may listen and watch a livestream of Council meetings when Chambers is at capacity;*
 - c. *instructs Staff to facilitate in-person and Zoom Webinar participation in public hearings; and*
 - d. *instruct Staff to prepare a report about conducting Council meetings in the Main Hall at the Ucluelet Community Centre.*

Council meetings typically occur in the George Fraser Room which, due to COVID-19 restrictions, has a maximum capacity of ten. After Ministerial Order M192 was adopted, our Lawyers recommended that the District establish an overflow area where members of the public could hear

open meetings when Council Chambers is at capacity. They also recommended that a larger space be considered.

The Main Hall accommodates 36 people including Council, but AV upgrades will be required to livestream meetings on YouTube and conduct public hearings via Zoom.

Staff see these AV deficiencies as an opportunity to upgrade the Main Hall's AV capacity in general. The proposed upgrade includes a livestreaming camera, projector/screen, mics, mixing board, computer, and iPad.

Staff anticipate that the proposed AV improvements will meet Council's needs and make the Main Hall more attractive to conventions like AVICC as well as District programming like fitness classes, Glee Club and choir. At this stage, the District of Ucluelet often requires renting additional AV equipment for conferences. By upgrading our current equipment, we would be able to better support conferences and programming.

Regular Council Meeting Schedule

The August Regular Council Meeting is scheduled for August 4th.

Staff recommend rescheduling the August 4th Regular Council Meeting to August 18th. Rescheduling this meeting would resolve a conflict with summer gymnastics camp and give Council the opportunity to consider the District of Ucluelet Annual Report on August 18th rather than at a Special Meeting to be scheduled later in August.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If approved, the proposed AV upgrades will be installed in stages. The camera and computer will be installed in early August and the remaining upgrades are targeted to be installed by mid-September.

Implementation of this project will be supervised by the District's contractor, Ukee Infotech in consultation with the Manager of Recreation & Tourism. Some staff time will be required to learn to use the new equipment. Staff will also be required to submit a project amendment form to the Province for the RMI funds.

FINANCIAL IMPACTS:

The estimated cost of the AV upgrades is up to \$60,000. This project is not addressed in the 2020 budget.

The District of Ucluelet currently has funds in the amount of \$60,000 associated with previous Resort Development Strategies (RDS) that are no longer feasible. The projects were not fully developed at the time, therefore the funding was not sufficient to fully carry out the projects.

The District of Ucluelet has received preliminary approval in principle from the Province for the AV upgrades. This project aligns with the Resort Development Strategy goals that support the development and enhancement of infrastructure as well as delivering exceptional visitor experiences. Staff expect that the upgrades will make the Ucluelet Community Centre a more desirable destination for small conferences which may in turn be a source of cost recovery for the District and spinoff low season revenues for local tourism related industries. Staff plan to further work with Tourism Ucluelet to market conferences in the area.

POLICY OR LEGISLATIVE IMPACTS:

The proposed AV upgrades will increase the transparency of Council processes by providing more space for residents to attend Council meetings in-person and by giving Council the option livestream and Zoom meetings and public hearings conducted in the Main Hall.

The upgrades may also make the Ucluelet Community Centre a more competitive location for small conference which are a source of revenues for the District and the local tourism industry.

OPTIONS REVIEW:

1. **THAT** Council reschedule the August 4, 2020 Regular Council Meeting to August 18, 2020 at 5:00 PM; and **(Recommended)**
2. **THAT** Council approve using up to \$60,000 RMI funds for AV upgrades improvements to the Main Hall at the Ucluelet Community Centre. **(Recommended)**
3. **THAT** Council provide alternative direction to Staff.

Respectfully submitted: Joseph Rotenberg, Manager of Corporate Services
Abby Fortune, Manager of Recreation & Tourism



STAFF REPORT TO COUNCIL

Council Meeting: JULY 14, 2020

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DONNA MONTEITH, CHIEF FINANCIAL OFFICER

FILE NO: 1880-20 (FIN. REPORT)

**SUBJECT: FIVE YEAR FINANCIAL PLAN 2020-2024 BYLAW VARIANCE
REPORT Q1 - Q2**

REPORT NO: 20-68

ATTACHMENT(S): FIVE YEAR FINANCIAL PLAN 2020-2024 BYLAW VARIANCE SCHEDULE A

RECOMMENDATION(S):

1. **THAT** Council receive the Five Year Financial Plan 2020-2024 Variance Report for the First and Second Quarters ending June 30, 2020.

PURPOSE/DESIRED OUTCOME:

The purpose of this report is to advise Council as to the financial position and variances in relation to the Five Year Financial Plan 2020-2024 for the District on a quarterly basis.

STRATEGIC GOAL:

This report follows the District's strategic plan indicating that quarterly reports to Council will provide an opportunity for Council and staff to regularly review and communicate progress in achieving Council's goals.

BACKGROUND:

This is a preliminary report to Council relaying the balances for the various revenue and expenditure summary totals for first two quarters covering the period of January 1 to June 30, 2020 as per the attached Schedule A. Explanations for some of the major variances identified are included in this report.

Discussion:

Total Revenues

- Taxes have been invoiced in full for the year with minor variances due to the assessment roll. At the time of this report approximately 55-60% of taxes had been received.
- The majority of the grants, donations, and contributions received to date are Resort Municipality Initiative, and Barkley Community Forest funds.
- Small Craft Harbour revenues are down 42% compared to the same period in 2019
- Recreation revenues are down 53% compared to the same period in 2019.
- Water and Sewer metered rates are down 21% compared to the same period in 2019.
- Internal transfers and deferred revenue entries will be posted as the offsetting expenses occur.

Total Expenses

The percentage of budget spent to date has decreased in relation to 2019, particularly in General Government, Transportation Services, and Recreation & Cultural Services. However, many operational expenditures are either essential or relatively fixed in nature and will continue regardless of further funds received.

Capital Projects

Capital projects that are funded by sources other than taxation are moving forward as much as possible.

Surpluses

Typically the surplus in Q2 is higher due to all taxes being recorded for the year.

FINANCIAL IMPACTS:

To mirror the message from the District's auditor, MNP, the global outbreak of COVID-19 (coronavirus), has had a significant impact on municipalities through the restrictions put in place by the Canadian and provincial governments regarding travel, municipal operations and isolation/quarantine orders. At this time, it is unknown the extent of the impact the COVID-19 outbreak may have had, or will have, on the District of Ucluelet. This will depend on future developments that are highly uncertain, arising from the inability to predict the duration of the outbreak, travel restrictions, office closures and disruptions, and quarantine measures that are currently, or may be put, in place.

To address this uncertainty, cash flow will continue to be monitored regularly, with adjustments made as required.

OPTIONS REVIEW:

1. **THAT** Council receive the Five Year Financial Plan 2020-2024 Variance Report for the First and Second Quarters ending June 30, 2020. **(Recommended)**
2. **THAT** Council provide alternative direction to Staff.

Respectfully submitted: Donna Monteith, Chief Financial Officer



DISTRICT OF UCLUELET
5-YEAR FINANCIAL PLAN
Variance Report - As at June 30, 2020 (unaudited)

Appendix A

	June 30, 2020		Amount	Percent of
	Actual	2020 Budget	Over (Under) Budget	Budget Used
REVENUE				
Property Taxes	\$3,008,854	\$3,013,256	(\$4,402)	99.85%
1% Utility Taxes	44,810	44,810	\$0	100.00%
Federal/Provincial in place of taxes	38,924	50,000	(\$11,076)	77.85%
Taxes	3,092,589	3,108,066	(15,477)	99.50%
Sale of services	304,882	632,957	(\$328,075)	48.17%
Penalties and Interest earned	1,168	85,360	(\$84,192)	1.37%
Grants and donations	781,524	1,412,060	(630,536)	55.35%
Deferred revenues recognized (DCC, Other)	-	441,111	(441,111)	0.00%
Water sale of services	430,622	736,300	(305,678)	58.48%
Sewer sale of services	364,788	589,500	(224,712)	61.88%
Transfers	-	3,028,390	(3,028,390)	0.00%
Total Revenue	4,975,572	10,033,744	(5,058,172)	49.59%
EXPENSE				
Interest payments	38,529	96,717	(58,188)	39.84%
Amortization expenses	-	1,157,665	(1,157,665)	0.00%
General Government	741,633	1,352,958	(611,325)	54.82%
Protective services	146,706	346,130	(199,424)	42.38%
Planning & Development	348,156	675,632	(327,476)	51.53%
Transportation services	371,647	915,139	(543,492)	40.61%
Environmental health (Garbage/recycling))	2,000	10,000	(8,000)	20.00%
Cemetery	-	9,300	(9,300)	0.00%
Recreation and cultural services	512,409	1,379,594	(867,185)	37.14%
Water operations	191,045	912,213	(721,168)	20.94%
Sewer operations	132,011	605,298	(473,287)	21.81%
Total Expense	2,484,137	7,460,646	(4,976,509)	33.30%
ADD				
Amortization	-	1,157,665	(1,157,665)	0%
Total Additions	-	1,157,665	(1,157,665)	0%
DEDUCT				
Principal payments debt	25,539	94,756	(69,217)	26.95%
Transfers to Reserves	-	549,206	(549,206)	0.00%
Acquisitions of tangible capital assets	663,628	3,086,801	(2,423,173)	21.50%
Total Deductions	689,167	3,730,763	(3,041,596)	
Financial Plan Balance: Surplus (Deficit)	\$1,802,269	\$0		



STAFF REPORT TO COUNCIL

Council Meeting: July 14, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: NICOLE MORIN, CORPORATE / PLANNING CLERK

FILE NO: 0550-20

SUBJECT: RESOLUTION TRACKING – JUNE 2020

REPORT NO: 20-63

ATTACHMENT(S): APPENDIX A: RESOLUTION TRACKING

RECOMMENDATION(S):

There is no recommendation. This report is provided for information only.

PURPOSE:

The purpose of this report is to provide Council with a monthly status update on resolutions that have been adopted by Council.

BACKGROUND:

The resolution follow-up status categories are:

- Assigned – action has not yet commenced;
- In Progress – action has been taken by staff; and
- Complete – action has been completed.

Items will be removed from the list after actions are shown once as being completed.

OPTIONS REVIEW:

1. There is no recommendation. This report is provided for information only. **(Recommended)**
2. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Nicole Morin, Corporate / Planning Clerk
Joey Rotenberg, Manager of Corporate Services

Meeting	Date	Meeting Item Description	Resolution	Description	Department Responsible	Follow-Up Status
Regular Council	25-Sep-18	Lease with Ucluelet & Area Historical Society	THAT Council approve recommendation 1 of report item, "Lease With Ucluelet & Area Historical Society", which states: THAT Council enter into a lease agreement with the Ucluelet and Area Historical Society that is similar to their original Provincial Lease #111228 – Block A District Lot 1507, Clayoquot Land District for approximately 2.4 hectares	Meet with UAHS looking at options. UAHS to get back to Ms. Fortune to confirm the direction they would like to proceed	Recreation	In Progress: with Historical Society for review and signing
Regular Council	11-Dec-18	2019 Council Meeting Schedule	THAT Council direct staff to update the District of Ucluelet Council Procedures Bylaw No. 1166, 2014 to reflect the new meeting schedule	Update Council Procedures Bylaw	Administration	Complete
Regular Council	14-May-19	Zoning Amendment, Housing Agreement & DVP (354 Forbes Road)	THAT Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit commercial tourist accommodation on the property: give third reading to the "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1248, 2019"; give third reading to the "Ucluelet Housing Agreement Bylaw No. 1249, 2019"; and issue Development Variance Permit DVP19-03	Bring Bylaw No. 1248 & No. 1249 for adoption, once all subject to conditions being met	Planning	In Progress - waiting for applicant to meet conditions prior to adoption
Regular Council	08-Oct-19	Proposed Rezoning, Subdivision, and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908)	THAT Council: a. indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat; b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and, c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing	Staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing	Planning	Complete
Regular Council	10-Dec-19		THAT Staff provide Council with options for rejuvenating the Frank Jones Memorial site	Staff to provide Council with options for rejuvenating the Frank Jones Memorial site	Recreation	In Progress - This will be part of overall master plan for Tugwell Field Area - Planning 2020
Regular Council	14-Jan-20	Zoning Bylaw Amendment for 2100 Peninsula Road	That staff prepare a report that identifies options for the regulation of odor and noise, including a covenant	Staff to prepare a report	Planning	Pending - awaiting information from applicant
Regular Council	14-Jan-20		THAT Staff work with Black Rock Oceanfront Resort & Spa to identify unique solutions for navigation to the resort	A.) Staff to incorporate options for directional landmarks in designs for Peninsula Road B.) Staff to follow up with Black Rock to discuss options for appropriate directional signs	Planning & Public Works	Assigned
Regular Council	28-Jan-20	Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road	THAT District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020, be given first and second reading and advanced to a public hearing	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 12th
Regular Council	11-Feb-20	West Coast Multi-Use Path Extension Bruce Greig, Manager of Community Planning West Coast Multi-Use Path Extension	THAT the District of Ucluelet make application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to expand Licence of Occupation File 1407317, to allow for the extension of the West Coast Multi Use Path and other associated utility uses, between the existing Multi Use Path and Pacific Rim National Park Reserve	Apply to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development	Planning / Public Works	In Progress - ACRD staff submitting application
Regular Council	25-Feb-20	Ucluelet Economic Development Corporation	THAT Council direct Staff to take the steps necessary to: a. Update the Directors of the Ucluelet Economic Development Corporation (UEDC) to Mayo Noel, Lara Kemps, Rachelle Cole, Marilyn McEwen and Jennifer Hoar; b. Update the Officer of the UEDC to Mayor Noel and Marilyn McEwen; and, c. file the 2019 UEDC annual report. THAT Council direct Staff to take the steps necessary	Update directors, officers and file 2019 annual report	Administration	Complete
Special Council	12-Mar-20	Reporting and Request for Funding Letter from the Ucluelet Chamber of Commerce	THAT Council directs Staff to present a report that explores options for the use of the \$10,000 allocated to explore economic development options including the future location of Tourism Ucluelet	Draft report regarding future locations for Tourism Ucluelet	Planning	in progress

Special Council	12-Mar-20	Amended Single-Use Item Regulation Bylaw No. 1266, 2029	1. THAT third reading of "District of Ucluelet Single-Use Item Regulation Bylaw No. 1266, 2020" be rescinded. 4. THAT a copy of the amended Ucluelet Single-Use Item Regulation Bylaw No. 1266, 2020 be sent to the Minster of Environment and Climate Change Strategy for approval	1. Update Bylaw and Tracker 4. Send copy of Bylaw to Minister and upon approval bring back for Council adoption1. Update Bylaw and Tracker	Administration	In Progress: awaiting Ministerial approval
Special Council	12-Mar-20	Short Term Loan Authorization for Fleet Vehicle Purchase	1. THAT the Council of the District of Ucluelet authorizes up to \$200,000 be borrowed, under Section 175 of the Community Charter, from the Municipal Finance Authority, for the purpose of obtaining an equipment financing loan to purchase fleet vehicles; and 2. THAT the loan be repaid within 5 years, with no rights to renew.1. THAT the Council of the District of Ucluelet authorizes up to \$200,000 be borrowed, under Section 175 of the Community Charter, from the Municipal Finance Authority, for the purpose of obtaining an equipment financing loan to purchase fleet vehicles	Apply for Loan	Finance	Complete
Special Council	12-Mar-20	Operating and Project Review - Draft 5 Year Financial Plan	That Council direct Staff to provide a report on options for investing the remaining Community Forest Funds that have not been allocated for the 2020 budget	Draft report	Finance	Assigned - delayed due to Covid requirements
Regular Council	17-Mar-20	Lot 13 - Zoning Bylaw Amendment Bruce Greig, Manager of Community Planning	THAT Council approve recommendation 5 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 5. THAT, subject to public input, Council indicate support for Development Variance Permit No. 3090-20-DVP20-02 which would vary the following: a. vary the Ucluelet Subdivision Control Bylaw No. 521, 1989, to allow development of a compact residential road and services within a 10m dedicated road right-of-way (instead of a 15m minimum road dedication) as proposed in the cross section by Park City Engineering Ltd. dated February 14, 2020; and, b. for proposed Lots 1, 2 and 5, vary section R-5.6.2 of District of Ucluelet Zoning Bylaw No. 1160, 2013, to permit access to a parking space to be located between the front face of the principal building and the adjacent roadTHAT Council approve recommendation 5 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 5. THAT, subject to public input, Council indicate support for Development Variance Permit No. 3090-20-DVP20-02 which would vary the following	Staff to bring forward DVP20-02 to future Council meeting during consideration of a Development Permit for the project	Administration / Planning	Pending submission of DP/DVP application
Regular Council	17-Mar-20	Lot 13 - Zoning Bylaw Amendment Bruce Greig, Manager of Community Planning	That Council approve recommendation 8 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 8. THAT Council indicate that it is prepared to authorize the following, once the "No Subdivision Covenant" has been registered on the title of Lot 13: a. discharge of "No Build" covenant FB154873 currently registered on the title of Lot 13; and, b. approval for the future modification of Master Development Agreement and Covenant EX125879, at the time the subdivision of Lot 13 is registered, to document that 33 affordable units have been created for future consideration and calculation of the development potential on other lands currently owned by Weyerhaeuser Company Ltd.That Council approve recommendation 8 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 8. THAT Council indicate that it is prepared to authorize the following, once the "No Subdivision Covenant" has been registered on the title of Lot 13	Staff to work with lawyer to modify Master Development Agreement and Covenant EX125879, at the time the subdivision of Lot 13 is registered	Planning	Pending
Regular Council	17-Mar-20	Lot 13 - Zoning Bylaw Amendment Bruce Greig, Manager of Community Planning	THAT Council authorize the District to enter into a Master Partnering Memorandum of Understanding for the development of Affordable Home Ownership Program (AHOP) units in the District of Ucluelet with the British Columbia Housing Management Commission (BC Housing)	Staff to work with BC Housing to prepare MoU	Planning	Complete

Regular Council	17-Mar-20	Lot 13 - Zoning Bylaw Amendment Bruce Greig, Manager of Community Planning	That Council approve recommendation 12 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 12. THAT Council approve funding in the amount of \$320,000.00 to support the servicing and infrastructure of the development to reduce the cost of units to qualifying households, subject to the following: a. the funds being released to the developer once the 33-lot subdivision has been registered; and, b. a mortgage charge being registered in favour of the District equal to \$14,545.45 in priority on the title of the 22 ownership lots, with the understanding that those mortgage charges will be discharged from each lot once an Occupancy Permit has been obtained for a dwelling unit on the lot. That Council approve recommendation 12 of report item, "Lot 13 - Zoning Bylaw Amendment" which states: 12. THAT Council approve funding in the amount of \$320,000.00 to support the servicing and infrastructure of the development to reduce the cost of units to qualifying households	Staff to work with applicant. Details to be registered at subdivision stage	Planning / Finance	In progress
Regular Council	17-Mar-20	Water Treatment Loan Authorization Donna Monteith, Chief Financial Officer	That Council approve recommendation 3 of report item, "Water Treatment Loan Authorization" which states: 3. THAT District of Ucluelet Loan Authorization Bylaw No. 1268, 2020 be given third reading and referred to the Inspector of Municipalities for approval	Staff to refer bylaw to the Inspector for Municipalities for approval	Administration	Assigned: this project is on hold until 2021 fiscal year
Regular Council	14-Apr-20	COVID-19 Bylaw Education and Enforcement	A. THAT Council engage the Hesquiaht, Ahousaht, Tla-o-qui-aht, Toquaht and Yuufu?i?ath governments, District of Tofino and Alberni-Clayoquot Regional District to discuss a coordinated approach for the West Coast to: i. lobby Island Health and/or the Government of BC to pass an order restricting tourist and other non-essential travel to the West Coast at this time; and, ii. take a consistent approach when exercising legislated local government and/or treaty powers to curtail businesses and activities which are not complying with recommendations of the Public Health Officers to stop the spread of COVID-19. A. THAT Council engage the Hesquiaht, Ahousaht, Tla-o-qui-aht, Toquaht and Yuufu?i?ath governments, District of Tofino and Alberni-Clayoquot Regional District to discuss a coordinated approach for the West Coast	Council to engage and lobby	Council	Assigned
Regular Council	28-Apr-20	Lot 13 Marine Drive - Proposed Affordable Housing	THAT Council authorize the discharge of "No Build" covenant FB154873 from the title of Lot 13, concurrent with the registration of the "No Subdivision Covenant with Option to Purchase" on the property's title	Discharge covenant once No Subdivision Covenant with Option to Purchase is registered on the property title	Planning	In Progress: this action is contingent upon the parties agreeing on a option to purchase
Regular Council	12-May-20	Lot 13 Marine Drive - Correspondence from Weyerhaeuser Todd Powell, Vice President of Weyerhaeuser NR Company	THAT Council indicate that it is prepared to authorize modification of Master Development Agreement and Covenant EX125879 on lands owned by Weyerhaeuser Company Ltd. at the point when a Development Permit has been issued for the proposed subdivision and development of the land, subject to the concurrent registration of the "No Subdivision Covenant with Option to Purchase" being registered on the title of Lot 13	Modify Master Development Agreement at the time DP is issued, subject to the "No Subdivision Covenant with Option to Purchase" being registered on the Lot 13	Planning	Assigned
Regular Council	12-May-20	Lot 13 Marine Drive - Correspondence from Weyerhaeuser Todd Powell, Vice President of Weyerhaeuser NR Company	THAT Council indicate the following additional information should be provided at the time the Development Permit / Development Variance Permit application is submitted for the proposed subdivision and development of Lot 13: identify which lots would have the Affordable Rental housing agreement registered on their title, and which would have the Affordable Ownership housing agreement registered on their title; identify which lots would be developed as 1-bed, 2-bed or 3-bed homes; and, identify the prices of the lots and homes	Communicate this resolution to the developer	Planning	complete
Regular Council	26-May-20	Reserved Berth Fees Information Abby Fortune, Manager of Recreation & Tourism	THAT Council direct Staff to provide a report about amending the Ucluelet Harbour Regulation Bylaw No. 1134, 2011 to allow for monthly reserved berths	Draft report regarding amending Bylaw 1134 to allow for monthly reserve berths	Recreation	In progress for June 23, 2020 meeting
Regular Council	26-May-20	Council Procedure Bylaw Update Joseph Rotenberg, Manager of Corporate Services	THAT Council approve recommendation 2 of report item "Council Procedure Bylaw Update" which states: 2. THAT Council give "District of Ucluelet Council Procedures Bylaw No. 1264, 2020" second reading and direct Staff to provide notice of the proposed bylaw	Update Bylaw tracker and bylaw. Provide notice and bring back to Council for third reading	Administration	Complete

Regular Council	26-May-20	Streamlined Temporary Approval for Expanded Outdoor Seating Areas Bruce Greig, Manager of Community Planning	THAT Council approve recommendation 1 of report item "Streamlined Temporary Approval for Expanding Outdoor Seating Areas" which states: 1. THAT Council direct Staff to prepare, as a District initiative, Development Permits valid from June 1, 2020, through October 31, 2020, for expanded outdoor seating areas in the locations generally shown in Appendix 'A' to the staff report dated May 26, 2020, for any adjacent business requesting such expansion	Staff to prepare, as a District initiative, Development Permits valid from June 1, 2020, through October 31, 2020	Planning	In process: approvals issued for 8 businesses so far.
Regular Council	26-May-20	Streamlined Temporary Approval for Expanded Outdoor Seating Areas Bruce Greig, Manager of Community Planning	THAT Council approve recommendation 2 of report item "Streamlined Temporary Approval for Expanding Outdoor Seating Areas" which states: 2. THAT Council direct Staff to explore options for a streamlined approval process for utilizing District road right-of-way areas for expanded outdoor seating, including confirmation of insurance	Explore options for a streamlined approval processes for the use of District road right-of-ways	Planning	Complete
Regular Council	26-May-20	Streamlined Temporary Approval for Expanded Outdoor Seating Areas Bruce Greig, Manager of Community Planning	THAT Council approve recommendation 4 of report item "Streamlined Temporary Approval for Expanding Outdoor Seating Areas" which states: 4. THAT Council direct Staff to make physical changes to outdoor spaces to increase public outdoor seating opportunities, as generally shown in Appendix 'A' to the staff report dated May 26, 2020, and report back to Council as necessary if such works exceed existing operational budgets	Make physical changes to public spaces	Public Works	Assigned
Regular Council	09-Jun-20	Animal Control Bylaw Safety Solutions for Ucluelet Dogs and Owners group members	THAT Council direct Staff to bring forward a report with options an off-leash dog area in Ucluelet.	Present report to Council about off-leash dog park.	Recreation	Completed
Regular Council	09-Jun-20	Council Policy on "Wildlife Attractants" for Bylaw Education & Enforcement Bruce Greig, Manager of Corporate Services	THAT Council approve recommendation 1 of the report item "Council Policy on "Wildlife Attractants" for Bylaw Education & Enforcement" which states: 1. THAT Council confirm that for the purpose of bylaw education and enforcement the following are deemed to be included in the definition of "Wildlife Attract" in the District of Ucluelet unless secured in a building or an enclosure surrounded by an appropriate electric fence: a. Chickens and other poultry; b. Livestock; c. Animal feed; d. Compost piles and bins unless specially designed and constructed to be bear-proof (except the composting of grass clippings, leaves and branches); e. Beehives; and, f. Un-picked ripe or fallen tree fruit.	Share Council resolution with Bylaw staff and WildSafe BC.	Planning	Complete
Regular Council	09-Jun-20	S.219 Covenant Modification for 2108 Peninsula Road John Towgood, Planner 1	THAT Council approve recommendation 1 of report item "S.219 Covenant Modification for 2108 Peninsula Road" which states: 1. THAT Council approve replacement of the Section 219 restrictive covenant EH51473 to allow a building to be built within 10m of a watercourse on Lot 22, District Lot 284, Clayoquot District Plan VIP76147 (2108 Peninsula Road) subject to compliance with all the recommendations of the Biophysical Assessment prepared by Current Environmental dated January 10, 2020.	Communicate approval of the new Covenant to applicant	Planning	Complete
Regular Council	09-Jun-20	Holding Public Hearings via Zoom Webinar Joseph Rotenberg, Manager of	THAT Council direct Staff to conduct public hearings via Zoom Webinar.	Communicate public hearing Zoom procedures to electorate.	Administration	Complete
Regular Council	23-Jun-20	District of Ucluelet Flood Mapping Project Bruce Greig, Manager of Community Services	THAT Council earmark the results of the flood mapping project for upcoming discussions in the Strategic Planning update and subsequent Budget preparations, for next steps to: update Emergency Preparedness plans; consider resiliency in long-term Asset Management planning; consider changes to development regulations, including a process for public consultation, as they relate to existing properties; and, consider new policy on future developments to avoid areas of flood risk.	Use report findings to update strategic planning, emergency preparedness plans, asset management planning, development regulations, policies related to development and subsequent budget preparation.	Administration	Assigned: this will be brought back during strategic planning and during during budget planning.

Regular Council	23-Jun-20	District of Ucluelet Flood Mapping Project Bruce Greig, Manager of Community Services	THAT Council approve recommendations 1-3 of report item "District of Ucluelet Flood Mapping Project" which state: THAT Council receive the District of Ucluelet Coastal Flood Mapping Report for information; THAT Council direct staff to make the full contents of the report available for public access, to inform interested community members and regional partners by: creating a webpage on the District of Ucluelet web site with links to all final project materials; sharing the project results with the Yuułuʔiłʔatḥ Government, 'Tuk w aa ʔ ath Nation, Alberni Clayoquot Regional District, Parks Canada and the District of Tofino for their information; mounting an information display in the Ucluelet Community Centre so that community members can access full-size copies of the final maps, final report and information posters explaining the project, results and next steps; and, THAT Council earmark the results of the flood mapping project for upcoming discussions in the Strategic Planning update and subsequent Budget preparations, for next steps to: update Emergency Preparedness plans; consider resiliency in long-term Asset Management planning; consider changes to development regulations, including a process for public consultation, as they relate to existing properties; and, consider new policy on future developments to avoid areas of flood risk.	Publish full contents of report on a web page, share report with neighbouring communities, and mount information display in the Ucluelet Community Centre.	Planning	In Progress
Regular Council	23-Jun-20	District of Ucluelet Flood Mapping Project Bruce Greig, Manager of Community Services	THAT Council approve recommendations 1-3 of report item "District of Ucluelet Flood Mapping Project" which state: THAT Council receive the District of Ucluelet Coastal Flood Mapping Report for information; THAT Council direct staff to make the full contents of the report available for public access, to inform interested community members and regional partners by: a) creating a webpage on the District of Ucluelet web site with links to all final project materials; b) sharing the project results with the Yuułuʔiłʔatḥ Government, 'Tuk w aa ʔ ath Nation, Alberni Clayoquot Regional District, Parks Canada and the District of Tofino for their information; c) mounting an information display in the Ucluelet Community Centre so that community members can access full-size copies of the final maps, final report and information posters explaining the project, results and next steps; and,	Create Website, share with surrounding communities, and display in UCC	Planning / Admin	In Progress
Regular Council	23-Jun-20	Off-Leash Dog Park Abby Fortune, Manager of Recreation & Tourism	THAT Council approve recommendations 1 of report item "Off-Leash Dog Park" which states: THAT Council designate Frank Jones Memorial Park as an off-leash dog area, on a trial basis.	Develop signage and communications regarding the off-leash area at the Frank Jones Memorial Park	Recreation	In Progress - signs have been ordered
Regular Council	23-Jun-20	Council Proceedings Under Ministerial Order M192 Joseph Rotenberg, Manager of Corporate Services	THAT Council approve recommendation 1 of the report item "Council Proceedings Under Ministerial Order M192" which states: THAT Council: a) open Council Chambers to the public; b) designate Activity Rooms 1 or 2 in the Ucluelet Community Centre as a location where members of the public may listen and watch a livestream of Council meetings when Chambers is at capacity; c) instructs Staff to facilitate in-person and Zoom Webinar participation in public hearings; d)and instruct Staff to prepare a report about conducting Council meetings in the Main Hall at the Ucluelet Community Centre.	Prepare report about conducting Council meetings in the main hall and communicating the opening of Council Chambers and associated safety protocols.	Administration	Complete
Regular Council	23-Jun-20	Development Permit for 1911 and 1905 Peninsula Road John Towgood, Planner 1	THAT Council approve recommendation 1 of the report item "Development Permit for 1911 and 1905 Peninsula Road" which states: THAT Council approve Development Permit DP20-01 for a six-unit motel, general building renovation to an existing motel building, and new landscaping on the properties located at 1911 and 1905 Peninsula Road.	Issue DP.	Planning	In Progress

Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given second reading as amended and be advanced to a public hearing.	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 13th
Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT section 7(c) of District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be amended to read: "Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one half (.5) shower stall per eight (8) Camping Spaces."	Amend Bylaw	Administration	Complete
Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be advanced to a public hearing.	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 13th
Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT Council rescind second reading of District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.	Update bylaw.	Administration	Complete
Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT Council direct staff to give notice to receive comment on Development Variance Permit DVP19-02 and Temporary Use Permit TUP19-01 in conjunction with the public hearing on the zoning amendment bylaws and proposed development at 221 Minato Road.	Draft and publish public notice.	Administration	In progress
Regular Council	23-Jun-20	Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908) Bruce Greig, Manager of Community Planning	THAT District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be advanced to a public hearing.	Draft and publish public hearing notice.	Planning	In progress
Regular Council	23-Jun-20	Zoning Bylaw Amendment for 799 Marine Drive John Towgood, Planner 1	THAT Council approve recommendation 1 of report item "Zoning Bylaw Amendment for 799 Marine Drive" which states: THAT District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given first and second reading and advanced to a public hearing;	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 12th
Regular Council	23-Jun-20	Zoning Amendment and Development Permit for 2015 Bay Street John Towgood, Planner 1	THAT Council approve recommendation 1 of report item "Zoning Amendment and Development Permit for 2015 Bay Street" which states: THAT District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given first and second reading and advanced to a public hearing.	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 12th
Regular Council	23-Jun-20	Zoning Bylaw Amendment for 796 Marine Drive John Towgood, Planner 1	THAT Council approve recommendation 1 of report item "Zoning Bylaw Amendment for 796 Marine Drive" which states: THAT District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given first and second reading and advanced to a public hearing.	Update bylaw, bylaw tracker and give notice.	Administration	In Progress: Public hearing scheduled for August 13th
Regular Council	23-Jun-20	Council Procedure Bylaw - 3rd Reading Joseph Rotenberg, Manager of Community Planning	THAT Council approve recommendation 3 of report item "Council Procedure Bylaw - 3rd Reading" which states: 3. THAT Council give "District of Ucluelet Council Procedures Bylaw No. 1264, 2020" third reading.	Update bylaw, publish notice and update bylaw tracker - bring back for adoption.	Administration	Complete
Regular Council	23-Jun-20	Reserve Berthage at the Ucluelet Harbour Abby Fortune, Manager of Community Planning	THAT Council approve recommendations 4 report item "Reserve Berthage at the Ucluelet Harbour" which states: 4. THAT Council give "Ucluelet Harbour Regulation Bylaw No. 1276, 2020" third reading; and	Update bylaw, bylaw tracker and bring back for adoption.	Administration	Complete
Regular Council	23-Jun-20	June 9, 2020 Regular Minutes	THAT Council adopt the June 9, 2020 Regular Minutes as amended.	Amend, sign, file and upload.	Administration	Complete



STAFF REPORT TO COUNCIL

Council Meeting: July 14, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: NICOLE MORIN, CORPORATE / PLANNING CLERK

FILE NO: 1630-01

SUBJECT: CHEQUE LISTING – JUNE 2020

REPORT NO: 20-62

ATTACHMENT(S): APPENDIX : JUNE 2020 CHEQUE LISTING

RECOMMENDATION(S):

There is no recommendation. This report is provided for information only.

PURPOSE:

The purpose of this report is to provide Council with a regular update on disbursed cheques.

BACKGROUND:

Finance staff have provided a detailed list of last month's cheque run attached as Appendix A.

POLICY OR LEGISLATIVE IMPACTS:

The cheque listing has been reviewed to ensure compliance with the *Freedom of Information and Protection of Privacy Act*. The names of individual's shown on the cheque listing are either employed with the District or contracted for the delivery of goods and services.

OPTIONS REVIEW:

1. There is no recommendation. This report is provided for information only.
(Recommended)
2. THAT Council provide alternative direction to staff.

Respectfully submitted:

Nicole Morin, Corporate / Planning Clerk
Joseph Rotenberg, Manager of Corporate Planning

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
52423282	20-Jun-01	VI200	VANCOUVER ISLAND REGIONAL LIBRARY	Q2/20	Q2/20 QUARTERLY VIRL PYMT 2	29992.5		29992.5	
52423497A	20-Jun-01	PW280	PITNEYWORKS	21052020	MAY/20 POSTAGE	1065		1065	
52423497B	20-Jun-01	PW280	PITNEYWORKS	26052020	MAY/20 POSTAGE	1065		1065	
52423497C	20-Jun-01	PW280	PITNEYWORKS	27052020	MAY/20 POSTAGE	1065		1065	
030296	20-Jun-02	ACE92	ACE COURIER SERVICES	24219991	LEVITT SAFETY A2374105	40.87		40.87	
030297	20-Jun-02	AGS11	AGS BUSINESS SYSTEMS INC	259003	COPIER 04/29-05/28/2020	655.16		655.16	
030298	20-Jun-02	AHI01	ALLES HOLDINGS INC	52	MAY 18-29/20 UVFB CONTRACT SERVICES	630		630	
030331	20-Jun-02	UWN40	BLACK PRESS	33879647	MAR/20 ADS	635.98		635.98	
030332	20-Jun-02	MA952	BUREAU VERITAS CANADA (2019) INC.	VA10124249 VA10121354	WATER TESTING WATER TESTING C034066	263.55 263.55		527.1	
030333	20-Jun-02	CWF01	CENTRAL WESTCOAST FOREST SOCIETY	HYPH18-1	HYPHOCUS CAUSEWAY ASSESSMENT	5250		5250	
030334	20-Jun-02	CHE01	CHERNOFF THOMPSON ARCHITECTS	15662	PROJ 39038.1 HEALTH CENTRE STUDY	3658.08		3658.08	
030335	20-Jun-02	CN411	CITY OF NANAIMO	123098 123099 123101	ICS200 ONLINE-UVFB EXAM REWRITES-UVFB UVFB EXAM 7/HAZMAT AWARENESS	110.25 73.5 136.5		320.25	
030336	20-Jun-02	CCL88	CORLAZZOLI CONTRACTING LTD	102	DANGER TREES REMOVAL-WPT/BIKE PATH	945		945	
030337	20-Jun-02	CN043	CROWS NEST UCLUELET	5673	WORK JOURNALS-PARKS STAFF	78.18		78.18	
030338	20-Jun-02	CUPE1	CUPE LOCAL #118	04/20	APR/20 DUES	1220.59		1220.59	
030339	20-Jun-02	EBB01	EBBWATER CONSULTING INC.	343	PROJ P154 FLOOD RISK ASSESSMENT	25300.31		25300.31	
030340	20-Jun-02	FS004	EMCO CORPORATION	87101009-00	MISC ITEMS-PW	1513.79		1513.79	
030341	20-Jun-02	FW050	FAR WEST DISTRIBUTORS LTD	334244	SCH BATHROOM SUPPLIES	120.78		120.78	
030342	20-Jun-02	GD215	GREGG DISTRIBUTORS LTD	011-767319 011-767320	BORE FF WHEEL-PW LED BEACON	59.61 267.03		326.64	
030343	20-Jun-02	GIC90	GUILLEVIN INTERNATIONAL CO	0444-504753	SCBA TESTING/REPAIRS	6628.14		6628.14	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
030344	20-Jun-02	HRPR7	HOLISTIC EMERGENCY PREPAREDNESS	2950	FIRE INSPECTION PROGRAM DEVLMPNT	1724.63		1724.63	
030345	20-Jun-02	IB275	ISLAND BUSINESS PRINT GROUP LTD	173145	TAX NOTICES 2020	1075.2		1075.2	
030346	20-Jun-02	CK608	KASSLYN CONTRACTING	D720 D721	D720 D721	3370.04 4373.33		7743.37	
030347	20-Jun-02	KA001	KOERS & ASSOCIATES ENGINEERING LTD.	1947-005 9601-159 1750-015 1956-006	1947 HARBOUR LIFT STATION 9601 MISC ENGINEERING-WELLFIELD DRAIN 1750 BAY ST SANITARY SEWER 1956 STORM DRAINAGE MASTER PLAN	973.88 2113.39 3110.89 3454.5		9652.66	
030348	20-Jun-02	LB002	LB WOODCHOPPERS LTD.	351310	HONDA MOWER	1656.48		1656.48	
030349	20-Jun-02	LM499	LOCKSMITH MONSTER, THE	LM12222	UCC DOOR LOCK SERVICING	416.33		416.33	
030350	20-Jun-02	MI273	MID-ISLAND FIRE EQUIPMENT LTD	35302B	UVFB-SCBA TESTING	141.75		141.75	
030351	20-Jun-02	ME001	MINISTER OF FINANCE	WSI408802 WSI408805	CO24206 PCL/PERMIT 2020 CO26923 PCL/PERMIT 2020	21 21		42	
030352	20-Jun-02	MFL14	MINISTER OF FINANCE	EMI425334	14515 PERMIT FEE 2020	1633.3		1633.3	
030353	20-Jun-02	PB703	PHOENIX BENEFITS SOLUTIONS	1052020	UVFB VFIS POLICY(VFP 9027279)	2897		2897	
030354	20-Jun-02	pi110	PUROLATOR INC	444549234 444499027 444602369	BV LABS BV LABS BV LABS	207.59 48.95 47.33		303.87	
030355	20-Jun-02	R9348	ROPER RUSSEL	123100	ROPER-WORK BOOTS	175		175	
030356	20-Jun-02	STA01	STANTEC CONSULTING LTD.	1492717	PEER REVIEW-FORMER BULK FUEL	1513.04		1513.04	
030357	20-Jun-02	SUN02	SUN LIFE ASSURANCE COMPANY OF CANADA	83450	JUN/20 EAP PROGRAM	117.6		117.6	
030358	20-Jun-02	UP459	UCLUELET PETRO-CANADA	8431	ENGINE OIL	89.64		89.64	
030359	20-Jun-02	UR849	UCLUELET RENT-IT CENTER LTD	37142 37685	RED NOZZLE HILTI BLADE-PW	71.5 115.35		186.85	
030360	20-Jun-02	UKE01	UKEE AUTO SERVICE	103967 103970	HONDA PRESSURE WASHER REPAIR #13 KUBOTA SERVICING	80.64 1093.54		4124.26	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
				103956	#3 GMC SERVICING	128.8			
				103969	#3 GM REPAIRS	399.84			
				103951	#17 TORO SERVICING	1243.2			
				200711	#21 REPLACE TIRES	679.84			
				200704	HONDA MOWER-REPAIR	50.4			
				200720	JOHN DEERE-FRONT TIRES	448			
030361	20-Jun-02	WC345	WURTH CANADA LTD	23900784	PW MATERIALS/SUPPLIES	157.01		288.75	
				23914596	FACE SHIELDS-PARKS OH&S	131.74			
AAA	20-Jun-02	FS004	EMCO CORPORATION	87101005-00	BAY ST PROJECT WATER UPGRADE	8534.43		8534.43	
030362	20-Jun-15	AS311	ACME SUPPLIES	923597	UCC CLEANING SUPPLIES	133.32		165.97	
				917945-1	FACIAL TISSUE	32.65			
030363	20-Jun-15	ACS02	ADVANCE CONTRACT SERVICES	123105	SCH-DOCK FIRE REPAIR	14400.75		14400.75	
030364	20-Jun-15	AG815	AG SURVEYS	20/381	SPRING COVE TRAIL MARKING	630		630	
030365	20-Jun-15	ACE07	ALBERNI COMMUNICATIONS & ELECTRONICS L	28793	TSUNAMI SIREN-SET UP/TESTING	834.4		834.4	
030366	20-Jun-15	AG495	ALBERNI GLASS & MIRROR 2003 LTD	37434	PLEXIGLASS BARRIER-UCC/LYCHE	722.4		722.4	
030367	20-Jun-15	AFC01	ALBERTA FIRE CHIEFS ASSOCIATION	IN20-0444	INSTRUCTOR 8TH ED TEXTBOOK	126.88		126.88	
030368	20-Jun-15	AHI01	ALLES HOLDINGS INC	51	MAY 4-15/20 UVFB CONTRACT SERVICES	630		1260	
				53	JUN 1-12/20 UVFB CONTRACT SERVICES	630			
030369	20-Jun-15	AFS01	ASSOCIATED FIRE & SAFETY	25061	UVFB JACKET NAME PLATE	97.86		1979.46	
				24320	CLASS A PLUS, 12X5 GALLONS	1881.6			
030370	20-Jun-15	B9394	BOYSEN MARK	123103	STAFF FUNCTION-ABBONDANZA REIMBRSMT	198		198	
030371	20-Jun-15	MA952	BUREAU VERITAS CANADA (2019) INC.	VA10129271	WATER TESTING C037079	263.55		263.55	
030372	20-Jun-15	BUS01	BUSTON, TONI	123106	MAY-YOUTH COORDINATOR	621		621	
030373	20-Jun-15	CGISC	CGIS CENTRE	44013	JUL-SEP/2020 SLIMS	2229.16		2229.16	
030374	20-Jun-15	CN411	CITY OF NANAIMO	123107	ICS100 ONLINE	99.23		739.73	
				123108	UVFB F1001 EXAMS	640.5			
030375	20-Jun-15	CE004	CORPORATE EXPRESS CANADA INC	53318724	LYCHE OFFICE SUPPLIES	568.45		883.98	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
				53299414	UCC-SANITIZER/TONER/PENS	315.53			
030376	20-Jun-15	DC001	DOLAN'S CONCRETE LTD.	UK49838	SIDEWALKS CONCRETE	459.48		459.48	
030377	20-Jun-15	FW050	FAR WEST DISTRIBUTORS LTD	333070	UCC-TOILET PAPER/GARBAGE BAGS	190.13		818.78	
				333393	NITRILE GLOVES	30.27			
				334375	TOILET PAPER/PAPER TOWEL	458.03			
				334490	GLOVES/CLEANER-UCC	76.1			
				334454	SPRAY BOTTLES-UCC	64.25			
030378	20-Jun-15	FA898	FORTUNE ABBY	123104	CLASS 4 DRVR EXAM/PROCESSING FEE	108		108	
030379	20-Jun-15	FSC10	FOUR STAR COMMUNICATIONS INC	54922	MAY/20 ANSWERING SERVICES	138.92		138.92	
030380	20-Jun-15	GB059	GIBSON BROS. CONTRACTING LTD.	23154	BLUE CRUSH GRAVEL	672		672	
030381	20-Jun-15	GTN61	GREEN THUMB NURSERIES	904456	THULJA PL EXCCLSA	5829.6		5829.6	
030382	20-Jun-15	GD215	GREGG DISTRIBUTORS LTD	011-769336	CLASS 2 LED BEACON	133.52		133.52	
030383	20-Jun-15	HSS40	HACH SALES & SERVICE CANADA LTD	222176	CHLORINE	685		685	
030384	20-Jun-15	CVIH1	ISLAND HEALTH	S5629-6	UCC-ANNUAL FOOD HEALTH PERMIT	150		400	
				S4147-6	ANNUAL WATER LICENSE	250			
030385	20-Jun-15	JI072	JUSTICE INSTITUTE OF B.C.	9676	INTRO TO BUSINESS CONTINUITY COURSE	378.76		378.76	
030386	20-Jun-15	CK608	KASSLYN CONTRACTING	D722	D722	5838.6		12700.06	
				D723	D723	6861.46			
030387	20-Jun-15	MEC01	MEC PROJECTS LTD	2398	STREET LIGHTS-INSPECT/REPAIR	998.3		998.3	
030388	20-Jun-15	MISC	AS HANGING DISPLAY SYSTEMS	711202	UCC HANGING/DISPLAY EQUIPMENT	74.07		74.07	
030389	20-Jun-15	MISC	████████████████████	BP18-43	BP18-43 DMG DEPOSIT RETURN	1000		1000	
030390	20-Jun-15	MISC	████████████████████	BP19-57	BP19-57 DMG DEPOSIT RETURN	1000		1000	
030391	20-Jun-15	OCN01	OCN GARDEN CENTRE	018765	PARKS-GARDEN SUPPLIES/BASKET FILLERS	1234.17		1234.17	
030392	20-Jun-15	PAC04	PACIFIC RIM DISTILLING	33	HAND SANITIZER	473.68		473.68	
030393	20-Jun-15	PR267	PACIFIC RIM WHALE FESTIVAL SOCIETY	123102	IAN TAMBLYN SET/PRINT JOB	1972		1972	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
030394	20-Jun-15	PI110	PUROLATOR INC	444656197	BV LABS	93.35		236.32	
				444708346	BV LABS	142.97			
030395	20-Jun-15	SBR01	SONBIRD REFUSE & RECYCLING LTD.	39035	52 STEPS GARBAGE MAY/20	384.57		2625.83	
				39036	WHISKEY DOCK GARBAGE MAY/20	491.61			
				39034	SCH GARBAGE MAY/20	1596.7			
				39038	UCC GARBAGE MAY/20	152.95			
030396	20-Jun-15	TU428	TOURISM UCLUELET	03/20	MAR/20 MRDT	4210.96		4210.96	
030397	20-Jun-15	TSC19	TRANSPARENT SOLUTIONS CORP	11283	CLEARMAIL SPAM FILTER	20.95		20.95	
030398	20-Jun-15	UP459	UCLUELET PETRO-CANADA	8502	PROPANE-PARKS	31.99		262.55	
				8321	HANGER-2002 CHEV SILVERADO	11.57			
				8552	#4 BATTERY	218.99			
030399	20-Jun-15	UR849	UCLUELET RENT-IT CENTER LTD	37436	DEEP WELL PUMP-OUTS(PARKS)	593.6		990.59	
				37622	PARKS SUPPLIES/EQUIPMENT	396.99			
030400	20-Jun-15	UI923	UKEE INFO TECH	12096	IT SUPPORT MAY/20	3748.5		3748.5	
030401	20-Jun-15	WCC28	WESTCOAST CONNECT	4075	CANADIAN ELECTRIC VEHICLES	62.28		62.28	
030402	20-Jun-15	WF001	WFR WHOLESALE FIRE & RESCUE LTD.	INV/2020/0616	FACE MASKS/ROAD FLARES-UVFB	240.45		240.45	
030403	20-Jun-15	WIL02	WILD PACIFIC PLUMBING & GASFITTING	2399	UCC-TOILET REPAIR	472.5		472.5	
030404	20-Jun-15	WPT01	WILD PACIFIC TRAIL SOCIETY	123109	2020 GRANT-WPT	10000		10000	
030405	20-Jun-15	WC345	WURTH CANADA LTD	23886532	HARD HAT	26.72		205.47	
				23908198	TIGERFLEX GLOVES	178.75			
030406	20-Jun-15	XC300	XPLORNET COMMUNICATIONS INC	INV32306121	EMERGENCY INTERNET FIREHALL JUN/20	70.55		70.55	
030407	20-Jun-15	CC508	A-MAIS TECHNOLOGIES INC.	2020200	EHOQ SET-UP/ANNUAL EHOQ FEE	2520		2520	
030408	20-Jun-15	ACE92	ACE COURIER SERVICES	14279619	GREGG DISTRIBUTORS	35.45		188.18	
				14278678	GREGG DISTR/LB WOODCHOPPERS	152.73			
030409	20-Jun-15	RD205	ACRD	10751	FIRE TRUCK LOAN	32189.13		63844.13	
				10754	HUB LOAN INTEREST	31655			

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
030410	20-Jun-15	ACE07	ALBERNI COMMUNICATIONS & ELECTRONICS L	28776	UVFB PAGER BATTERY/CLIP	44.78		44.78	
030411	20-Jun-15	MA952	BUREAU VERITAS CANADA (2019) INC.	VA10116810 VA10116238	WATER TESTING C032204 SEWER TESTING C030553	263.55 334.64		598.19	
030412	20-Jun-15	DWS54	DOGWASTE SOLUTIONS	1590	DOG WASTE BAGS(X5 CASES)	666.4		666.4	
030413	20-Jun-15	DFC01	DUMAS FREIGHT COMPANY	64910 64918	FOUR STAR WATERWORKS FOUR STAR WATERWORKS	65.61 498.75		564.36	
030414	20-Jun-15	EB295	E.B. HORSMAN & SON	12483008	FIREHALL-ELECTRICAL MATERIALS	626.92		626.92	
030419	20-Jun-15	UV146	UCLUELET VOLUNTEER FIRE BRIGADE	Q1Q2/20	Q1/20 AND Q1/20 CONTRIBUTIONS	5000		5000	
030418	20-Jun-15	UR849	UCLUELET RENT-IT CENTER LTD	37468	HYDROVAC-BOAT BASIN LEAK	630.01		630.01	
030417	20-Jun-15	PV001	PIPE-EYE VIDEO INSPECTIONS AND SERVICES	14162	LIFT STATIONS-CLEAN/MAINTENANCE	2186.63		2186.63	
030416	20-Jun-15	MW001	MUNICIPAL WORLD INC.	WC310044	JUL/20-JUN/21 SUBSCRIPTION	68.2		68.2	
030415	20-Jun-15	JR381	J. ROBBINS CONSTRUCTION LTD	1132 4442	CONCRETE MIX SUPPLY FRACTURED ROCK DELIVERY	238.56 282.24		520.8	
030469	20-Jun-26	ACE92	ACE COURIER SERVICES	14279366	SHAW TRAFFIC C022663	177.51		177.51	
030470	20-Jun-26	AS311	ACME SUPPLIES	928418	UCC CLEANING SUPPLIES	156.28		156.28	
030471	20-Jun-26	AG495	ALBERNI GLASS & MIRROR 2003 LTD	37478	PLEXIGLASS BARRIER	361.21		361.21	
030472	20-Jun-26	AHI01	ALLES HOLDINGS INC	54	JUN 15-26/20 UVFB CONTRACT SERVICES	630		630	
030473	20-Jun-26	BLA01	BLACK DOG ORGANIZATION	DIST01	CEDAR HEDGE/FENCING/DRAINAGE	5495		5495	
030474	20-Jun-26	BP940	BLACK PRESS GROUP LTD.	33902629	MAY/20 ADJUSTMENTS	530.98		530.98	
030475	20-Jun-26	BRI03	BRIAN WHITE EXCAVATING	534425	WATER FOUNTAIN INSTALL-DIGGING	157.5		157.5	
030476	20-Jun-26	MA952	BUREAU VERITAS CANADA (2019) INC.	VA10137477 VA10137478 VA10138344 VA10133245 VA10133703	WATER TESTING C041007 WATER TESTING C041006 WATER TESTING C041401 WATER TESTING C039034 SEWER TESTING C038181	263.55 197.66 197.66 263.55 334.64		1257.06	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
030477	20-Jun-26	CFP22	CALEDONIA FIRE PROTECTION LTD	26542-1	FIRE INSPECTIONS	6596.1		6596.1	
030478	20-Jun-26	CEV16	CANADIAN ELECTRIC VEHICLES LTD	CA20086	#22 MOTOR REPAIR/REBUILD	1615.57		1615.57	
030504	20-Jun-26	LB002	LB WOODCHOPPERS LTD.	354314	PARKS EQUIPMENT-WATER PUMP/HEDGER	888.74		888.74	
030505	20-Jun-26	MISC	RICHMOND SCALE LIMITED	22618	SCH-HANGING SCALE	1369.76		1369.76	
030506	20-Jun-26	MISC	[REDACTED]	TX127008-2020	PRPTY TAX OVERPYMT ROLL#127008	275		275	
030507	20-Jun-26	PB104	PIONEER BOAT WORKS	79467	SIZE 10 BOOTS	118.13		118.13	
030508	20-Jun-26	PI110	PUROLATOR INC	444761985	BV LABS 14787868174	37.65		37.65	
030509	20-Jun-26	SBR01	SONBIRD REFUSE & RECYCLING LTD.	38915	UAC/UVFB GARBAGE MAY/20	278.58		2298.8	
				39039	UAC/UVFB GARBAGE MAY/20	45.15			
				38917	PW YARD GARBAGE MAY/20	1158.34			
				39037	PW YARD GARBAGE MAY/20	816.73			
030510	20-Jun-26	SK010	STRICKLAND KARLA	123113	CLOTH MASKS	120		120	
030511	20-Jun-26	SA505	TECHNICAL SAFETY BC	01336022	2020 PERMIT - B355 STAIR	158		158	
030512	20-Jun-26	UC142	UCLUELET CONSUMER'S CO-OPERATIVE ASSN	6495-1	CARDLOCK MAY/20	2249.98		2613.85	
				71343076	#2 PREM FUEL	48			
				71346028	#2 PREM FUEL	58.5			
				71347904	#2 PREM FUEL	58.5			
				71344156	PROPANE-PARKS	21.22			
				71348026	BOTTLES WATER-PW	13.14			
				08MAY2020#6365	SUNSCREEN/POLYSPORIN	107.08			
				20MAY2020#2870	COFFEE-PW	39.98			
				28MAY2020#5754	PAINTERS TAPE-LYCHE	17.45			
030513	20-Jun-26	LEASE	UCLUELET CONSUMERS CO-OPERATIVE ASSN	07/20	JUL/20 LEASE	250		250	
030514	20-Jun-26	UP459	UCLUELET PETRO-CANADA	8602	#3 WINDSHIELD WIPERS	68.75		68.75	
030515	20-Jun-26	UR849	UCLUELET RENT-IT CENTER LTD	37777	BAY ST-ROCK REMOVAL	86.81		3360.16	
				38003	BOAT BASIN-CARDBOARD MAY/20	312.9			
				37848	SOIL-1920 PENINSULA	1365			
				38029	STEEL CUTOFF WHEEL	129.65			
				37888	SOIL-PW	1365			
				37915	GENERATOR/CUTOFF SAW-RENTALS	100.8			

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
030516	20-Jun-26	UB034	UKEE BIKES	220000003582	E-BIKE & TRAILER	9337.45		9337.45	
030517	20-Jun-26	WP166	WINDSOR PLYWOOD - UCLUELET DIV.	21960A	SCH-NAILS	140		4120.66	
				21975A	PARKS-OUTHOUSE LOCKS/MATERIALS	408.54			
				22001A	SHED PROJECT-MATERIALS	814.72			
				22003A	NUMBERS-PUMPHOUSES/LIFTSTATIONS	141.99			
				22105A	HOSE CLAMP-PW	10.58			
				22407A	SUNSET POINT BOARDWALK-REPAIRS	1005.62			
				22881A	ROUTER BIT/DOOR SWEEP-FIREHALL	64.59			
				23134A	SCH-SIGNAGE	121.56			
				23801A	LYCHE-STEPS REPAIR	41.43			
				23958A	PARKS-MISC MATERIALS SUPPLIES	631.67			
				23959A	PW-MATERIALS & SUPPLIES	739.96			
030518	20-Jun-26	CHE01	CHERNOFF THOMPSON ARCHITECTS	15719	PROJ 39038.1 HEALTH CENTRE STUDY	1321.32		1321.32	
030519	20-Jun-26	CN411	CITY OF NANAIMO	123110	UVFB ICS EXAMS	176.4		360.15	
				123111	UVFB EXAM 2/10	183.75			
030520	20-Jun-26	CS334	CONTROL SOLUTIONS	C003671	UCC HEAT MNTC-2ND QTRTRY BILL	895.78		895.78	
030521	20-Jun-26	CE004	CORPORATE EXPRESS CANADA INC	53425552	FLOOR DECALS/FACE MASKS	422.44		800	
				53484476	UCC-OFFICE SUPPLIES/FLOOR DECALS	377.56			
030522	20-Jun-26	CKREX	CORTES KEVIN	14270	COIN OP SHOWER TIMER-REIMBURSMNT	1312.96		1312.96	
030523	20-Jun-26	DAV01	DAVID STALKER EXCAVATING LTD.	11209	PROJ 20-22 BAY ST SEWER	219924.47	21992.45	245700.27	
				11208	PROJ 20-22 BAY ST WATERMAIN	47768.25			
030524	20-Jun-26	DC001	DOLAN'S CONCRETE LTD.	UK49235	BLOCK-SEWAGE LAGOON	5640.6		5640.6	
030525	20-Jun-26	DFC01	DUMAS FREIGHT COMPANY	77183	CLEARTECH-CONTAINER RETURN	194.25		194.25	
030526	20-Jun-26	EB295	E.B. HORSMAN & SON	12483010	RAB WELL PACK	181.91		181.91	
030527	20-Jun-26	EBB01	EBBWATER CONSULTING INC.	348	PROJ P154 FLOOD RISK ASSESSMENT	30817.52		30817.52	
030528	20-Jun-26	EMP01	EMPIRE SCBA & SUPPLIES INC.	13587	SCBA BOTTLES/FACE PIECE	4026.75		4026.75	
030529	20-Jun-26	EL048	ERIK LARSEN DIESEL CO. LTD.	717893	HYDRAULIC COMPONENTS	165.63		165.63	
030530	20-Jun-26	fw050	FAR WEST DISTRIBUTORS LTD	333580	CLEAN SWEEP SUPPLIES	253.55		432.77	

District of Ucluelet
AP Cheque Listing

Cheque #	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
				335056	MOP AND BUCKET	179.22			
030531	20-Jun-26	FC006	FINNING (CANADA)	946834018	SPRINGS	302.97		302.97	
030532	20-Jun-26	G9421	GEDDES, RICK	123112	MILEAGE SCBA BOTTLE PICK-UP	123.25		123.25	
030533	20-Jun-26	GF001	GRAPHICS FACTORY	26871 26941	JAPANESE DOCK SIGN HARBOUR BROCHURES	77.28 324.8		402.08	
030534	20-Jun-26	GD215	GREGG DISTRIBUTORS LTD	011-770264	TUBING-PW	19.54		19.54	
030535	20-Jun-26	HAA03	HARBOUR AUTHORITY ASSOCIATION OF BC	1520	ANNUAL MEMBERSHIP-VOTING	225		225	
030536	20-Jun-26	PD199	HARBOURVIEW DRUGSTORE	693484	PARKS-STAFF NOTEBOOKS	35.08		35.08	
030537	20-Jun-26	IL610	IDEXX LABORATORIES CANADA CORPORATION	612013364	GAMMA IRRAD COLILERT	502.25		502.25	
030538	20-Jun-26	IC130	INFOSAT COMMUNICATIONS	431115	SAT PHONE JUN/20	65.12		65.12	
030539	20-Jun-26	JR381	J. ROBBINS CONSTRUCTION LTD	4519	GRAVEL PIT RUN	62.78		62.78	
030540	20-Jun-26	J1072	JUSTICE INSTITUTE OF B.C.	9675 9704	GEDDES-TUITION GEDDES-TUITION	685.25 413.44		1098.69	
030541	20-Jun-26	ck608	KASSLYN CONTRACTING	D724 D725	D724 D725	2883.03 3424.11		6307.14	
030542	20-Jun-26	KA001	KOERS & ASSOCIATES ENGINEERING LTD.	1947-006 0361-080 1750-016 9601-160	1947 HARBOUR LIFT STATION 0361 SUBDIVISION REVIEWS 1750 BAY ST SANITARY SEWER 9601 MISC ENGINEERING-WELLFIELD DRAIN	9861.08 370.07 11164.44 2143.52		23539.11	



STAFF REPORT TO COUNCIL

Council Meeting: July 14, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

FILE NO: 3900-25 BYLAW 1264

SUBJECT: COUNCIL PROCEDURE BYLAW UPDATE – ADOPTION

REPORT NO: 20-64

ATTACHMENT(S): APPENDIX A: BYLAW No. 1264, 2020

RECOMMENDATION(S):

1. **THAT** Council adopt “District of Ucluelet Council Procedures Bylaw No. 1264, 2020”.

PURPOSE:

The purpose of this report is to bring back the “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” (the “Bylaw”) for adoption.

BACKGROUND:

At the May 26th Regular Meeting the Bylaw received first and second reading. At the June 23rd Regular Meeting, second reading of the Bylaw was rescinded and the Bylaw received second and then third reading as amended as recommended in Report No. 20-57.

Public Notice has been given in accordance with the sections 124(3) and 94 of the *Community Charter*, including newspaper notices on June 10th and 17th and July 1st and 8th of 2020.

To date, the Corporate Services Office has received questions from members of the public about the proposed Bylaw but not written comments.

OPTIONS REVIEW:

1. **THAT** Council adopt “District of Ucluelet Council Procedures Bylaw No. 1264, 2020”;
(Recommended)
2. **THAT** Council provide alternative direction to Staff.

RESPECTFULLY SUBMITTED: Joseph Rotenberg, Manager of Corporate Services

DISTRICT OF UCLUELET

BYLAW NO. 1264, 2020

A Bylaw to establish procedures for Council, Committees and Commissions

WHEREAS the *Community Charter* requires that Council must, by bylaw, establish the general procedures to be followed by council and council committees;

AND WHEREAS the Mayor and Council are further empowered to establish additional procedures and otherwise facilitate the conduct of the District's business;

AND WHEREAS this table of contents is inserted for purposes of ease of reference only:

Part 1 – Administration & Interpretation		
1.	Title and Repeal	...2
2.	Interpretation and Definitions	...2
3.	Scope and Application	...6
4.	Additional and Alternate Procedural Rules	...6
Part 2 – Meetings & Notice		
5.	Inaugural Council Meeting	...6
6.	Meeting Place and Time	...6
7.	Cancellation and Rescheduling	...7
8.	Notice of Regular Council and Regular Committee of the Whole Meetings	...8
9.	Special Council Meetings	...8
10.	Council Meetings by Electronic Means	...8
11.	Annual Report	...9
Part 3 – Designation of Member to Act in Place of Mayor		
12.	Designation Procedures	...9
Part 4 – Council Proceedings		
13.	Open Meeting Rule	...9
14.	Calling to Order	...10
15.	Adjourning the Meeting – No Quorum	...10
16.	Agenda and Order of Business	...10
17.	Late Items	...12
18.	Notice of Motion	...12
19.	Public Input and Delegations	...13
20.	Correspondence Addressed to Mayor and Council	...14
21.	Information Items	...14
22.	Question Period	...15
23.	Minutes	...15
Part 5 – Motions		
24.	Reading and Consideration of Motions	...15
25.	Recording of Motions in the Minutes	...16
26.	Motions Permitted while Matter Under Debate	...16
27.	Amendments	...16

28.	Reconsideration	...17
Part 6 – Bylaws		
29.	Copies of the Bylaw	...17
30.	Form of Bylaws	...17
31.	Bylaws to be Considered Separately or Jointly	...18
32.	Reading and Adopting Bylaws	...18
33.	Bylaw Must be Signed	...19
34.	Force and Effect	...19
Part 7 –Voting		
35.	General Voting Rules	...19
Part 8 – Rules of Conduct and Debate		
36.	Powers and Duties of the Chair	...20
37.	Appealing the Chair’s Ruling	...21
38.	Question of Privilege	...21
39.	General Conduct	...21
40.	Conduct of Speaker	...22
41.	Matters Open to Debate	...23
Part 9 – Public Hearings		
42.	Time and Place of Public Hearings	...23
43.	Order of Business at a Public Hearing	...23
44.	Procedures	...24
Part 10 – Committees, Commissions and Other Bodies		
45.	Committee of the Whole	...25
46.	Other District Bodies	...26
Part 11 – Council Workshops		
47.	Council Workshops	...27

NOW THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

PART 1 – ADMINISTRATION & INTERPRETATION

1. TITLE AND REPEAL

- 1.1. This bylaw may be cited for all purposes as “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” or the “Council Procedures Bylaw”.
- 1.2. “District of Ucluelet Council Procedure Bylaw No. 1166, 2014” and all amendments thereto are hereby repealed.

2. INTERPRETATION AND DEFINITIONS

- 2.1. In this bylaw, the following terms have the following meanings:
 - (a) **“Acting Mayor”** means the Councillor designated under section 11 of this bylaw to act in place of the Mayor when the Mayor is absent or otherwise unable to act, or when the Office of the Mayor is vacant;

- (b) **“Acting Mayor Schedule”** means a schedule of when each Councillor is to serve as Acting Mayor on a rotating basis for the period January 1 to December 31. The Acting Mayor Schedule for an upcoming year is approved by Council in accordance with section 12 of this bylaw.
- (c) **“Agenda”** means a list of items of business to come before a Public Hearing or Meeting;
- (d) **“Agenda Deadline”** means:
 - (i) 12:00 P.M. five clear days before the Council Meeting or Committee of the Whole, for all matters other than those submitted by District Staff; and
 - (ii) a time at the discretion of the Corporate Officer for matters submitted by District Staff provided advance permission is obtained from the Corporate Officer and the notice requirements of this bylaw are satisfied;
- (e) **“Agenda Package”** means the Agenda and any other associated reports bylaws or other documents;
- (f) **“Annual Meeting Schedule”** means a schedule of the date, time and place of Regular Council, Regular Committee of the Whole and the Ucluelet Harbour Authority Meetings for the period of January 1 to December 31;
- (g) **“Board of Variance”** means the District of Ucluelet’s Board of Variance;
- (h) **“Chair”** means a person who has authority to preside over a Meeting or public hearing and is also known as the Presiding Member;
- (i) **“Commission”** means a municipal commission established in accordance with the *Community Charter*;
- (j) **“Committee”** means a standing, select, or other committee of Council but does not include a Committee of the Whole. Committees meet to consider, but not decide, matters of District business. Committees sit in a deliberative capacity only and must forwards their recommendations to Council for consideration;
- (k) **“Committee of the Whole”** means a committee comprised of all Council Members that meets to consider, but not decide, matters of District business. The Committee of the Whole sits in a deliberative capacity only and must forwards its recommendations to Council for consideration;
- (l) **“Committee of the Whole Meeting”** means:
 - (i) a Regular Committee of the Whole Meeting; and
 - (ii) a Special Committee of the Whole Meeting;
- (m) **“Corporate Officer”** means the District of Ucluelet’s appointed Corporate Officer and his or her deputy;
- (n) **“Council”** means District of Ucluelet Council;
- (o) **“Council Chambers”** means the George Fraser Room in the District of Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet, British

Columbia;

- (p) **“Council Committee”** means:
 - (i) a Standing Committee of Council;
 - (ii) a Select Committee of Council; and
 - (iii) any other body established by Council composed solely of Council members but does not include a Committee of the Whole;
- (q) **“Council Meeting”** means:
 - (i) an Inaugural Council Meeting;
 - (ii) a Regular Council Meeting; and
 - (iii) a Special Council Meeting;
- (r) **“Council Member”** means Mayor or a Councillor;
- (s) **“Councillor”** means a person who currently holds office as a District of Ucluelet Councillor;
- (t) **“District”** means the District of Ucluelet;
- (u) **“District Office”** means the District of Ucluelet local government administration office, located at 200 Main Street, Ucluelet, British Columbia;
- (v) **“Inaugural Council Meeting”** means the first Regular Council Meeting following a general local election;
- (w) **“Mayor”** means the Mayor for the District of Ucluelet, and includes the Councillor designated to act as Mayor during such periods necessary;
- (x) **“Majority Vote”** means the majority of the Members present at a duly convened meeting, being a Meeting where Quorum and notice requirements are met;
- (y) **“Meeting”** means a Council Meeting or a meeting of the Committee of the Whole or any Council Committee, Commission, the Board of Variance or Other District Body;
- (z) **“Member”** means a Council Member, Committee of the Whole Member or any member of a Council Committee, Commission, the Board of Variance or other District Body;
- (aa) **“Motion”** includes a resolution;
- (bb) **“Other District Body”** means:
 - (i) a Committee;
 - (ii) a Commission;
 - (iii) the Board of Variance;
 - (iv) the District of Ucluelet Harbour Authority;
 - (v) any advisory body established by Council;
 - (vi) a Court of Revision

- (vii) a parcel tax roll review panel established under the *Community Charter*; and
 - (viii) any body prescribed by regulation;
 - (cc) **“Presiding Member”** means the Mayor, Acting Mayor or other Member who presides over a Council Meeting or a meeting of any Voting Body, and is also known as the Chair;
 - (dd) **“Public Notice Posting Places”** means:
 - (i) the notice board at the District Office; and
 - (ii) the District’s website, except when subject to electronic failures.
 - (ee) **“Quorum”** is the number of Members who must be present to conduct business, being a majority of the Voting Body’s members, excepts as otherwise provided for in this bylaw;
 - (ff) **“Regular Committee of the Whole Meeting”** means a Committee of the Whole meeting listed on the Annual Meeting Schedule;
 - (gg) **“Regular Council Meeting”** means a Council Meeting listed on the Annual Meeting Schedule;
 - (hh) **“Select Committee”** means a committee established and the members appointed by Council in accordance with the *Community Charter* for a specific purpose. At least one member of a Select Committee must be a Council Member. Select Committees consider, inquire into, report and make recommendations to Council on matters referred by Council;
 - (ii) **“Standing Committee”** means a committee established and members appointed by the Mayor in accordance with the *Community Charter* for matters the Mayor considers would be better dealt with by committee. At least half the members of a standing committee must be Council Members;
 - (jj) **“Special Committee of the Whole Meeting”** means a Committee of the Whole meeting other than a Regular Committee of the Whole Meeting called in accordance with section 46.2. of this bylaw.
 - (kk) **“Special Council Meeting”** means a Council meeting other than a Regular Council meeting or an adjourned Council meeting that is called in accordance with section 9.1. of this bylaw.
 - (ll) **“Voting Body”** means Council, the Committee of the Whole or a Council Committee, Commission, the Board of Variance or Other District Body.
- 2.2. Any legislation or statute referred to in this bylaw is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this bylaw is a reference to an enactment of the Council of the District of Ucluelet as amended, revised, consolidated or replaced from time to time.
- 2.3. Any section, subsection, sentence, clause or phrase of this bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this bylaw without affecting the validity of the

remaining portions of this bylaw.

3. SCOPE AND APPLICATION

- 3.1. The Bylaw applies to Public Hearings, Council Meetings, Committee of the Whole Meetings, Committee meetings, Commission meetings, Boards of Variance meetings District of Ucluelet Harbour Authority Meetings and meetings conducted by other bodies established by Council.
- 3.2. Nothing contained within this bylaw shall relieve any person from the responsibility to seek and comply with other applicable legislation.
- 3.3. The failure of Council or District staff to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council otherwise in compliance with statutory requirements.

4. ADDITIONAL AND ALTERNATE PROCEDURAL RULES

- 4.1. In circumstances not provided for under this bylaw or applicable legislation, the most current edition of Robert's Rules of Order, Newly Revised, apply to the extent that those rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this bylaw, the *Community Charter, Local Government Act* or other applicable legislation.
- 4.2. Any one or more of the procedures in this bylaw, except those required by the *Community Charter, Local Government Act or any other legislation*, may be temporarily suspended by Majority Vote.

PART 2 – MEETINGS & NOTICE

5. INAUGURAL COUNCIL MEETING

- 5.1. Following a general local election, the Inaugural Council Meeting must be held on the first Tuesday in November in the year of the election.
- 5.2. If Quorum of the Council Members elected at the general local election has not taken office by the date of the Inaugural Council Meeting referred to in section 5.1 of this bylaw, the first meeting must be called by the Corporate Officer and held as soon as reasonably possible after quorum has taken office.

6. MEETING PLACE AND TIME

- 6.1. All Council Meetings must take place in Council Chambers unless Council resolves to hold the Council Meeting elsewhere and directs the Corporate Officer to give notice of a different meeting place by posting a notice of the change on the Public Notice Posting Places at least twenty-four (24) hours prior to the time of the Council Meeting.
- 6.2. After the Inaugural Council Meeting, Regular Council Meetings and Regular Committee of the Whole Meetings must occur on the dates and at the times specified

in the Annual Meeting Schedule, except where such a meeting, is cancelled or rescheduled in accordance with section 7 of this bylaw.

6.3. Council Meetings:

- (a) are adjourned no later than two and a half hours after commencement, unless Council otherwise resolves;
- (b) may include two brief recesses for any reason called by the Mayor, who must state the approximate length of time of the recess or the approximate time when the meeting will reconvene; and
- (c) may include a recess of up to thirty (30) minutes, called by the Mayor or by Council Resolution, in order to review this bylaw, the *Community Charter*, other applicable legislation, Robert's Rules of Order or to enter in-camera.

7. CANCELLATIONS AND RESCHEDULING

7.1. Council Meetings and Committee of the Whole Meetings may be cancelled or rescheduled:

- (a) by Council resolution;
- (b) by the Mayor;
- (c) if the Corporate Officer determines that there is insufficient business to warrant holding the Meeting; or
- (d) if the Corporate Officer has been notified by a majority of members no later than twenty-four (24) hours prior to the meeting that they will not be present for the meeting

provided notice is given in accordance with section 7.2.

7.2. If a Council Meeting is cancelled or rescheduled, the Corporate Officer must give at least twenty-four (24) hour advanced notice:

- (a) to Council Members, by delivering a copy of the notice to the place that each Council Member designated for receiving notices; and
- (b) to the public, by posting a copy of the notice at the Public Notice Posting Places.

7.3. Council Meetings and Committee of the Whole Meetings may be cancelled if:

- (a) quorum is not present within fifteen (15) minutes after the time appointed for commencement of the meeting, in which case the names of the members present will be entered in the minutes; or
- (b) quorum is lost for the balance of the agenda, in which case the time of conclusion and the names of the members then present shall be entered in the minutes.

7.4. Where a Meeting is cancelled or rescheduled, the business on the Agenda for that meeting is to be included in the next meeting.

8. NOTICE OF REGULAR COUNCIL AND REGULAR COMMITTEE OF THE WHOLE MEETINGS

- 8.1. In accordance with the *Community Charter*, Council must annually:
- (a) on or before November 30 prepare an Annual Meeting Schedule which establishes the date, time and place of Regular Council Meetings and Regular Committee of the Whole Meetings are to be held in the upcoming year;
 - (b) post the Annual Meeting Schedule at the Public Notice Posting Places; and
 - (c) give notice of the Annual Meeting Schedule's availability on or before January 31, in accordance with the *Community Charter*.
- 8.2. Where revisions are necessary to the Annual Meeting Schedule, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council Meeting or Regular Committee of the Whole Meeting.

9. SPECIAL COUNCIL MEETINGS

- 9.1. A Special Council Meeting may be called in accordance with the *Community Charter*.
- 9.2. Except where notice of a Special Council Meeting is waived by unanimous vote of all Council Members, a notice of the date, hour, and place of Special Council Meeting must be given at least twenty-four (24) hours before the time of the meeting, by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) by delivering a copy of the notice to the place that each Council Member designated for receiving notices.
- 9.3. The notice under section 9.2. of this bylaw must describe in general terms the purpose of the meeting and be signed by the Mayor or Corporate Officer.

10. COUNCIL MEETINGS BY ELECTRONIC MEANS

- 10.1. Provided the conditions set out in the *Community Charter* are met and the Corporate Officer receives authorization of the Mayor:
- (a) a Special Council Meeting may be conducted by electronic or other communication facilities; and
 - (b) a Member who is unable to attend a Council Meeting, Committee of the Whole Meeting or Committee Meeting, may participate in the meeting by electronic or other communication facilities.
- 10.2. Participation by a Member in a meeting pursuant to 10.1.(b) is only available:
- (i) if the Member is too ill to attend in person or is outside the District's municipal boundaries;
 - (ii) for up to two (2) Members per Meeting; and
 - (iii) for up to four (4) Meetings per year, per Member.
- 10.3. A Member participating in a meeting by electronic or other communication facilities pursuant to 10.1.(b) may not Chair the meeting.

- 10.4. A Member participating by audio means only must indicate his or her name and vote verbally.
- 10.5. Notice of a Special Council Meeting conducted under 10.1.(a) must contain information about the way in which the meeting is to be conducted and place where the public may attend to hear, or watch and hear, the proceeding of the meeting that are open to the public.
- 10.6. If communication facilities fail or malfunction during a Meeting, the affected Member will be deemed to have left the meeting.

11. ANNUAL REPORT

- 11.1. In accordance with *Community Charter*, Council must annually consider the Annual Municipal Report.
- 11.2. The Corporate Officer must give notice in accordance with the *Community Charter* of the date, time and place when Council will:
 - (a) consider the Annual Report; and
 - (b) receive submissions and questions from the public about the Annual Report.

PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

12. DESIGNATION PROCEDURES

- 12.1. Annually, in December, Council must, from amongst its members, adopt an Acting Mayor Schedule for the upcoming year, which provides for each Councillor to serve as Acting Mayor on a rotating basis when:
 - (a) the Mayor is unable to attend a meeting in person;
 - (b) the Mayor is otherwise unable to act; or
 - (c) the office of the Mayor is vacant.
- 12.2. The Acting Mayor has the same powers as the Mayor and must fulfil the responsibilities of the Mayor in his or her absence.
- 12.3. If both the Mayor and Acting Mayor are absent or unable to act, the Councillor next in succession on the Acting Mayor Schedule shall be the Acting Mayor.

PART 4 – COUNCIL PROCEEDINGS

13. OPEN MEETING RULE

- 13.1. All Council Meetings must be open to the public, except as provided for under the *Community Charter*.
- 13.2. Before holding a meeting or part of a meeting that is to be closed to the public, Council must state, by resolution passed in open meeting:
 - (a) the fact that the meeting or part is to be closed; and

- (b) the basis under the *Community Charter* on which the meeting or part is to be closed.

13.3. Despite section 13.1., the Chair may expel or exclude from a meeting of a Voting Body a person in accordance with the rules set out in the *Community Charter*.

14. CALLING TO ORDER

14.1. As soon as there is a Quorum present, at the time specified for a Council meeting, the Mayor, if present, must take the Chair and call the Council meeting to order.

14.2. If the Mayor is absent, the Acting Mayor, must take the Chair and call the meeting to order.

15. ADJOURNING THE MEETING – NO QUORUM

15.1. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (a) record the names of the Council Members present and those absent; and
- (b) adjourn the meeting until the next scheduled meeting.

16. AGENDA AND ORDER OF BUSINESS

16.1. Prior to each Council Meeting and Committee of the Whole Meeting, the Corporate Officer must prepare an Agenda.

16.2. The deadline for submission to the Corporate Officer of items for inclusion on the Council Meeting and Committee of the Whole Agenda is the Agenda Deadline.

16.3. Items received by the Corporate Officer after the Agenda Deadline must not be placed on the Agenda, but instead must be placed on the Agenda for the consideration at the following Council Meeting or Committee of the Whole Meeting, unless the items is introduced as Late Item pursuant to section 17 of this bylaw.

16.4. The Corporate Officer must make the Agenda available to the members of Council and the public:

- (a) forty-eight (48) hours before a Regular Council Meeting;
- (b) forty-eight (48) hours before a Regular Committee of the Whole Meeting;
- (c) twenty-four (24) hours before a Special Council Meeting; and
- (d) twenty-four (24) hours before a Special Committee of the Whole Meeting.

16.5. Only those matters included on the Agenda may be considered or dealt with at the Council or Committee of the Whole Meeting unless a new matter is introduced as a Late Item pursuant to section 17 of this bylaw.

16.6. The usual order of business at a Regular Council Meeting and Special Council Meeting is as set out in the Agenda for that meeting under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUULU?IL?ATH? FIRST NATIONS;

- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) APPROVAL OF THE AGENDA;
- (f) ADOPTION OF MINUTES;
- (g) UNFINISHED BUSINESS;
- (h) MAYOR'S ANNOUNCEMENTS;
- (i) PUBLIC INPUT & DELEGATIONS;
- (j) REPORTS;
- (k) LEGISLATION;
- (l) NOTICE OF MOTION;
- (m) CORRESPONDENCE;
- (n) INFORMATION ITEMS;
- (o) COUNCIL COMMITTEE REPORTS;
- (p) OTHER BUSINESS;
- (q) QUESTION PERIOD;
- (r) PUBLIC AND STATUTORY HEARINGS AND THIRD READING OR ADOPTION OF BYLAWS WHERE APPLICABLE AFTER EACH HEARING;
- (s) CLOSED SESSION;
- (t) RECONVENE FROM CLOSED SESSION;
- (u) ADJOURNMENT.

16.7. The usual order of business at a Regular Committee of the Whole Meeting and Special Committee of the Whole Meeting are as set out in the Agenda for the meeting under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUUKU?IK?ATH? FIRST NATIONS;
- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) APPROVAL OF THE AGENDA;
- (f) UNFINISHED BUSINESS;
- (g) MAYOR'S ANNOUNCEMENTS;
- (h) CORRESPONDENCE;
- (i) INFORMATION ITEMS;
- (j) PUBLIC INPUT & DELEGATIONS;
- (k) REPORTS;

- (l) OTHER BUSINESS;
 - (m) QUESTION PERIOD;
 - (n) CLOSED SESSION;
 - (o) RECONVENE FROM CLOSED SESSION;
 - (p) ADJOURNMENT.
- 16.8. All items on an Agenda must be taken up in the order in which they appear on the Agenda unless the Committee of the Whole or Council resolves otherwise by Majority Vote.
- 16.9. An item of business on a Regular Council, Special Council, Regular Committee of the Whole or Special Committee of the Whole Agenda may by Majority Vote, be:
- (a) deleted; or
 - (b) postponed to a future meeting of the same body.
- 16.10. Agendas are adopted by Majority Vote at the designated point in the agenda (ADOPTION OF THE AGENDA) either as presented or as amended.

17. LATE ITEMS

- 17.1. A late item may be approved for addition to an Agenda by the Corporate Officer and by resolution of Council at the appropriate time in the Agenda (LATE ITEM), if the subject matter is of an urgent nature such that the item cannot be held to the next Council Meeting.
- 17.2. The deadline for late items to be included on an Agenda is two (2) hours before the Council or Committee of the Whole Meeting. Late items must be distributed to Council prior to the commencement of the Council Meeting or Committee of the Whole Meeting.

18. NOTICE OF MOTION

- 18.1. A Council Member must give notice of his or her intention to introduce a motion for Council's consideration by:
- (a) verbally stating at the appropriate point in the agenda (NOTICE OF MOTION) that he or she intends to introduce the motion at a subsequent meeting; and
 - (b) submitting a written copy of the motion to the Corporate Officer by the Agenda Deadline for the next Council Meeting.
- 18.2. Notwithstanding section 18.1., in the case of urgent business a Council Member may introduce a motion for Council's consideration without prior notice by:
- (a) submitting a written copy of the proposed motion to the Corporate Officer at least 24 hours before the Council Meeting; and
 - (b) obtaining the Corporate Officer and Council's approval to introduce the motion as a Late Item.

19. PUBLIC INPUT AND DELEGATIONS

- 19.1. At each Regular Council meeting and Regular Committee of the Whole, ten (10) minutes will be made available for public input on any matter on the Agenda or within the competence of Council, in accordance with the following procedures:
- (a) when recognized by the Mayor, each person will be allowed up to two (2) minutes to address Council; and
 - (b) if at the end of the ten-minute Public Input period there remain any persons who wish to speak, the Members may, by unanimous resolution, agree to extend the length of the Public Input period.
- 19.2. Persons or groups wishing to address Council for longer than two (2) minutes, or who have been invited by Council, may be received as a delegation in accordance with the following procedures:
- (a) prospective delegations must be made by prior arrangement through the Corporate Officer before the Agenda Deadline or at the Meeting by resolution of Council;
 - (b) prospective delegations must provide to the Corporate Officer information concerning the subject matter, and the name(s), address(es) and contact information of the spokesperson(s);
 - (c) prospective delegations must provide to the Corporate Officer any materials that they will present to Council by the Agenda Deadline;
 - (d) delegations must limit their presentation to ten (10) minutes, except by prior arrangement through the Corporate Officer before the Agenda Deadline or at the meeting by resolution of Council; and
 - (e) at the Chair's discretion, members of Council may query or converse with delegations, notwithstanding the specified time limit.
- 19.3. The number of delegations on any Council Meeting Agenda will be limited to four (4).
- 19.4. Council must not consider a submission or act on a request made during Public Input and Delegations until at least the next Regular Council Meeting, unless:
- (a) Council resolves unanimously to consider the matter; or
 - (b) the matter is elsewhere included on the Agenda.
- 19.5. The provisions of this section are suspended from the close of nominations preceding a general local election or by-election until the meeting of Council following the election, except where Council, by resolution, permits a person or delegation to address Council.
- 19.6. Delegates and speakers providing Public Input must not be heard by Council on:
- (a) any matter that has been the subject of a public hearing held in accordance with a legislation as a pre-requisite to the:
 - (i) adoption of a bylaw; or
 - (ii) passing of a resolution authorizing a permit;

- (b) a reconsideration or appeal of a Council decision held in accordance with an enactment, except for the person entitled to such reconsideration or appeal, or their legal representatives;
 - (c) District employee relations;
 - (d) the promotion of commercial products or services;
 - (e) litigation or potential litigation affecting the District;
 - (f) any matter related to an election campaign; or
 - (g) any matter about records held in confidence by the District, unless that record has been lawfully released to the public by the District.
- 19.7. The Corporate Officer has the authority to screen delegation requests and, if appropriate, refuse to place a delegation on the Agenda if the subject matter of the proposed delegation:
- (a) is listed under section 19.6. of this bylaw;
 - (b) the delegate has previously made a delegation to Council on the same issue and no new information is provided; or
 - (c) is not within the jurisdiction of Council.

20. CORRESPONDENCE ADDRESSED TO MAYOR AND COUNCIL

- 20.1. Correspondence addressed to the Mayor or Council which requires, or requests Council action must:
- (a) be legible
 - (b) be signed by, or identified as being from, at least one person who provides a name;
 - (c) not contain libellous statements about third parties;
 - (d) be submitted to the Corporate Officer by the Agenda Deadline, unless Council so resolves to accept the correspondence as a late item; and
 - (e) be approved by the Corporate Officer or Mayor and placed on the agenda for the next Regular Council Meeting.
- 20.2. District staff must acknowledge receipt of the correspondence and advise the writer of where the correspondence has been referred.
- 20.3. Correspondence referred to the Agenda must be presented in its entirety, excluding contact information, unless the author requests that specific personal information, except the author's name, be redacted.

21. INFORMATION ITEMS

- 21.1. Information items may be placed on the Agenda under the appropriate section (INFORMATION ITEMS).
- 21.2. Information items include:

- (a) correspondence of interest to the public or Council which does not require or request Council action; and
- (b) in-camera items approved for public release.

22. QUESTION PERIOD

- 22.1. At each Regular Committee of the Whole and Council Meeting, ten (10) minutes must be made available for a members of the public to question Council on any matter within the competence of Council, in accordance with the following procedures:
 - (a) persons wishing to ask questions must state their name before asking their question;
 - (b) a person asking a question may ask a supplementary question but must, following the response to the supplementary question, yield to allow other persons opportunity to ask questions; and
 - (c) no speeches are permitted in Question Period.
- 22.2. If at the end of the ten-minute question period there remains any person wishing to speak, Council may, by unanimous resolution, agree to extend the length of the Question Period.
- 22.3. The provisions of this section do not permit verbal representations concerning a bylaw that was subject to a statutory public hearing that has been completed.

23. MINUTES

- 23.1. Minutes of Council meetings must be:
 - (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer; and
 - (c) signed by the Mayor.
- 23.2. The minutes of a previous meeting may be corrected, but not debated or reflected upon, at the time they are considered for adoption.
- 23.3. Subject to section 23.4 of this bylaw and in accordance with the *Community Charter*, Minutes of the proceeding of Council, Committees, Committees of the Whole, Commission and Committees must be available for public inspection at the District Office during regular office hours.
- 23.4. Section 23.3 does not apply to Minutes of a Council Meeting or part thereof which persons were excluded under Section 90 of the *Community Charter*.

PART 5 – MOTIONS

24. READING AND CONSIDERATION OF MOTIONS

- 24.1. Council may debate and vote on a motion only if it is first made by one Council Member and then seconded by another.
- 24.2. A Member may require the motion under consideration to be read.

- 24.3. The Chair may refuse to accept a motion if he or she is of the opinion that the motion is:
- (a) contrary to this bylaw;
 - (b) relates to matters outside the competence of Council or Council's jurisdiction under legislation; or
 - (c) deals with a matter that was voted upon by Council and defeated within the last six (6) months.
- 24.4. If a motion is refused pursuant to section 24.3. the Chair must apprise the Council Members of the refusal to accept and must state the rule or authority applicable.
- 24.5. A Council Member may appeal the Chair's refusal to accept a motion under section 24.3. according to the procedures set out in section 38 of this bylaw.

25. RECORDING OF MOTIONS IN THE MINUTES

- 25.1. The names of the Council Members who moved and seconded a motion must be recorded in the Minutes.

26. MOTIONS PERMITTED WHILE MATTER UNDER DEBATE

- 26.1. When a matter is under debate, no motion is in order except:
- (a) to withdraw, only if made by the original mover;
 - (b) to adjourn;
 - (c) to defer (postpone) to a certain day (time);
 - (d) to refer to a committee or staff for report; or
 - (e) to amend.
- 26.2. The motions listed in 26.1. have precedence in the order listed.

27. AMENDMENTS

- 27.1. A Council Member may, without notice, move to amend a motion that is being considered at a Council Meeting.
- 27.2. An amendment may propose removing, replacing, or adding to the words of an original motion.
- 27.3. A proposed amendment must be reproduced in writing by the mover if requested by the Chair.
- 27.4. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- 27.5. An amendment may be amended once only.
- 27.6. A Council Member may propose an amendment to an adopted amendment.
- 27.7. An amendment that has been defeated by a vote of Council cannot be proposed again.

- 27.8. The Chair must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subsection (a) is positive; then
 - (c) the main question.

28. RECONSIDERATION

- 28.1. Reconsideration of a matter voted upon, other than to postpone indefinitely, may only be advanced:
- (a) by the Mayor, in accordance with the *Community Charter*, or
 - (b) by another Member of Council at the next Council meeting, if that member voted as the majority did on the matter.
- 28.2. Council must not discuss the main matter to be reconsidered unless the motion to reconsider that matter is first adopted in the affirmative.
- 28.3. No matter may be reconsidered more than once.
- 28.4. A vote to reconsider must not be reconsidered.
- 28.5. Council may only reconsider a matter that has not:
- (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered by the Mayor in accordance with the Community Charter; or
 - (c) been acted on by an officer, employee, or agent of the District.
- 28.6. The conditions that applied to the original bylaw, resolution, or proceeding apply to its reconsideration under this section.
- 28.7. A bylaw, resolution, or proceeding that is reaffirmed under this section is as valid and has the same effect as it had before reconsideration.

PART 6 – BYLAWS

29. COPIES OF THE BYLAW

- 29.1. A proposed bylaw may be introduced at a Council Meeting only if a copy of it has been delivered to each Council Member at least twenty-four (24) hours before the Council Meeting, unless all Council Members unanimously agree to waive this requirement.

30. FORM OF BYLAWS

- 30.1. A bylaw introduced at a Council meeting must:
- (a) be printed;
 - (b) have a distinguishing name;

- (c) have a distinguishing number;
- (d) contain an introductory statement of purpose; and
- (e) be divided into sections.

31. BYLAWS TO BE CONSIDERED SEPERATELY OR JOINTLY

- 31.1. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Chair or requested by another Council Member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the Chair.

32. READING AND ADOPTING BYLAWS

- 32.1. Every proposed bylaw must receive three readings prior to its final adoption.
- 32.2. The readings of the bylaw may be given by stating the Bylaw title or Bylaws titles.
- 32.3. In accordance with the *Community Charter, Local Government Act or other enactment*, Council may give up to three readings to a proposed bylaw at the same Council Meeting.
- 32.4. Subject to any statutory requirement or a Council Member requesting that the reading be considered separately, a proposed bylaw may be introduced and given first, second and third reading in one motion. Where a public hearing is required, a proposed bylaw may be introduced and given first and second reading in one motion.
- 32.5. Subject to official community plan adoption procedure under the *Local Government Act*, each reading and adoption of a proposed bylaw must receive the affirmative vote of a majority of the Council Members present at a Meeting.
- 32.6. A bylaw subject to statutory public hearing requirements must be referred to a public hearing before third reading, unless the public hearing requirement is waived in accordance with applicable legislation.
- 32.7. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter, Local Government Act* or other enactment.
- 32.8. There must be at least one day between third reading and adoption of the bylaw except:
- (a) in the case of an official community plan, zoning or heritage designation bylaw, the proposed bylaw may, in accordance with the *Local Government Act* be adopted at the same meeting it received third reading; and
 - (b) where the *Community Charter, Local Government Act* or any other enactment requires otherwise.
- 32.9. If the bylaw requires approval of the Lieutenant Governor in Council, a Minister or the Inspector of Municipalities, or approval of the electors through a counter petition opportunity or assent of the electors, the approval must be obtained before the bylaw is adopted in accordance with applicable legislation.

32.10. Readings may be reconsidered in accordance with the procedures set out in section 28 of this bylaw.

32.11. A bylaw is deemed to have been abandoned if:

- (a) any bylaw fails to receive a mover and seconder at any reading or at adoption, and the bylaw is not otherwise tabled or dealt with; or
- (b) an Official Community Plan amendment or Zoning Bylaw amendment bylaw has not been advanced for further consideration since its previous reading for a period of 18 months.

33. BYLAW MUST BE SIGNED

33.1. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council Meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:

- (a) the District's corporate seal;
- (b) the dates of its readings and adoption; and
- (c) the date of Ministerial approval or approval of the electorate, if applicable.

34. FORCE AND EFFECT

34.1. A bylaw comes into force and effect the later of:

- (a) the date it is adopted by Council; or
- (b) a date established by the bylaw.

PART 7 – VOTING

35. GENERAL VOTING RULES

35.1. Voting is to proceed in accordance with the general voting rules determined by the *Community Charter*.

35.2. When the motion under consideration contains distinct propositions, and a member of Council so requests, the vote may be taken upon each proposition separately.

35.3. When debate on a motion is complete, the Chair must immediately put the motion to a vote.

35.4. In Conducting a vote, the Chair must:

- (a) first call for all members in favour of the motion and then all those opposed to the motion; and
- (b) announce the outcome of the vote by declaring the motion carried or defeated.

35.5. After the Chair has put the motion to a vote, a Member must not speak to the question or make a further motion concerning it. The Chair's decision as to whether a motion has been finally put is conclusive.

- 35.6. Votes must be by show of hand except:
- (a) where votes are taken by unanimous consent according to section 35.9. of this bylaw; or
 - (b) where section 10.4. of this bylaw applies.
- 35.7. A Member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- 35.8. If the votes of the members present at the meeting at the time of the vote are equal for and against, the motion is defeated, and the Chair must declare the motion defeated.
- 35.9. Some motions may be voted on by Unanimous Consent, an informal way of taking a vote that is used for routine and non-controversial decisions of a procedural nature. The procedure involves asking if any Member objects to adopting the motion and if no one does, it is adopted. Where one member objects, a vote must be taken.

PART 8 – RULES OF CONDUCT AND DEBATE

36. POWERS AND DUTIES OF THE CHAIR

- 36.1. The Chair at a Council Meetings is:
- (a) the Mayor;
 - (b) in the absence of the Mayor, the Acting Mayor; or
 - (c) in the absence of both the Mayor and Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- 36.2. Where the Mayor or Acting Mayor joins a meeting already in progress, he or she shall Chair the Meeting upon arrival.
- 36.3. If the Mayor wishes to vacate the Chair for any reason during a meeting, he or she shall call upon the Acting Mayor to Chair the Meeting or, in the absence of the Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- 36.4. The Chair is responsible for:
- (a) maintaining order and decorum at Council Meetings;
 - (b) recognizing Council Members, District staff, delegations and other meeting attendees who, in accordance with this bylaw, wish to address Council;
 - (c) ruling on which Council member has a right to speak;
 - (d) ensuring that all Council Members who wish to speak to a motion or an agenda item have spoken;
 - (e) deciding points of order, subject to an appeal to Council under section 38 of this bylaw;
 - (f) deciding questions of privilege according to section 38 of this bylaw;
 - (g) calling a Member or person to order;

- (h) ruling on whether or not a motion is out of order;
- (i) stating motions and announcing the outcome of votes; and
- (j) providing other leadership functions as necessary to conduct Council Meetings in an efficient and effective manner.

36.5. The Chair:

- (a) may make and second motions;
- (b) may participate in debate without vacating the Chair; and
- (c) must vote under the same rules as Members, in accordance with sections 35 of this bylaw.

36.6. The Chair must recognize members desiring to speak in the order in which the members indicate their request, preference being given to the mover and to the seconder should either or both wish to speak.

36.7. Debate is closed by the Chair when in the Chair's opinion there has been adequate debate.

37. APPEALING THE CHAIR'S RULING

37.1. A Member may immediately appeal a ruling of the Chair to Council by requesting that the Chair put the question "Shall the ruling of the Chair be sustained?" This question must be decided without debate by Majority Vote, excluding the Chair. The Chair shall be governed by the result and in cases where the votes are tied, the motion passes in the affirmative.

37.2. If the Chair refuses to put the question in accordance with section 38.1. of this bylaw, Council must immediately appoint another Member to temporarily Chair the Meeting and that Member must proceed in accordance with section 38.1. of this bylaw. A motion passed under this section is as binding as if passed under subsection 38.1.

38. QUESTION OF PRIVILEGE

38.1. Any Member may raise a question of privilege (matter affecting the welfare of Council as a whole or a Member personally that needs to be dealt with immediately) to remedy a pressing matter at any time by pointing to the matter (e.g. room temperature, noise or other distractions). The Chair must immediately decide whether to accept the question of privilege and, if accepted, order any actions necessary to address it. Where a motion results from an accepted point of privilege, it is not debatable or amendable.

39. GENERAL CONDUCT

39.1. When the Chair desires to speak any member desiring to speak at the same time must cede to the Chair.

39.2. Members and other participants should be addressed, as appropriate, in the following manner:

- (a) the Mayor as:
 - (i) Your Worship, or

- (ii) Mayor;
 - (b) a presiding member who is not elected as the Mayor as Chair;
 - (c) a Councillor as Councillor (here use the surname).
- 39.3. No member or other person attending the meeting may:
 - (a) interrupt a member who is speaking, except in accordance with this bylaw;
 - (b) cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting; or
 - (c) use rude or offensive language.
- 39.4. If a person, other than a Member, resists or disobeys an order of the Chair or other person presiding over a Meeting, that person may be removed by the Corporate Officer, or if necessary, by a peace officer at the direction of the Chair. An order issued under this section may be enforced as if it were a court order.
- 39.5. Where the Chair is of the opinion that a Member is conducting themselves in an improper or unparliamentary manner, the Chair may order the member expelled from the meeting and, if necessary, to be removed by a member of the RCMP. An order issued under this section may be enforced as if it were a court order.
- 39.6. If, through the Corporate Officer, an expelled Member advises the Chair that he or she wishes to apologize:
 - (a) the Chair must so advise Council; and
 - (b) Council, without debate and by a two-thirds (2/3) vote of the Members present, may:
 - (i) pass a motion allowing the expelled Member to proceed to the public podium to apologize; and
 - (ii) where an apology is permitted and made, pass a motion allowing the expelled Member to return to the meeting.

40. CONDUCT OF SPEAKER

- 40.1. A Member wishing to speak for the purpose of making a motion or entering the debate may speak after being recognized by the Chair but only to:
 - (a) make the motion; or
 - (b) speak directly and concisely on the matter under debate.
- 40.2. A Member wishing to speak for the purpose of requesting the Chair consider and decide on any of the following matters may do so without recognition and, if necessary, by interrupting a member who is speaking:
 - (a) a violation of a specific rule or a particular mistake, omission, or error in procedure (point of order); or
 - (b) a matter of the comfort, convenience or privilege of the Council or of the member (question of privilege),

but a Member must cease speaking when called to order and while the point of order or question of privilege is being stated, after which the Member may explain.

41. MATTERS OPEN TO DEBATE

41.1. Members may debate a motion:

- (a) to deal with a report;
- (b) in relation to any reading, amendment and adoption of a bylaw;
- (c) to issue a permit;
- (d) to refer a report for inquiry, comment, further study, or recommendation;
- (e) to amend a motion that is debatable;
- (f) to postpone to a certain day; or
- (g) to deal with routine proceedings including the appointment and conduct of officers of the Council and the correctness of the records of the Council or the Voting Body.

41.2. All other business is decided without debate or amendment, or as otherwise provided in these rules of procedure.

PART 9 – PUBLIC HEARINGS

42. TIME AND PLACE OF PUBLIC HEARINGS

42.1. Public hearings required by legislation must occur in Council Chambers unless otherwise advertised, on an as required basis and may be scheduled by the Corporate Officer to occur:

- (a) during a Regular Council Meetings;
- (b) during a Special Council Meetings; or
- (c) as a public hearing held independently of a Special Council Meeting or Regular Council Meeting.

43. ORDER OF BUSINESS AT A PUBLIC HEARING

43.1. The usual order of business at a public hearing is as set out in the agenda for that public hearing under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUULU?IL?ATH? FIRST NATIONS;
- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) STATEMENT OF THE CHAIR:
 - (i) REVIEW OF THE PUBLIC HEARING PROCEDURES;
 - (ii) PROPOSED BYLAW OR PERMIT SUMMARY;

- (f) PROPOSED BYLAW OR PERMIT:
 - (i) PUBLIC NOTICE SUMMARY;
 - (ii) RELATED DOCUMENT (BYLAW OR PERMIT AND STAFF REPORTS);
- (g) WRITTEN SUBMISSION RECEIVED DURING THE NOTICE PERIOD;
- (h) APPLICATION/AGENT/STAFF PRESENTATION;
- (i) PUBLIC INPUT;
- (j) ADJOURNMENT.

44. PROCEDURES

- 44.1. Prior to each public hearing, the Corporate Officer must prepare an Agenda.
- 44.2. The Corporate Officer must make the Agenda available to the members of Council and the public forty-eight (48) hours before the public hearing.
- 44.3. Subject to subsection section 44.4. of this bylaw, any written materials and submissions considered by Council at the public hearing will be available for review by the public during at the hearing.
- 44.4. Written submissions received during the notice period will be added to the public record in their entirety, excluding contact information, unless at the time of submission the author requests that other personal information, except the author's name, be redacted.
- 44.5. Written submissions may be delivered to the District Office via email, mail or hand, up to forty-eight (48) hours before the public hearing or must be delivered at the public hearing.
- 44.6. Individuals that speak during the PUBLIC INPUT portion of the public hearing must:
 - (a) first identify themselves by stating their name and address and, where applicable, the name and address of the person or persons they represent;
 - (b) limit their remarks to matters contained in the proposed bylaw or permit; and
 - (c) not make a reply, rebuttal or further submission without the Chair's/Presiding Member's permission.
 - (d) Only Council Members may ask questions of speakers to clarify what has been said.
- 44.7. The Chair may establish additional rules of conduct that apply to public hearings provided they are consistent with this bylaw, the *Community Charter, Local Government Act* and any other applicable enactment.
- 44.8. A public hearing may be cancelled by the Corporate officer where insufficient public notice is given.
- 44.9. The following sections of this bylaw apply to public hearings with references to the Chair, the body and other provisions modified as appropriate:
 - (a) Sections 7.1 and 7.2 [Cancellations and Rescheduling] except Public Hearings may also be cancelled by the Corporate Officer in the event that the statutory

notice requirements are not met;

- (b) Section 37 [Powers and Duties of the Chair];
- (c) Section 39 [General Conduct]; and
- (d) Section 41 [Conduct of Speakers].

PART 10 – COMMITTEES, COMMISSIONS & OTHER BODIES

45. COMMITTEE OF THE WHOLE

- 45.1. Council must meet regularly as a Committee of the Whole at the place, date and time specified in the Annual Meeting Schedule for Regular Committee of the Whole Meetings, except where the Regular Committee of the Whole Meeting is cancelled or rescheduled in accordance with this section.
- 45.2. Special Committee of the Whole Meetings may be called by the Mayor provided notice of the date, time and location of the meeting is given:
 - (a) to Council Members, by delivering a copy of the Agenda Package to the place to which the member has directed notices be sent twenty-four (24) hours before the Special Committee of the Whole Meeting; and
 - (b) to the public by posting notice on the Public Notice Places twenty-four (24) hours before the Special Committee of the Whole Meeting notice is waived by unanimous vote of all members of Council.
- 45.3. The following sections of this Bylaw apply to meetings of the Committee of the Whole, with references to the Chair, the body and other provisions modified as appropriate:
 - (a) Section 7 [Cancellations and Rescheduling]
 - (b) Section 10 [Council Meetings by Electronic Means] at the discretion of the Chair member noting the cost and availability of electronic meeting facilities;
 - (c) Section 13 [Open Meeting Rule];
 - (d) Section 16 [Agenda and Order of Business];
 - (e) Section 17 [Late Items];
 - (f) Section 19 [Public Input and Delegations];
 - (g) Section 20 [Correspondence Addressed to Mayor and Council];
 - (h) Section 21 [Information Items];
 - (i) Section 22 [Question Period];
 - (j) Section 23 [Minutes] except certification is by the Chair if the Corporate Officer is not in attendance; and,
 - (k) Part 5 [Motions] except a motion made at a meeting of the Committee of the Whole is not required to be seconded.
- 45.4. The previous section does not apply if alternate provisions are provided for:

- (a) in another District bylaw;
- (b) in applicable legislation; or
- (c) when the other body was established.

46. OTHER DISTRICT BODIES

- 46.1. The rules of the Council procedure must generally be observed during Other District Body meetings:
- (a) so far as is possible in the determination of the Chair recognizing the more informal nature of such bodies; and
 - (b) except strict compliance is required for sections specifically referenced in this section or elsewhere in this bylaw.
- 46.2. The Chair of an Other District Body must give notice of the time, place and date of a meeting by posting a notice at the Public Notice Posting Places:
- (a) seventy-two (72) hours before a regularly scheduled meeting of the Other District Body; and
 - (b) twenty-four (24) hours before a special meeting of the Other District Body.
- 46.3. At least twenty-four (24) hours before an Other District Body meeting, the Chair must make the meeting agenda available by:
- (a) leaving copies of the agenda at the reception counter at the District Office for the purpose of making them available to members of the public; and
 - (b) leaving one copy of the Agenda for each Other District Body member at the place to which the member has directed notices be sent.
- 46.4. Council members attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- 46.5. A motion made at a meeting of a Committee or Commission is not required to be seconded.
- 46.6. The following sections of this bylaw apply to meetings of an Other District Body with references to the Chair, the body and other provisions modified as appropriate:
- (a) Section 7 [Cancellations and Rescheduling]
 - (b) Section 10 [Council Meetings by Electronic Means] at the discretion of the Chair member noting the cost and availability of electronic meeting facilities;
 - (c) Section 13 [Open Meeting Rule];
 - (d) Section 16 [Agenda and Order of Business];
 - (e) Section 17 [Late Items];
 - (f) Section 19 [Public Input and Delegations];
 - (g) Section 20 [Correspondence Addressed to Mayor and Council];
 - (h) Section 21 [Information Items];

- (i) Section 22 [Question Period]; and,
- (j) Section 23 [Minutes] except certification is by the Chair if the Corporate Officer is not in attendance.

46.7. The previous section does not apply if alternate provisions are provided for:

- (a) in another District bylaw;
- (b) in applicable legislation; or
- (c) when the other body was established.

PART 11 – WORKSHOPS

47. COUNCIL WORKSHOPS

- 47.1. Members of Council may meet informally for educational, political, social or spiritual purposes, including attendance at the annual Union of British Columbia Municipalities conference.
- 47.2. Provided no District business is formally advanced through the taking of votes:
 - (a) such encounters are not to be considered meetings of Council;
 - (b) no notice is required; and
 - (c) the rules of procedures in this Bylaw do not apply.

READ A FIRST TIME this **26th** day of **May, 2020**.

READ A SECOND TIME this **26th** day of **May, 2020**.

SECOND READING RESCINDED this **23rd** day of **June, 2020**.

READ A SECOND TIME AS AMENDED this **23rd** day of **June, 2020**.

READ A THIRD TIME this **23rd** day of **June, 2020**.

PUBLIC NOTICE given in accordance with the *Community Charter*, including newspaper notices this **10th** day of **June, 2020**, this **17th** day of **June, 2020**, this **1st** day of **July, 2020** and this **8th** day of **July, 2020**.

ADOPTED this *******day of *********, **2020**.

A TRUE AND CORRECT COPY of "District of Ucluelet Council Procedures Bylaw No. 1264, 2020".

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of
the District of Ucluelet was
hereto affixed in the
presence of:

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: July 14, 2020

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

FILE NO: 3900-25 BYLAW 1276

SUBJECT: HARBOUR REGULATION BYLAW NO. 1276, 2020 – ADOPTION

REPORT NO: 20-65

ATTACHMENTS: APPENDIX A - UCLUELET HARBOUR REGULATION BYLAW NO. 1276, 2020

APPENDIX B – REPORT NO. 20-61 “RESERVE BERTHAGE AT THE UCLUELET HARBOUR”

RECOMMENDATION(S):

1. **THAT** Council adopt “District of Ucluelet Harbour Regulation Bylaw No. 1276, 2020”.

PURPOSE:

The purpose of this report is to bring back “District of Ucluelet Harbour Regulation Bylaw No. 1276, 2020” (the “Bylaw”) for adoption.

BACKGROUND:

On June 23, 2020 Council received a report from Abby Fortune, Manager of Recreation and Tourism, and Donna Monteith, Chief Financial Officer, about the Bylaw (see **Appendix B**). Council gave first, second and third reading to the Bylaw at this time. As there is no public notice requirement for this Bylaw, Council is now in a position to adopt it.

OPTIONS REVIEW:

1. **THAT** Council adopt “District of Ucluelet Harbour Regulation Bylaw No. 1276, 2020”.
(Recommended)
2. **THAT** Council provide alternative direction to Staff.

Respectfully submitted: Joseph Rotenberg, Manager of Corporate Services

DISTRICT OF UCLUELET

BYLAW NO. 1276, 2020

A bylaw to administer and regulate the use and operation of harbour facilities in Ucluelet

WHEREAS Local Governments are empowered to make agreements with a public authority respecting:

- i) the undertaking, provision and operation of activities, works or services,
- ii) the operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement, and
- iii) the management of property or an interest in a property held by a party to the agreement, and, in exercising its powers, to establish any terms and conditions it considers appropriate;

AND WHEREAS approval of the electors has been obtained through a counter petition opportunity for a Harbour Authority Lease between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans acting through the Regional Director, for the primary purpose of operating, maintaining and managing a public commercial fishing harbour at Ucluelet;

AND WHEREAS the Local Government is empowered to operate, maintain and manage the harbour facilities owned by and located in the District of Ucluelet, and set the fees for moorage and any other fees or charges it deems necessary for the efficient operation and maintenance of such facilities;

NOW THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

1. DEFINITIONS

"Abandoned" means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of forty-five (45) days.

"Berth" means a location at a dock where a vessel or watercraft may be moored.

"Berthage or Moorage" means a charge for the occupation by a vessel of a berth or other space at a harbour.

"Broker, Buyer, Processor" means any entity, including but not limited to companies, corporations, etc., that purchases, processes, delivers and/or sells marine products, including trucks or other vehicles used to conduct such business.

"Bylaw Enforcement Officer" means a person designated by the Harbour Authority to enforce the regulations of this bylaw.

"Charter Operator" means a person or persons engaged in or used for providing goods or services for sale or rent to the public with the primary motive being profit.

“Commercial Business” means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

“Facility” means the wharves, floats, docks and equipment located at Main Street (Whiskey Dock), Otter Street (52 Steps Dock), and the areas defined in the Small Craft Harbours Lease, being Ucluelet West (Inner and Outer Boat Basins).

“Harbour Authority” means the Council of the District of Ucluelet.

“Harbour Manager” means the person(s), organization or other entity retained by the Harbour Authority to manage the harbour facilities in the District of Ucluelet.

“Loading Zone” means that area of dock used solely for the loading and unloading of passengers, supplies or freight and identified by a yellow painted tie rail.

“Moor” means to secure a vessel or watercraft by the means of lines, cables or anchors.

“Owner” means,

- a) in the case of a vessel, the master, operator or person in charge of the vessel, and
- b) in the case of goods, the agent, consignor, consignee or carrier of the goods.

“Seaplane” means an aircraft on floats whether operated privately or commercially.

“Small Craft Harbour” means the areas and equipment as defined in the lease agreement between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans for use by the Harbour Authority for the purpose of operating, maintaining and managing a public commercial fishing harbour at Ucluelet.

“Small Craft Harbour Lease” means the Harbour Authority Lease between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans acting through the Regional Director.

“Solicitation” means to initiate communicate, in person, using the spoken, written or printed word, except for company or business names on vessels, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.

“Wharfage” means a charge for the placing of goods on a wharf or for the loading of goods or persons on or unloading of goods or persons from a vessel at a wharf.

2. **VESSEL CLASSIFICATIONS**

For purposes of this bylaw, vessels shall be classified as follows:

1. Charter Vessel

Any vessel that is used to conduct a commercial business by offering or providing any type of goods or services to the public.

2. Commercial Fishing Vessel (CFV)

- a) Any person or vessel that has been issued a current Commercial Fishing license by Fisheries and Oceans Canada or a current Aquaculture License by the Ministry of Agriculture, Food & Fisheries enabling such vessel to harvest sea products for the purposes of selling such products. For the purposes of this bylaw, the Commercial Fishing Vessel (CFV) category will include Tug Boats.
- b) For the purpose of this bylaw, other vessels used for commercial purposes not otherwise classified in this document will be included as Commercial Fishing Vessels

3. Recreational Vessel

Any vessel that is primarily used for recreational or pleasure use and does not conduct a business on board the vessel and is not involved in the harvesting of sea products for the purpose of selling such products.

3. HARBOUR AUTHORITY

1. The Harbour Authority hereby establishes berthage/moorage rates and other such rates and fees or other charges as are deemed necessary and such rates and fees or other charges are attached hereto as Schedule "A".
2. The Harbour Authority may pay out such monies as may be requisite for any expenses involved in the operation of the aforesaid facility.
3. The Harbour Authority may make any regulations necessary for the safe and efficient operation of the facilities.
4. The Harbour Authority may, by resolution, enter into a contract with an individual, individuals or a company for the management of said facilities.

4. GENERAL REGULATIONS

The following regulations apply to the facilities:

1. All persons shall abide by all applicable statutes, regulations, bylaws and policies, including the Fishing & Recreational Harbour Act and the District of Ucluelet's bylaws and policies.
2. All persons shall comply with the policy provisions of the Environmental Management Plan established by the Harbour Authority for marine facilities.
3. All persons using Ucluelet harbour facilities, whether a vessel owner, his agent, guests or members of the public, do so at their own risk, and the Ucluelet Harbour Authority shall not be responsible for any loss, damage, expense, death or injury sustained by such a person.
4. No person shall moor any boat without proper authorization of the Harbour Manager and/or authorized personnel and completion of a berthage/moorage agreement, in

the form prescribed by the District of Ucluelet, the terms and conditions of which are to be considered regulations for the purpose of this bylaw.

5. The Harbour Authority and/or its representatives are hereby empowered to move or to direct to be moved, any vessel (s) from one location at a facility to another location at a facility whenever it is deemed necessary.
6. The Harbour Authority and/or its representatives are hereby empowered to order the removal of any vessel moored directly or indirectly to the floats, which in their opinion, is in danger of sinking or is a hazard to water borne traffic. If the owner or person responsible for the vessel cannot be found, the Harbour Authority or its representatives may take any action considered necessary to correct or alleviate the matter; the cost of all such actions shall be at the owner's expense.
7. The Harbour Manager and/or authorized personnel may assign berths to vessels at the wharves and floats in such order or precedence as it deems fit.
8. The Harbour Manager and/or authorized personnel shall determine the overall length of the vessel by measuring from bow to stern adding all appendages such as swim boards, outboard motors, bow sprits and such determinations shall be conclusive.
9. No person shall berth any boat in front of any section of floats or wharves marked "loading zone" except for the purpose of loading and unloading, and such boats shall not be left unattended in the said "loading zone".
10. All vessels shall be clearly marked with name and/or registration numbers. All vessels must have an emergency contact number posted on the vessel when the owner/operator is absent.
11. No person shall leave gear, equipment, small boats or any other type of material or object on the floats.
12. If, in the opinion of the Harbour Authority and/or its representatives, any boats, gear, or personnel materials beached, abandoned, or berthed at the floats or wharf head, are considered to be abandoned or derelict, the Harbour Authority or its representatives may order the owner(s) to remove such boats, gear or materials, and if, after advertising by a notice in the local newspaper and posting a copy of such notice at the facility, such boats, gear or materials have not been removed by the owner or owners thereof within fifteen (15) days of the date of such notice, then such boats, gear and/or materials may be disposed of by the Harbour Authority or its representatives as they see fit; the cost of all such actions shall be at the owner's expense
13. No person shall remove, damage or destroy any notice posted at the harbour facilities.
14. No person shall obstruct or impede in any way the docking or undocking of any vessel in the harbour.

15. Where goods or articles fall overboard from a vessel, the master or person in charge of the vessel shall make every reasonable effort to recover those goods or articles. Where the master or person in charge of a vessel is unable to recover any goods or articles that have fallen overboard, he shall report such failure to the Harbour Manager and/or authorized personnel.
16. No person shall supply to, receive into or discharge from a vessel in a harbour or vehicle on harbour property, any gasoline or other fuel or oil.
17. No person shall dispose of garbage, sewage or wastes at a harbour except in a place specifically provided for that purpose or as directed by the Harbour Manager and/or authorized personnel.
18. No person who is the owner or operator of a vessel shall permit the vessel to leave a harbour facility until all charges payable in respect of the vessel have been paid. Owners or operators of a vessel with outstanding accounts will be refused moorage at all District of Ucluelet and Small Craft Harbour facilities until payment has been received at the District of Ucluelet Municipal Office.
19. It shall be unlawful for any person or persons to connect to any outlet for heating purposes with an extension cord other than that constructed from a single length not exceeding 125 feet (41.6 metres), of not less than #12 wire – 3 wire grounded cord.
20. It shall be unlawful for any person(s) to park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to the wharf head.
21. No person shall solicit at any harbour facility.
22. No person shall use bikes, skateboards or roller blades on wharves or floats at any harbour facility.
23. Animals must be kept on a leash at all times and owners are responsible for cleaning up after their animals at all harbour facilities.
24. No person(s) shall use a wood-burning stove or permit any other open fire on board a vessel while moored at any harbour facility.
25. No person shall put into the water any offal/waste off any dock or float from any Small Craft Harbour or District of Ucluelet facility. All offal/waste shall be removed to outside the mouth of the harbour or parallel to Francis Island.
26. No person shall leave or park a boat trailer upon any Small Craft Harbour property.

5. **MOORING REGULATIONS**

1. It shall be unlawful for any person to berth a derelict boat, hull, scow, log float, log or logs at harbour facilities.

2. It shall be unlawful for any person to berth a float house, houseboat, or boathouse at a Ucluelet Harbour facility, without the written permission of the Harbour Authority through a lease agreement or license issued by the District of Ucluelet.
3. No person shall permit the lines of a vessel that is berthed or moored at a harbour to be made fast to anything other than the facilities provided for berthing or mooring or permit such lines to lie across any wharf or across any channel in such a manner as to obstruct or interfere with any other vessel, vehicle, or person.
4. Where a vessel is moored in a harbour, the master or person in charge shall, where necessary, permit another vessel to move alongside and make fast to it.
5. Where two or more vessels are moored alongside one another at the same wharf, one vessel outside the other, and the vessel on the outside does not have a gangway extending to the wharf, the person in charge of the vessel lying nearer to the wharf shall allow persons on the vessel farther from the wharf free and unencumbered passage over its deck.
6. Where a vessel is made fast to or secured alongside another vessel, one vessel outside the other,
 - a) the lines of the vessel that is so made fast or secured shall not, except in an emergency, be cut or cast off by any person unless that person gives notice of his intention to do so to the master or person in charge of that vessel; and
 - b) the master or person in charge of the inside vessel, when ready to leave harbour, may move any outside vessel if the owner or persons in charge of any such vessel cannot be located, and shall re-secure said vessel to the float once the vessel has been moved.
7. A fee for connection and use of electricity services will be charged as prescribed in Schedule "A".
8. If, in the opinion of the Harbour Manager and/or authorized personnel, a vessel requires pumping out, a pump may be placed on any vessel located at the facility without fear of liability or reproach. A fee as set out in Schedule "A" attached to and forming a part of this bylaw may be levied against the owner should it be necessary to pump out a vessel with or without the owner's consent.

6. STAYING ON BOARD A VESSEL

1. Staying on board a Charter Vessel is prohibited at all harbour facilities, unless the Harbour Authority has approved the implementation of a Liveboard lease agreement for the vessel.
2. Owners, operators and crewmembers may stay aboard Commercial Fishing Vessels (CFVs) and Recreational Vessels at all harbour facilities, subject to **all** of the following conditions:
 - a. Owner, operator and crewmembers must notify the Harbour Manager of their intention to stay on board the vessel and the expected length of stay;
 - b. Maximum stay (total of all nights staying aboard at all harbour facilities) is fourteen (14) days in any rolling thirty 30 day period;

- c. The vessel must be able to move under its own power;
- d. The vessel must have holding tanks or seals placed on the toilets;
- e. No equipment or personal belongings are to be attached to or left on the docks;
- f. The area of berthage will be determined by the Harbour Manager and/or authorized personnel.

7. LIVEBOARDS

1. No person shall berth in a harbour, a vessel to be used as a residence unless **all** of the following criteria are met:
 - (a) An application for a lease agreement has been completed and forwarded to the Harbour Authority;
 - (b) Approval of the lease agreement has been granted by the Harbour Authority and such approval shall be entirely at the Harbour Authority's discretion;
 - (c) Lease fees, as prescribed in Schedule "A", have been paid in advance;
 - (d) The vessel must be able to move under its own power;
 - (e) The vessel must have holding tanks or seals placed on the toilets;
 - (f) No equipment or personal belongings are to be attached to or left on the docks;
 - (g) The area of berthage will be determined by the Harbour Manager and/or authorized personnel.
2. Vessels approved as Liveboards under a lease agreement will pay the electrical connection fees, if applicable, as set out in Schedule "A".
3. Lease fees for the first three months are non-refundable.

8. RESERVED BERTHS

1. Reserved berthage is assigned by the Harbour Manager, subject to District Policy.
2. Reserved berths are only available on a three month basis. Vessels requiring less than three months will pay the reservation fee for the entire three months.
3. Reservation fees are non-refundable.

9. CHARTER VESSELS

1. Staying on board a Charter Vessel is prohibited at all harbour facilities, unless the Harbour Authority has approved a Liveboard lease agreement for the vessel.
2. All Charter Vessels must have a valid and subsisting business license with the District of Ucluelet.
3. All Charter Vessels must have a \$2,000,000.00 liability insurance policy and supply the District of Ucluelet with a copy.
4. Charter Vessels shall pay moorage fees, electrical connection fees if the vessel requires an electrical service, and any other applicable fees, as prescribed in Schedule "A", at time of registration.

10. COMMERCIAL FISHING VESSEL (CFVs)

1. Commercial Fishing Vessels (CFVs) may sell their marine products provided the vessel has been issued a vendors license by the Department of Fisheries & Oceans and has a current District of Ucluelet Business License.
2. Commercial Fishing Vessels (CFVs) will ensure all nets and/or gear is clear and cleaned of all marine life before docking at facilities.
3. Commercial Fishing Vessels (CFVs) will pay moorage fees, electrical connection fees if the vessel requires an electrical service, and any other applicable fees prescribed in Schedule "A".
4. Any vessel/person that has been issued a Commercial Fishing Vessel (CFV) license by Fisheries and Oceans Canada or an Aquaculture License issued by the Ministry of Agriculture, Food & Fisheries that is operating as a Charter Vessel will be charged the Charter Vessel moorage rate.

11. RECREATIONAL VESSELS

1. Subject to availability, Recreational Vessels may be assigned moorage by the Harbour Manager and/or authorized personnel.
2. Recreation Vessels will pay, in advance, the applicable moorage fees, electrical connection fees if using an electrical connection, and any other applicable fees, as set out in Schedule "A".

12. WHARFAGE FEES

1. All Commercial Vessels that are utilizing Ucluelet harbour facilities for the loading or unloading of goods and/or persons at any time will pay wharfage fee(s) as prescribed in Schedule "A".
2. All Commercial Fishing Vessels (CFVs) loading or unloading goods at any harbour facility will pay the wharfage fee(s) prescribed in Schedule "A".
3. All Brokers, Buyers, Processors loading or unloading goods and/or persons at any harbour facility will pay the wharfage fee(s) prescribed in Schedule "A".
4. All Commercial businesses operating from or on board a vessel that utilize any Ucluelet harbour facilities in the course of their business activities will pay a wharfage fee prescribed in Schedule "A".
5. Subject to the approval of the Harbour Manager and/or authorized personnel, harbour facilities may be used for temporary storage or for working on gear and the fees prescribed in Schedule "A" will apply.

13. BYLAW ENFORCEMENT OFFICER

1. For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;
 - a) Harbour Manager and/or authorized personnel for the District of Ucluelet
 - b) Chief Administrative Officer for the District of Ucluelet
 - c) Bylaw Enforcement Officer for the District of Ucluelet

2. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

14. VIOLATION/PENALTIES

1. No person shall prevent or obstruct, or attempt to prevent or obstruct, the Bylaw Enforcement Officer, or any other employee of the Municipality authorized to enforce the provisions of this bylaw.
2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
3. Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offence, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

15. TICKETING

Tickets issued for offences against this bylaw shall be in accordance with Schedule "B", attached hereto and forming part of this Bylaw.

16. SEVERABILITY

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

17. ADMINISTRATIVE PROVISIONS:

1. Ucluelet Harbour Regulation Bylaw No. 1134, 2011 and all amendments thereto are hereby repealed.
2. This Bylaw may be cited for all purposes as "Ucluelet Harbour Regulation Bylaw No. 1276, 2020".

READ A FIRST TIME this 23rd day of June, 2020.

READ A SECOND TIME this 23rd day of June, 2020.

READ A THIRD TIME this 23rd day of June, 2020.

ADOPTED this **** day of *****, ****.

A TRUE AND CORRECT COPY of the "Ucluelet Harbour Regulation Bylaw No. 1276, 2020".

Mark Boysen
CAO

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:

Mayco Noël
Mayor

Mark Boysen
CAO

DRAFT

Bylaw No. 1276, 2020**SCHEDULE "A"
Moorage Rates**

Rates, fees and charges at all District of Ucluelet harbour facilities including Main Street (Whiskey Dock), Ucluelet West Small Craft Harbours (Inner And Outer Boat Basins), Otter Street (52 Steps) are as follows:

MOORAGE RATES:

Any vessel/person that has been issued a Commercial Fishing Vessel (CFV) license by Fisheries and Oceans Canada or an Aquaculture License issued by the Ministry of Agriculture, Food & Fisheries that is operating as a Commercial Vessel will be charged the higher moorage rate.

CHARTER OPERATORS

Moorage Rates are charged per foot (overall length of the vessel)

Daily	Weekly	Monthly	Quarterly	Annual
n/a	n/a	\$7.30	n/a	\$46.50

**COMMERCIAL FISHING VESSELS (CFVs) and
OTHER VESSELS USED FOR COMMERCIAL PURPOSES**

Moorage rates are charged per foot (overall length of the vessel)

Small Craft Harbour facilities				
Daily	Weekly	Monthly	Quarterly	Annual
\$.20	N/A	\$3.00	\$5.50	\$15.00

Whiskey Dock facility				
Daily	Weekly	Monthly	Quarterly	Annual
\$.21	N/A	N/A	N/A	N/A

RECREATIONAL VESSEL

Moorage rates are charged per foot (overall length of the vessel)

	Daily	Weekly	Monthly	Quarterly	Annual
Oct 1 to Mar 31	\$.60	\$3.65	\$5.45	\$8.50	\$44.55
Apr 1 to Sep 30	\$.90	\$5.30	\$7.00	\$17.60	\$44.55

SEAPLANES – Moorage rates are charged for tie up periods (dropping off or picking up passengers)

2 hour period	Each Additional Hour
\$50.00	\$25.00

In addition, Wharfage Fees will apply, if applicable.

LIVE ABOARD – LEASE RATES

Lease rates for all Liveaboards approved by the Harbour Authority are payable, in advance, as follows:

Lease rates are charged per foot (length of the vessel)

Annual (in advance)
\$54.00

Lease fees for the first three months are non-refundable with the balance refunded at 85% of the unused portion.

Electrical Connection Fees are applicable if an electrical connection is required.

RESERVED BERTH

For vessels approved for a three-month Reserved Berth the following reservation fee is payable, in advance of the reserved berth being made available.

\$225.00 for up to and including three months

WHARFAGE FEES

Charter Vessels:

For Charter Vessels that have **not** paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods and/or persons, other than owner and crewmembers, at any harbour facility, the Wharfage fee, payable in advance, is as follows:

- | | |
|---|-----------|
| 1. Per day or part thereof | \$50.00 |
| 2. Annual rate (January 1 st – December 31 st) | \$1500.00 |

For Commercial Vessels that have paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods and/or persons, other than owner and crewmembers, at any harbour facility, the Wharfage fee, payable in advance, is as follows:

- | | |
|---|----------|
| 1. Per day or part thereof | \$25.00 |
| 2. Annual rate (January 1 st – December 31 st) | \$500.00 |

Commercial Fishing Vessels (CFVs):

For Commercial Fishing Vessels (CFVs) that have **not** paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods at any harbour facility, the Wharfage fee, payable in advance, is as follows:

Per day or part thereof	\$250.00
Annual Rate	\$2,000.00

Other Business Activities

For all other businesses operating on or utilizing harbour facilities during the course of their business activities, the Wharfage fees, payable in advance, are as follows:

Per day or part thereof	\$100.00
-------------------------	----------

ELECTRICITY (POWER) CONNECTION FEES

	Daily	Monthly
30 Amp Power	\$3.00/outlet	\$50/outlet
50 amp power	\$6.00/outlet	\$100.00/outlet

MISCELLANEOUS SERVICES, FEES AND CHARGES

1. At the discretion of the Harbour Authority, a fee may be levied if the Harbour Manager and/or authorized personnel is/are called out between the hours of 10:00 p.m. and 7:00 a.m. for any reason.

First hour	\$75.00
Each additional hour	\$50.00

2. A fee of \$75.00 will be levied per vessel pump out in addition to the Harbour Manager and/or authorized personnel call out fee, if applicable.
3. Interest at 2% per month will be charged on accounts unpaid after 30 days.
4. All fees are subject to applicable taxes.

Harbour Regulation Bylaw No. 1276, 2020

Schedule "B" Violation & Penalties

Offence	Section	Fine – First Offence	Fine – 2 nd and Each Subsequent Offence
Not adhering to rules, policies & regulations	4.1	\$100.00	\$200.00
Not adhering to provisions of EMP.	4.2	\$100.00	\$200.00
Mooring without authorization or berthage agreement	4.4	\$100.00	\$200.00
Berth and/or Tie vessel at marked loading zone	4.9	\$100.00	\$200.00
Leave vessel unattended at loading zone	4.9	\$100.00	\$200.00
Vessel not displaying name, registration number, emergency contact number	4.10	\$100.00	\$200.00
Leave gear, equipment, materials on dock /float	4.11, 6.2(e), 7.1(f)	\$100.00	\$200.00
Remove, damage or destroy posted notices	4.13	\$100.00	\$200.00
Impede docking or undocking of vessel	4.14	\$100.00	\$200.00
Fail to retrieve and notify Harbour Manager and/or authorized personnel of articles falling overboard	4.15	\$100.00	\$200.00
Supply, receive into or discharge fuels or oil from a vessel without authorization	4.16	\$100.00	\$200.00
Dispose of garbage, sewage or waste inappropriately	4.17	\$200.00	\$400.00
Put offal/waste into water from any SCH or District facility	4.25	\$200.00	\$400.00
Leave harbour with outstanding payments	4.18	\$200.00	\$400.00
Connect to outlet with nonconforming cord	4.19	\$100.00	\$200.00
Leave vehicle standing on wharf head approach	4.20	\$100.00	\$200.00
Solicit at any harbour facility	4.21	\$200.00	\$400.00
Use skateboard, roller blade or bicycle on docks	4.22	\$100.00	\$200.00
Pet off-leash and non removal of feces	4.23	\$100.00	\$200.00
Use a wood burning stove or permit an open fire on board while berthed at any harbour facility	4.24	\$100.00	\$200.00
Leave or park a boat trailer upon Small Craft harbour Property	4.26	\$100.00	\$200.00
Berth a derelict boat, hull, scow, log float, log(s)	5.1	\$200.00	\$400.00
Berth a float house, houseboat, boathouse	5.2	\$100.00	\$200.00

Make fast a vessel inappropriately, permit lines to interfere with other vessels or persons	5.3	\$100.00	\$200.00
Refuse another vessel to make fast	5.4	\$100.00	\$200.00
Refuse rafted vessel passage to wharf	5.5	\$100.00	\$200.00
Cut or cast off rafted vessel without notice	5.6(a)	\$100.00	\$200.00
Exceed maximum stay at harbour facilities	6.2(b)	\$200.00	\$400.00
Vessel unable to operate under own power	6.2(c), 7.1(d)	\$200.00	\$400.00
Vessel without seal on sewer outlet	6.2(d), 7.1(e)	\$200.00	\$400.00
Berth a vessel as a residence without a lease agreement with the Harbour Authority	7.1(b), 9.1	\$200.00	\$400.00
Berth a vessel as a residence owing lease fees	7.1(e)	\$100.00	\$200.00
Commercial vessel without valid Business License	9.2	\$200.00	\$400.00
Commercial vessel without liability insurance	9.3	\$200.00	\$400.00
Commercial vessel without municipal decal	9.5	\$100.00	\$200.00
CFV selling product without vendors license	10.1	\$200.00	\$400.00
CFV selling product without business license	10.1	\$200.00	\$400.00
CFV moored with marine life in nets or gear	10.2	\$100.00	\$200.00
Unpaid wharfage fees	12.1,12.2, 12.3	\$200.00	\$400.00
Attempt to prevent or obstruct a Bylaw Enforcement Officer	14.1	\$200.00	\$400.00
Permit contravention of this bylaw	14.2	\$100.00	\$200.00



STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: ABBY FORTUNE, MANAGER OF RECREATION & TOURISM

FILE NO: 0540-20HA

SUBJECT: RESERVE BERTHAGE AT THE UCLUELET HARBOUR

REPORT NO: 20-61

ATTACHMENTS: APPENDIX A - UCLUELET HARBOUR REGULATION BYLAW No. 1276, 2020

RECOMMENDATION(S):

1. **THAT** Council direct Staff to equalize any overall deficit incurred by the Small Craft Harbour resulting from COVID-19 by drawing funds from the Harbour reserve fund, if available;
2. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” first reading;
3. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” second reading;
4. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” third reading; and
5. **THAT** Council Direct Staff to offset shortfalls to the Harbour Manager’s revenues associated with the three-month reserve berth fees set out in Bylaw No. 1276, 2020 to a maximum of \$4,860 by drawing funds from the Harbour reserve fund.

PURPOSE:

To present the Ucluelet Harbour Regulation Bylaw No. 1276, 2020 (the “Proposed Bylaw”) for consideration and adoption

The Proposed Bylaw allows berths to be reserved for a three-month time period as opposed to the one or six-month options.

BACKGROUND:

On May 26, 2020 Council received report number 20-42 titled “Reserve Berth Fees” which describes reserve berthage use and revenues as follows:

	Charter Boats	Recreational Boats	Parks Boats	Total # of Boats	Total Income
Inner Boat Basin	28	9	2	39	\$17,550
Outer Boat Basin	3	2	1	6	\$2,700
Whiskey Dock	3			3	\$1,350
Totals	34	11	3	48	<u>\$21,600</u>

After receiving the report Council made the following motion:

THAT Council direct Staff to provide a report about amending the Ucluelet Harbour Regulation Bylaw No. 1134, 2011 to allow for monthly reserved berths.

Under Ucluelet Harbour Regulation Bylaw No. 1134, 2011 as amended (the “Current Bylaw”), reserve berths are currently only available on a six-month basis at a cost of \$450.00.

The Proposed Bylaw allows berths to be reserved for a three-month period at the price of \$225.00. This approach avoids vessels cherry picking the peak months of July and August and decreases the administrative burden associated with monthly reserve berths. It also consolidates and replaces the Current Bylaw rather than amending it for a third time.

The three-month recommendation as opposed to the monthly charge is based on discussions and feedback received from the Harbour Manager which is outlined below:

- The three-month option guarantees the peak period is accounted for i.e. June, July, August.
- The three-month option allows fairness to all groups creating an even playing field for the user as monthly would see potential disadvantage to local vessels and operators.
- Monthly rates could potentially see locals being required to purchase excess months beyond the peak periods to maintain their spots.
- The Harbour Manger anticipates that for the 2020 Season, all 48 reserved spaces will be occupied.

FINANCIAL IMPACTS:

The potential loss in reserve berth fees due to the Proposed Bylaw has been calculated at approximately \$10,800 for 2020. Since the Proposed Bylaw decreases the minimum reservation period from six months to three months and the Harbour Manager is entitled to 45% of those fees, the Harbour Manager may lose up to \$4,860 as a result of the Proposed Bylaw. As a measure of goodwill, Staff recommend compensating the Harbour Manager up to a maximum of \$4,860 in 2020 to offset this loss. Staff recommend that these funds be drawn from harbour reserve fund.

Best practice would be to review the entire Current Bylaw during the 2021 budget cycle.

In addition, the Harbour Master is estimating a loss in revenue in 2020 for the Small Craft Harbour of \$70,000 due to the COVID-19 pandemic. This would be over and above any reserve berth revenue cuts. This is not something the District was able to adequately address during the budget process as restrictions for travel, gatherings and businesses were unclear at the time. The financial impacts during these uncertain times could mean that the Small Craft Harbour would not be able to contribute the budgeted funds to the infrastructure reserve fund.

It is further recommended that any deficits resulting from COVID-19 be equalized by the harbour reserve fund, if available.

POLICY OR LEGISLATIVE IMPACTS:

The Proposed Bylaw gives greater flexibility to charter and recreational harbour users that reserve berths. In doing so, it may provide some financial relief.

Ministerial Order M139 was repealed and replaced by M192. As a result, adoption of the proposed bylaw must occur at a future Council Meeting.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

No additional Staff Time will be required after the Proposed Bylaw is adopted.

OPTIONS REVIEW:

1. **THAT** Council direct Staff to equalize any overall deficit incurred by the Small Craft Harbour resulting from COVID-19 by drawing funds from the Harbour reserve fund, if available;
(Recommended)
2. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” first reading;
(Recommended)
3. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” second reading;
(Recommended)
4. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” third reading; and
(Recommended)
5. **THAT** Council Direct Staff to offset shortfalls to the Harbour Manager’s revenues associated with the three-month reserve berth fees set out in Bylaw No. 1276, 2020 to a maximum of \$4,860 by drawing funds from the Harbour reserve fund. **(Recommended)**
6. **THAT** Council provide alternative direction to Staff.

Respectfully submitted: Abigail K. Fortune, Manager of Recreation & Tourism
 Donna Monteith, Chief Financial Officer