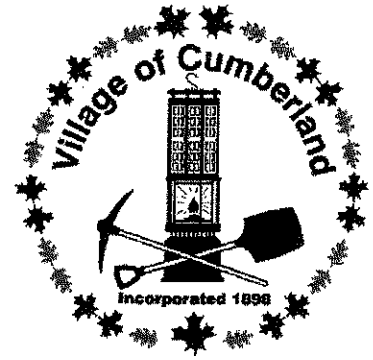


REGULAR AGENDA



CORPORATION OF THE VILLAGE OF CUMBERLAND

MEETING NO. 02/12/R

Regular Meeting of Council to be held Monday, January 23rd, 2012 at 5:30 p.m. in the Village Council Chambers.

AGENDA

Page#

1. ANNOUNCEMENTS

- 1.1 That a Village Hall meeting will be held on Monday, January 30th, 2012 at 7:00pm in the Village Council Chambers.

2. APPROVAL OF AGENDA

- 2.1 Agenda for Regular Council Meeting, January 23, 2012
Recommend THAT Council approve the Agenda for the Regular Council Meeting, January 23, 2012.

3. ADOPTION OF MINUTES OF COUNCIL MEETING

1

- 3.1 Minutes of the Regular meeting held Monday, January 9th, 2012
Recommend THAT Council approve the minutes of the Regular Meeting held January 9th, 2012.

4. INTRODUCTION OF LATE ITEMS

Nil

5. MOTIONS AND RESOLUTIONS

- 5.1 ***Recommend THAT the Village of Cumberland hold a Committee of the Whole meeting on Monday, February 20th, 2012 at 5:30pm in the Village Council Chambers.***

6. DELEGATIONS

Nil

7. UNFINISHED BUSINESS

7.1 Comox Valley Economic Development Society

- Application for Tax Deferment

Recommend THAT the Comox Valley Economic Development Society application for tax deferment be moved forward to financial planning discussions.

8. CORRESPONDENCE

8.1 Marie Lamb, Secretary and Treasurer

14

Cumberland Motorcycle Roundup Association

- Fourth Annual Show & Shine and Poker Run

Recommend THAT Council receive the September 30th, 2011 letter from Marie Lamb, Secretary and Treasurer, Cumberland Motorcycle Roundup Association re: the Fourth Annual Show & Shine and Poker Run.

8.2 Halloween 2011

15

Recommend THAT Council receive the November 3, 2011 letter from T.E. Gray, CV RCMP re: Halloween 2011 and the November 18th, 2011 letter from Bruce Bauman re: fireworks.

8.3 Rosemary Bonanno, Executive Director, Vancouver Island Regional Library

17

- Facilities Policy

Recommend THAT Council receive the January 4th, 2012 letter from Rosemary Bonanno, Executive Director, Vancouver Island Regional Library re: Facilities Policy.

8.4 Christy Clark, Premier

- Comprehensive Economic and Trade Agreement (CETA)

24

Recommend THAT Council receive the January 5th, 2012 letter from Christy Clark, Premier re: Comprehensive Economic and Trade Agreement (CETA).

8.5 Glen Davidson, P.Eng., Comptroller of Water Rights,
Ministry of Forests, Lands & Natural Resource Operations

25

- Information for Dam Owners about the amended BC Dam Safety Regulation (under OIC 108/2011)

Recommend THAT Council receive the January 9th, 2012 letter from Glen Davidson, P.Eng., Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations re: Information for Dam Owners about the amended BC Dam Safety Regulation (under OIC 108/2011).

- | | | |
|------|---|----|
| 8.6 | Douglas Edgar, President, BC Retired Teachers' Association
• Survey Results of the Volunteer Role of Retired Teachers
<i>Recommend THAT Council receive the January 10th, 2012 letter from Douglas Edgar, President, BC Retired Teachers' Association re: Survey Results of the Volunteer Role of Retired Teachers.</i> | 51 |
| 8.7 | Rick Gibson, Race Chairman, CV Snow to Surf Society
• Requests for the 2012 event to be held April 29 th , 2012
<i>Recommend THAT Council receive the January 10th, 2012 letter from Rick Gibson, Race Chairman, CV Snow to Surf Society re: Requests for the 2012 event to be held April 29th, 2012.</i> | 53 |
| 8.8 | T.E. Gray, Inspector, Officer in Charge, CV RCMP
• Comox Valley RCMP Monthly Policing Report – December, 2011
<i>Recommend THAT Council receive the January 10th, 2012 letter from T.E. Gray, Inspector, Officer in Charge, CV RCMP re: Comox Valley RCMP Monthly Policing Report –December, 2011.</i> | 54 |
| 8.9 | Barry O'Neill, President, CUPE BC Division
• Congratulation Letter
<i>Recommend THAT Council receive the January 12th, 2012 letter from Barry O'Neill, President, CUPE BC Division re: Congratulations letter.</i> | 57 |
| 8.10 | David Black, President, Canadian Office and Professional Employees Union (COPE) Local 378
• BC Hydro Smart Meters
<i>Recommend THAT Council receive the January 12th, 2012 letter from David Black, President, Canadian Office and Professional Employees Union (COPE) Local 378.</i> | 58 |
| 8.11 | Joan Anderson, Resident
• Taxes on Visitor's Centre | 59 |

Recommend THAT Council receive the January 13th, 2012 correspondence from Joan Anderson, Resident re: Taxes on Visitor's Centre.

- 8.12 George Hanson, M.Sc., President, Vancouver Island Economic Alliance (VIEA) 60

- Renewal of Membership

Recommend THAT Council receive the January 16th, 2012 letter from George Hanson, M.Sc., President, Vancouver Island Economic Alliance (VIEA) re: Renewal of Membership.

- 8.13 Daisy Foster, CEO, BC Water & Waste Association 62
- Request to Appoint a Person to be the Drinking Water Week Community Liaison

Recommend THAT Council receive the letter received January 19th, 2012 from Daisy Foster, CEO, BC Water & Waste Association re: Request to Appoint a Person to be the Drinking Water Week Community Liaison.

- 8.14 Edwin Grieve, Chair, Comox Valley Regional District 65
- Solid Waste Management Plan – Public Consultation Schedule
- Recommend THAT Council receive the January 19th, 2012 from Edwin Grieve, Chair, Comox Valley Regional District re: Solid Waste management Plan – Public Consultation Schedule.***

9. REPORTS

- 9.1 Bus Shelter and Waste Receptacles 67
- Prepared by David Durrant, Manager of Community Services

- i) ***Recommend THAT Council receive the Bus Shelter and Waste Receptacles report.***
- ii) ***Recommend THAT Council approve the expenditure of up to \$22,000 for the installation of a bus shelter and waste receptacles on Dunsmuir Avenue.***

- 9.2 Municipal Campground Management, Operation and Lease Agreement 69
- Prepared by David Durrant, Manager of Community Services
- i) ***Recommend THAT Council receive the Municipal Campground Management, Operation and Lease Agreement report.***

- ii) ***Recommend THAT the Corporation of the Village of Cumberland enters into a Municipal Campground Management, Operation and Lease Agreement with Mr. John E. Jones for the period January 30, 2012 to December 31, 2014 for the operation of the Cumberland Lake Park Campground.***
- 9.3 January 16, 2012 Committee of the Whole Meeting 72
Recommendations:
 - i) ***Recommend THAT Village Staff draft an agreement with Coal Valley Estates for Council approval whereby, conditional upon Vancouver Island Health Authority source approval for the Coal Creek Well, the developer can prepay (or secure by suitable financial instrument) water Development Cost Charge fees in exchange for water Development Cost Charge credits, so that the Village of Cumberland Subdivision Approving Officer is satisfied that water supply will not preclude final approval of the Coal Valley Estates Phase 4A subdivision application.***
- 9.4 Financial Report – December 31, 2011 73
Prepared by Michelle Mason, Financial Officer
Recommend THAT Council receive the Financial Report – December 31, 2011 report for information.
- 9.5 Electronic Fund Transfers and Cheque Register - December 1, 2011 80
to December 31, 2011
Recommend THAT the Electronic Fund Transfers and Cheque Register reports for the period of December 1, 2011 to December 31, 2011 be received for information.
- 9.6 Outstanding Action Items Report 85
Recommend THAT the Outstanding Action Items report be received for information.
- 10. BYLAWS
- 10.1 Village of Cumberland Board of Variance Bylaw No. 958, 2012 89
Prepared by Joanne Rees, Planner
 - i) ***Recommend THAT Council receive the Village of Cumberland Board of Variance Bylaw No. 958, 2012 report.***

- ii) ***Recommend THAT the Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012 be read a first time.***
- iii) ***Recommend THAT the Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012 be read a second and third time.***

11. NEW BUSINESS

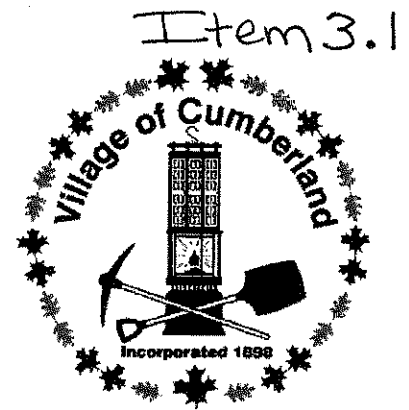
- 11.1 Pot Hole Sign
Councillor Greening – verbal report

12. QUESTION PERIOD

13. ADJOURNMENT

Recommend THAT Council adjourn.

REGULAR MINUTES



CORPORATION OF THE VILLAGE OF CUMBERLAND

MEETING NO. 01/12/R

Regular Meeting of Council held Monday, January 9th, 2012 at 5:30 p.m. in the Village Council Chambers.

COUNCIL

Mayor Leslie Baird
Councillor Gwyn Sproule
Councillor Roger Kishi
Councillor Kate Greening
Councillor Conner Copeman

STAFF

Sundance Topham, CAO
Michelle Mason, Financial Officer,
Recording Secretary
David Durrant, Mgr. of Community Services
Bob Hoffstrom, Municipal Engineer
Judith Walker, Planner
Joanne Rees, Planner

Meeting called to order at 5:30 p.m.

1. ANNOUNCEMENTS

- 1.1 There will be a Committee of the Whole meeting on Monday, January 16th, 2012 from 5:30pm – 7:00pm in the Village Council Chambers
- Trilogy update – John Evans
 - Water and sewer update – Municipal Engineer

2. APPROVAL OF AGENDA

- 2.1 Agenda for Regular Council Meeting, January 9, 2012

Motion: 12.01.R

GREENING/KISHI:

THAT Council approve the Agenda for the Regular Council Meeting, January 9, 2012.

UNANIMOUS

DRAFT

3. ADOPTION OF MINUTES OF COUNCIL MEETING3.1 Minutes of the Regular meeting held Monday, December 12th, 2011.

Motion: 12.02.R

KISHI/GREENING:

THAT Council approve the minutes of the Regular Meeting held December 12th, 2011 as amended to add "*as amended*" after December 12th, 2011 in item 9.8.

UNANIMOUS

4. INTRODUCTION OF LATE ITEMS

Nil

5. MOTIONS AND RESOLUTIONS

5.1 Notice of an in camera meeting under the provisions of Section 90 (1) (i) of the Community Charter.

Motion: 12.03.R

SPROULE/GREENING:

THAT notice is hereby given that pursuant to Section 90 (1) (i) of the Community Charter an in camera meeting closed to the public will be held at the conclusion of the regular meeting to consider:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

UNANIMOUS

6. DELEGATIONS

6.1 John Watson, Executive Director and Murray Presley, President, Comox Valley Economic Development

- Permissive Tax Exemption – Vancouver Island Visitor Centre

Presentation to Council by Murray Presley, President of Comox Valley Economic Development surrounding the connections that the Vancouver Island Visitor Centre has with all the municipalities in the valley in regards to indirect ownership. A request was made for Council to consider approving a permissive tax exemption for the centre.

Motion: 12.04.R

GREENING/SPROULE:

THAT Council receive the delegation of John Watson, Executive Director and Murray Presley, President, Comox Valley Economic Development re: Permissive Tax Exemption – Vancouver Island Visitor Centre.

UNANIMOUS

DRAFT

7. UNFINISHED BUSINESS

- 7.1 Lee and Grace Gingrich - Stronghold Restorative Justice Business
Proposal delegation from December 12, 2011 meeting

- Donation or any support that the Village can give

Motion: 12.05.R

GREENING/KISHI:

THAT council receive the proposal for information as a follow up to the December 12, 2011 delegation AND FURTHER THAT a letter be sent to the Gingrich's thanking them for their presentation but that the Village is continuing to support the Comox Valley Community Justice Centre.

UNANIMOUS

8. CORRESPONDENCE

- 8.1 T.E. Gray, Inspector, Officer in Charge, CV RCMP

- Comox Valley RCMP Monthly Policing Report – November, 2011

Motion: 12.06.R

KISHI/SPROULE:

THAT Council receive the December 1th, 2011 letter from T.E. Gray, Inspector, Officer in Charge, CV RCMP re: Comox Valley RCMP Monthly Policing Report – November, 2011.

UNANIMOUS

- 8.2 Sgt. Tom Norton, Acting Officer in Charge, Crime Prevention & Program Support Services, RCMP

- Crime Prevention through Environmental Design (CPTED)

Council directed Staff to arrange a time for a representative from the RCMP to come to a Council meeting or a Committee of the Whole meeting to present the "*Crime Prevention through Environmental Design (CPTED) Why Wouldn't We?*" video.

Motion: 12.07.R

SPROULE/GREENING:

THAT Council receive the December 8th, 2011 letter from Sgt. Tom Norton, Acting Officer in Charge, Crime Prevention & Program Support Services, RCMP re: Crime Prevention through Environmental Design (CPTED).

UNANIMOUS

DRAFT

- 8.3 Bill MacGougan, Assessor for Vancouver Island Region, BC Assessment

- 2012 Assessment Information

Council directed Staff to arrange a presentation from BC Assessment for a future Council meeting.

Motion: 12.08.R

SPROULE/GREENING:

THAT Council receive the December 8th, 2011 letter from Bill MacGougan, Assessor for Vancouver Island Region, BC Assessment re: 2012 Assessment Information.

UNANIMOUS

- 8.4 Minister Michael de Jong, QC, Ministry of Health

- Proposed Hospital Redevelopment

Motion: 12.09.R

SPROULE/KISHI:

THAT Council receive the December 14th, 2011 letter from Minister Michael de Jong, QC, Ministry of Health re: Proposed Hospital Redevelopment.

UNANIMOUS

- 8.5 Paul Ives, Mayor, Town of Comox

- Comox Valley Youth Advisory Committee

Motion: 12.10.R

GREENING/SPROULE:

THAT Council receive the December 15, 2011 letter from Paul Ives, Mayor, Town of Comox re: Comox Valley Youth Advisory Committee AND FURTHER THAT this item be moved to the February 2012 Committee of the Whole meeting to be discussed with other Village of Cumberland committee discussions.

UNANIMOUS

- 8.6 Liang Jianyoun, Mayor of Putian City

- Congratulatory letter

Motion: 12.11.R

GREENING/SPROULE:

THAT Council receive the December 16th, 2011 letter from Liang Jianyoun, Mayor of Putian City re: Congratulatory letter.

UNANIMOUS

DRAFT

- 8.7 Dave Lacelle, CVEC Secretary, Comox Valley Environmental Council
- Request for Village of Cumberland representative

Councillor Greening offered to attend the January 18th meeting and report back to Council regarding details from the meeting and whether it would be relevant to have a Village of Cumberland representative.

Motion: 12.12.R

SPROULE/GREENING:

THAT Council receive the December 29th, 2011 letter from Dave Lacelle, CVEC Secretary, Comox Valley Environmental Council re: Request for Village of Cumberland representative.

UNANIMOUS

- 8.8 Kevin Wallace, David Klassen, Mark Fortin, Cumberland Strategic Investments
- Request for response regarding the new Vancouver Island Regional Library site

Motion: 12.13.R

GREENING/SPROULE:

THAT Council receive the January 19th, 2012 letter from Kevin Wallace, David Klassen, Mark Fortin, Cumberland Strategic Investments re: Request for response regarding the new Vancouver Island Regional Library site AND FURTHER THAT Staff write a response letter to the Cumberland Strategic Investments noting that the location is only preferred and not mandatory.

UNANIMOUS

9. REPORTS

- 9.1 2011 Municipal Election Results
Prepared by Joanne Rees, Chief Election Results

Motion: 12.14.R

GREENING/SPROULE:

THAT Council receive the 2011 Municipal Election Results report for information.

UNANIMOUS

- 9.2 Development Variance Permit Application – Mathieu
Prepared by Joanne Rees, Planner

DRAFT

Motion: 12.15.R

GREENING/SPROULE:

THAT Council receive "Development Variance Permit Application - Mathieu" prepared by Joanne Rees, Planner dated December 23, 2011.

UNANIMOUS

Motion: 12.16.R

GREENING/SPROULE:

THAT Council grant the Development Variance Permit (File 11-08-DV – Mathieu) for property legally described as Lot 9, Block 23, District Lot 21, Nelson District, Plan 522C (2799 Derwent Avenue) to vary the front lot line setback from the permitted 3.0metres to 0.34metres in accordance with the site drawing contained in the draft Development Variance Permit which is attached to the report as Appendix A.

UNANIMOUS

- 9.3 Development Variance Permit Application – Russell
Prepared by Joanne Rees, Planner

Motion: 12.17.R

SPROULE/GREENING:

THAT Council receive "Development Variance Permit Application - Russell" prepared by Joanne Rees, Planner dated December 23, 2011.

UNANIMOUS

Motion: 12.18.R

GREENING/KISHI:

THAT Council grant the Development Variance Permit (File 11-07-DV – Russell) for property legally described as Lot 12, Block 14, District Lot 21, Nelson District, Plan 522A (2763A&B Maryport Avenue) to vary:

- a) the front lot line setback from the permitted 3.0metres to 1.75metres;
- b) the left side lot line setback from the permitted 1.5metres to 0.72metres;
- c) the right side lot line setback from the permitted 3.5metres to 0.54metres;

in accordance with the survey certificate prepared by Rick Kuss, BCLS dated October 28, 2011 contained in the Development Variance Permit which is attached to the report as Appendix A.

UNANIMOUS

DRAFT

9.4 December 29, 2011 Committee of the Whole Meeting
Recommendations

9.4.1 Procedural Bylaw Amendments

Motion: 12.19.R

KISHI/GREENING:

THAT the Village of Cumberland Procedural Bylaw No. 859, 2007 and Village of Cumberland Procedural Bylaw No. 879, 2007 be amended to reflect the changes discussed during the December 29, 2011 Committee of the Whole Meeting and that these changes be incorporated into a new Village of Cumberland Procedure Bylaw to be brought to Council for consideration.

UNANIMOUS

9.4.2 Purchase of Goods and Services Policy

Motion: 12.20.R

GREENING/KISHI:

THAT the Village of Cumberland Purchase of Goods and Services Policy be reviewed by staff and that a new Purchase of Goods and Services Policy be brought to Council for consideration.

UNANIMOUS

9.4.3 Council Communications Policy

Motion: 12.21.R

KISHI/GREENING:

THAT the Village of Cumberland Staff, Committee and Public Communications to Council Policy be amended to reflect the changes discussed during the December 29, 2011 Committee of the Whole Meeting and that these changes be incorporated into a new Staff and Council Communications Policy to be brought to Council for consideration.

UNANIMOUS

9.4.4 February Committee of the Whole Meeting

Motion: 12.22.R

SPROULE/GREENING:

THAT the Village of Cumberland hold a Committee of the Whole meeting in February to discuss possible committees of Council.

UNANIMOUS

DRAFT

9.4.5 Village of Cumberland Municipal Website

Motion: 12.23.R

GREENING/SPROULE:

THAT Council approve the expenditure of up to \$18,000 for the purposes of creating a new municipal website for the Village of Cumberland AND THAT this expenditure be added to the 2012 Village of Cumberland Financial Plan.

UNANIMOUS

9.5 Engineering Report to December 31, 2011

Prepared by Bob Hoffstrom, P. Eng., Village Engineer

Motion: 12.24.R

SPROULE/KISHI:

THAT Council receives the "Engineering Report to December 31, 2011" for information.

UNANIMOUS

Motion: 12.25.R

GREENING/SPROULE:

THAT Council bring the "Engineering Report to December 31, 2011" prepared by Bob Hoffstrom to the January 16th, 2012 Committee of the Whole meeting.

UNANIMOUS

9.6 Comox Valley Landfill Impact on Bevan Rd. and Cumberland Rd.

Prepared by Bob Hoffstrom, P. Eng., Village Engineer

Motion: 12.26.R

SPROULE/KISHI:

THAT Council receive the Comox Valley Landfill Impact on Bevan Rd. and Cumberland Rd. report;

AND THAT as an interim measure, the Village of Cumberland increase maintenance on Bevan Road as outlined in Option 3 over the next 1-2 year period with an annual budget allocation equivalent to the Comox Valley Regional District maintenance grant. Starting with drainage improvements and a more detailed road condition field evaluation including bore holes and Benkelman beam testing;

DRAFT

AND THAT the Village of Cumberland provide to Comox Valley Regional District a certified statement by January 15, 2012 detailing:

- a. How the 2011 funds provided have been spent, and how any unspent funds are planned to be spent.
- b. Provide to CVRD a statement of future planned use of funds to be received through the road maintenance grant program;

AND THAT the Village of Cumberland seek further financial assistance from the Comox Valley Regional District and senior levels of government in order to complete the rehabilitation and structural works identified by further investigations proposed in the report. Arguments for assistance will include the fact that the Pidgeon Lake Landfill is a regional benefit, and the cost burden to rehabilitate and maintain both Bevan Road and Cumberland Road should have a significant regional contribution.

Motion: 12.26.R

AMENDMENT

GREENING/SPROULE:

- THAT "a. *How the 2011 funds provided have been spent, and how any unspent funds are planned to be spent*
- b. *Provide to CVRD a statement of future planned use of funds to be received through the road maintenance grant program*"

be replaced with:

"2011 funds provided have been place in a deferred Bevan Road and Cumberland Road account and that the funds will be spent on the interim measure above".

UNANIMOUS

Motion: 12.27.R

MAIN MOTION AS AMENDED:

GREENING/SPROULE:

THAT Council receive the Comox Valley Landfill Impact on Bevan Rd. and Cumberland Rd. report;

AND THAT as an interim measure, the Village of Cumberland increase maintenance on Bevan Road as outlined in Option 3 over the next 1-2 year period with an annual budget allocation equivalent to the Comox Valley Regional District maintenance grant. Starting with drainage improvements and a more detailed

DRAFT

road condition field evaluation including bore holes and Benkelman beam testing;

AND THAT the Village of Cumberland provide to Comox Valley Regional District a certified statement by January 15, 2012 detailing that the 2011 funds provided have been placed in a deferred Bevan Road and Cumberland Road account and that the funds will be spent on the interim measure above;

AND THAT the Village of Cumberland seek further financial assistance from the Comox Valley Regional District and senior levels of government in order to complete the rehabilitation and structural works identified by further investigations proposed in the report. Arguments for assistance will include the fact that the Pidgeon Lake Landfill is a regional benefit, and the cost burden to rehabilitate and maintain both Bevan Road and Cumberland Road should have a significant regional contribution.

UNANIMOUS

- 9.7 Approving Officer and Deputy Approving Officer Appointments
Prepared by Sundance Topham, Chief Administrative Officer

Motion: 12.28.R

GREENING/SPROULE:

THAT pursuant to Section 77 of the Land Title Act Council appoint Sundance Topham, Chief Administrative Officer, as Approving Officer for the Village of Cumberland and Graham Savage as Deputy Approving Officer for the Village of Cumberland.

UNANIMOUS

- 9.8 Climate Action Revenue Incentive (CARIP) Public Report
Prepared by Michelle Mason, Financial Officer

Motion: 12.29.R

SPROULE/KISHI:

THAT Council receive the Climate Action Revenue Incentive (CARIP) Public Report dated January 4, 2012;

AND THAT the Council of the Corporation of the Village of Cumberland approve the attached Climate Action Revenue Incentive (CARIP) Public Report for 2011 for posting on the Village of Cumberland website.

Councillor Greening suggested a number of amendments to the CARIP Public Report.

DRAFT

Motion: 12.29.R
AMENDMENT
SPROULE/KISHI:

THAT the Climate Action Revenue Incentive (CARIP) Public Report be amended to reflect the changes suggested by Councillor Greening.

UNANIMOUS

- 9.9 The 2011 Audit Service Plan
Prepared by Michelle Mason, Financial Officer

Motion: 12.30.R
GREENING/SPROULE:

THAT Council receive The Corporation of the Village of Cumberland Audit Service Plan for the 2011 Year-end for information.

UNANIMOUS

- 9.10 December 2011 Chief Administrative Officer Report
Prepared by Sundance Topham, Chief Administrative Officer

Motion: 12.31.R
SPROULE/KISHI:

THAT Council receive the December 2011 Chief Administrative Officer Report for information.

UNANIMOUS

- 9.11 December 2011 Administration Department Report
Prepared by Michelle Mason, Financial Officer

Motion: 12.32.R
KISHI/GREENING:

THAT Council receive the December 2011 Administration Department report for information.

UNANIMOUS

- 9.12 Council Reports
9.12.1 Mayor Leslie Baird
9.12.2 Councillor Gwyn Sproule
9.12.3 Councillor Roger Kishi
9.12.4 Councillor Kate Greening
9.12.5 Councillor Conner Copeman

Motion: 12.33.R
SPROULE/KISHI:

DRAFT

THAT the Council reports be received.

UNANIMOUS

10. BYLAWS

Nil

11. NEW BUSINESS

11.1 Staff Appointments – 2012

Prepared by Sundance Topham, Chief Administrative Officer

Councillor Greening suggested that the Manager of Protective Services be added to the Occupational Health and Safety Committee.

Motion: 12.34.R

KISHI/GREENING:

THAT Council receive the Staff Appointments - 2012 memo for information.

UNANIMOUS

12. QUESTION PERIOD

A number of general questions were asked from the members of the audience regarding items from the agenda. Specific topics include:

- Water conservation;
- Cumberland Library location;
- Official Community Plan;
- Trail usage;
- Trilogy; and,
- Logging on private land.

13. ADJOURNMENT

Motion: 12.35.R

KISHI/COPEMAN:

THAT pursuant to Section 90 (1) (i) of the Community Charter Council adjourn into a closed meeting at 7:37pm to consider:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

UNANIMOUS

DRAFT

Confirmed this day of , 2012.

MAYOR

CORPORATE OFFICER

DRAFT

RECEIVED

JAN 3 - 2012



September 30, 2011

Dear Mayor and Councillors:

The Cumberland Motorcycle Roundup Association is hosting its fourth annual Show & Shine and Poker Run on August 11th and 12th 2012.

On Saturday, August 11th we would like to block traffic on Dunsmuir Ave. from First St. to Fourth St. from 8:00am to 5:00pm for the Show and Shine. In addition to this we would like to request the closure of two side streets: 2nd St. from Derwent Ave. to the alley behind the Cumberland Hotel, and 3rd St. from Dunsmuir Ave. to Penrith St., for the same time period. We are requesting barricades to block off these streets for Saturday the 11th and we will have volunteers to monitor and secure these sites.

On the evening of the 11th we would also like to use the treed section of the Village Park below the horseshoe pit to accommodate overflow camping. We will provide porta-potties and security overnight.

On Sunday, August 12th we will be holding a Poker Run leaving Village Square and visiting various sites around the Comox Valley. Riders will return to the Cumberland Hotel at approximately 2:00pm. At this time we would like to have all the parking outside the Cumberland Hotel on Dunsmuir and Second Street reserved for the motorcyclists.

We will provide proof of appropriate insurance coverage and RCMP permission at a later date.

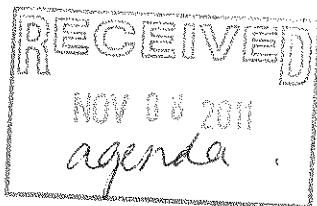
Thank you,

Marie Lamb

Cumberland Motorcycle Roundup Association, Secretary and Treasurer



Royal Canadian Mounted Police
Gendarmerie royale du Canada



Item 8.2

Page 1 of/de 2

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

OIC Comox Valley RCMP
800 Ryan Road
Courtenay, BC
V9N 7T1

Your File Votre référence

Mayor and Council
Village of Cumberland
2673 Dunsmuir Street
Cumberland, BC
V0R 1S0

Our File Notre référence

2011-11-03

Dear Mayor and Council,

Halloween 2011

This year, Halloween fell on a Monday night. Weather was favourable with many children and parents taking part in the celebration.

An operational plan was prepared and implemented. Additional police resources were deployed, including the police helicopter. Bylaw enforcement officers from Courtenay, Comox and the Regional District were invited to participate in the enforcement with regular members to take a lead role in responding to and enforcing bylaw infractions.

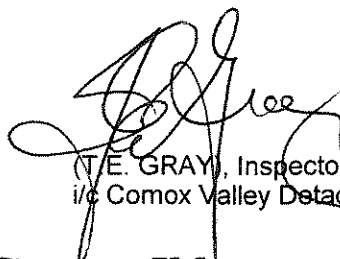
Our members responded to a total of 41 calls for service overnight. Self-generated enforcement was high as well. Our members seized fireworks from several individuals who were in possession of same without the requisite permit.

As you know, we have four different fireworks bylaws in the Comox Valley. Courtenay, Comox, Cumberland and the Comox Valley Regional District all have bylaws pertaining to the possession and use of fireworks. Each community's bylaw is worded differently. In Comox it is an offence for individuals to possess/explode fireworks at anytime. In Cumberland it is never an offence for an individual to possess/explode fireworks and as a result is un-enforceable.

The differences in the various bylaws causes public confusion and is a challenge to enforce.

We are recommending that further discussion be considered with representatives from each community to coming up with a common bylaw in both wording and penalty. Please contact Staff Sergeant Andrew Isles at 250-334-5916 for further discussion in regards to this matter.

Thank-you for your consideration of this matter.


(T.E. GRAY), Inspector
i/c Comox Valley Detachment

Canada

RECEIVED
NOV 18 2011
Council/David

To person in charge of
common sense,

I Bruce Bauman live on Union Road
& am fed up with our fireworks
regulations. (none).


We need a "no fireworks" law
A.S.A.P..

I love dogs but am unable to
have one because someone at the
corner area of Union rd. & Royston rd
is constantly exploding fireworks.

Please help me & my neighbors
who love our animals & peace & quiet.

Sincerely Yours.

Bruce A. Bauman

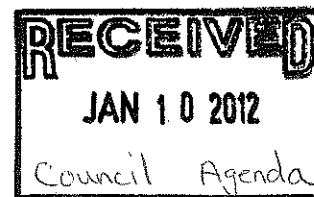

Anne Bauman
ABauman

**CENTRAL SERVICES**

Box 3333 | 6250 Hammond Bay Road
 Nanaimo, BC Canada V9R 5N3
 Tel: 250.758.4697 Fax: 250.758.2482
 Email: info@virl.bc.ca Web: www.virl.bc.ca

January 4, 2012

Her Worship Mayor Leslie Baird and Council
 Village of Cumberland
 Box 340
 Cumberland, BC V0R 1S0



Dear Mayor Baird and Council

Vancouver Island Regional Library (VIRL) is pleased to advise you that the Board has revised its Facilities Policy, including a facility decision process. For your convenience we have attached a copy.

To assist VIRL in our future facility planning process we would appreciate knowing if your community:

- Has any plans or concerns regarding the provision of library space;
- If so, when your community might be considering a new facility where a library might be housed;
- Any other pertinent information that might affect our planning process.

Vancouver Island Regional Library is vitally interested in being part of your planning process where library facilities are concerned. When responding, please consider that we already have several files open for new or expanded branches in:

- Bella Coola - nearing completion
- Quadra Island - nearing completion
- Cowichan Lake - at development permit stage
- Nanaimo North – at development permit stage
- Cumberland – in RFP stage
- Cortes Island – in negotiations
- Gabriola Island – in negotiations
- Sooke – about to proceed to public input stage

Strong Libraries • Strong Communities

Bella Coola Bowser Campbell River Chemainus Comox Cortes Island Courtenay Cowichan Cowichan Lake Cumberland
 Gabriola Island Gold River Hornby Island Ladysmith Masset Nanaimo Harbourfront Nanaimo Wellington Parksville
 Port Alberni Port Alice Port Clements Port Hardy Port McNeill Port Renfrew Quadra Island Qualicum Beach Queen Charlotte
 Sandspit Sayward Sidney/North Saanich Sointula Sooke South Cowichan Tahsis Tofino Ucluelet Union Bay 17

VIRL's priorities for facility development will be further refined once responses have been received and 2011 census data becomes available.

Your response, even if you have no current plans or concerns, would be appreciated.

Sincerely

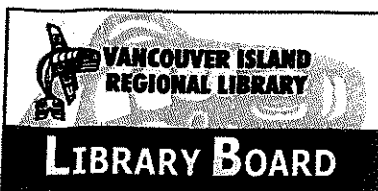


Rosemary Bonanno, BA MLS
Executive Director
Vancouver Island Regional Library

Cc: Kate Greening, VIRL Trustee
Sundance Topham, Chief Administrative Officer

Strong Libraries * Strong Communities

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Sandspit Sayward Sidney/North Saanich Sointola Sooke South Cowichan Tofino Tofino Ucluelet Union Bay 18/18



Board Policy

Title:	Facilities
Approved:	June 2011
Revised:	

The purpose of this policy is to ensure facilities meet the mission of the Vancouver Island Regional Library (VIRL) Board by maintaining and further developing an integrated network of service points, underpinned by designated resource hub libraries offering and supporting the delivery of in-depth information and readers' advisory services system-wide. Together, these approaches are designed to be responsive to the needs and expectations of VIRL customers. Facilities are designed to best meet the community needs. Ideally, library facilities are flexible, functional, attractive and adaptable.

Development of a Permanent Service Delivery Location

It is the responsibility of the associated political jurisdiction to make a request in writing to the Board to consider the development of a permanent service delivery location. A population threshold of 4,600 is expected to be met in 20 years' time in order for a branch to be considered by the Board. If the Board approves the request, it is the associated political jurisdiction's responsibility to conduct a public consultation process.

Service Delivery Models

To maximize efficiencies and effectiveness VIRL will offer a multi-tiered service delivery model. Requests for contracting services from VIRL will be between the political jurisdiction and the Vancouver Island Regional Library Board. Discussions will not be undertaken with individuals or local interest groups. Support of the local jurisdictions is a prerequisite.

Books-by-Mail

Books-by-Mail is an individualized serviced offered to communities of less than 1,000 people. All requests are handled at the nearest resource hub.

Core Library

The Core Library is located in a concentrated area of expressed need. The physical size of the Core Library is a target of 2,750 square feet, serving a population up to and including 4,600. The service is valued as a focal point of the community identity, a community meeting place and a destination for all. It may be co-located. It provides convenient access to the resources of the entire library system. Core children's services (including programming) and services to targeted groups such as teens or seniors may

be stressed. The collection may contain up to 15,000 popular items. Electronic information resources provide access to a broad range of reference and support materials. Access to the Internet will be provided in relation to the population served.

Community Library

The Community Library is a local community focal point and is a gathering place and an intentional destination. It may be co-located. The Community Library is up to 18,000 square feet. The building should support the growth of the community for 20 years. These libraries focus their services on recreational and informational needs, providing access to a full range of print and non-print items. Their collections, based upon demand, support browsing and general information. The base core collection is further developed to support a broader range and scope of information. The Community Library delivers information and reader's advisory services, programming for all targeted groups, outreach, reading lounge, designated study space and multipurpose meeting space are all part of their mandate. Access to the Internet will be provided in relation to the population served.

Resource (Hub) Library

The Resource (Hub) Library underpins the delivery of information and readers' advisory services throughout the Board's service area. Further to that it provides community needs to the local area. It may be co-located. The Resource Library exceeds 18,000 square feet based on population. The building should support the growth of the community for 20 years. Its extensive collections serve the recreational and informational needs through a mix of circulation and electronic materials. Local or special collections may also be developed and housed in hub libraries. The resource hub library has an important role in supporting the print and non-print infrastructure of the library system through the development and provision of specialized in-depth collections and staff expertise. It provides the full range of services for children and adults, programming, outreach, distribution centre for the hub, and multipurpose meeting space are all part of its mandate.

eLibrary

It is the vision of the Vancouver Island Regional Library to become a provincial leader in the integration of technology into library services. Electronic resources and technological access to information and services will not result in the demise of the library as a destination. Rather, technology will be expanded and used to enhance customer access to library services, whether from within library branches or from home, place of work, or other locations within the community. Using new tools customers and staff will access information resources more effectively and communicate in new and innovative ways. Services offered electronically will be tailored to the individual needs of customers, recognizing the diversity of the community, social and economic barriers faced by all its members.

Standards

Standards may be defined as a degree or level of requirement, excellence or attainment that serve as a point of reference. They are a framework for planning and achieving best practices and excellence in the management and provision of library service. At the same time, standards provide a baseline measure for the development of facilities.

VIRL will:

- Establish and maintain libraries according to the service delivery model.
- Locate facilities as best possible utilizing site selection criteria.
- Use a recognized source (PCensus or Stats Canada) to access population and demographic information on which to base needs for new or expanded facilities.
- Implement a minimum target size of 2,750 sq ft or 0.6 sq ft per capita.
- Recognize the difference between urban and rural delivery by:
 - Grandfathering existing sites in their present geographic location until such time as population increases warrant replacement, and that grandfathered branches be maintained with a focus on WCB and health & safety issues subject to funding provided by the additional maintenance levy above, and that priority maintenance be given to the rural branches as identified in the CFMP report.
 - Base rural priorities on a weighted basis (10% population 30% date of most recent move/work, 30% compliance with minimum requirements, 30% physical condition) as outlined in this report.
 - Consider one or more rural branches and one urban branch per year be considered by the Board for expansion or replacement when requested by the local jurisdiction.
- An additional levy of 1.25% per year for facilities over a 10 year period, and an additional levy of 1% per year for maintenance over a 10 year period, is required to implement this policy.
- Implement as opportunities arise the preferred ownership model.
 1. VIRL ownership
 2. Public sector ownership
 3. Private sector ownership

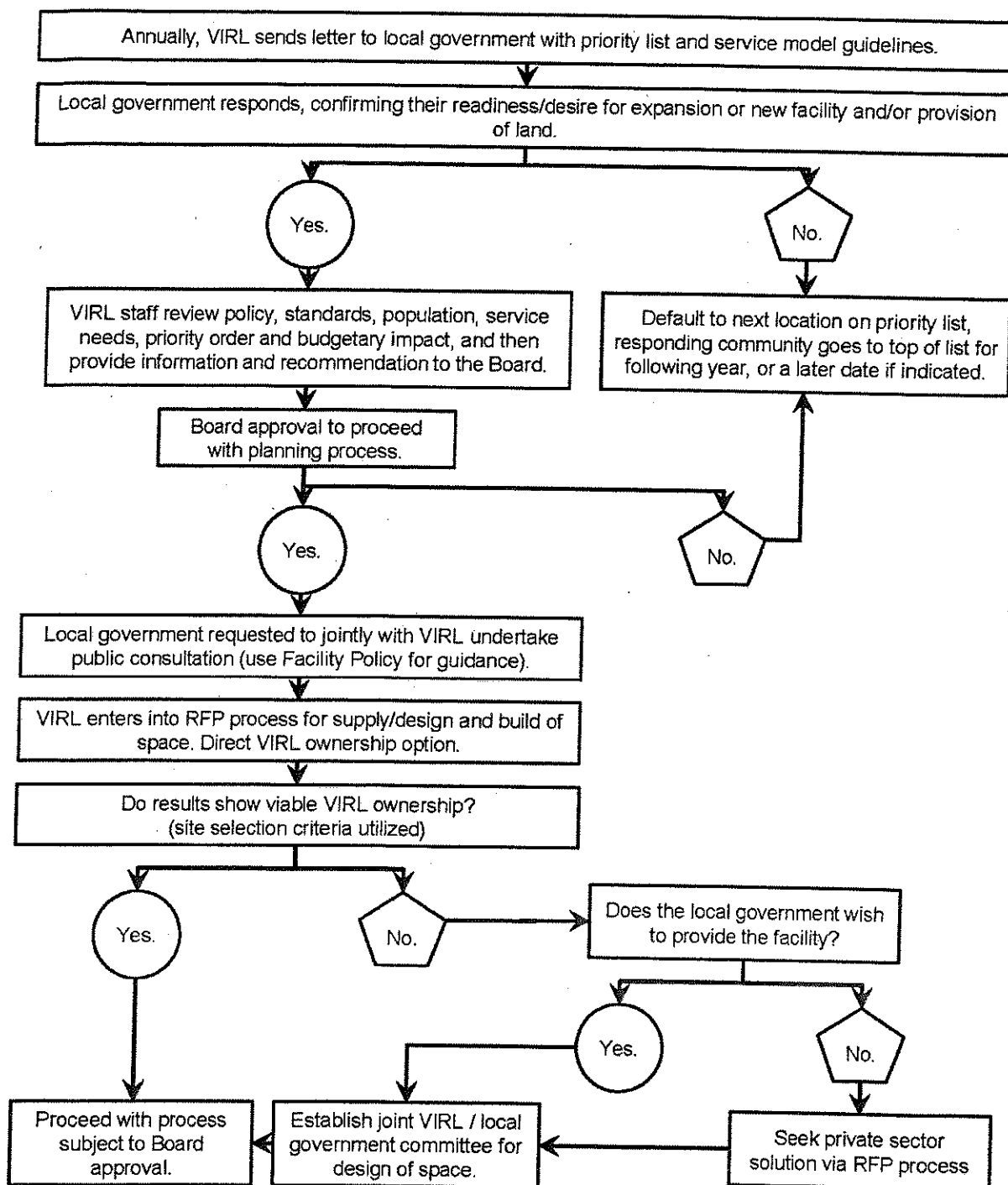
Prototype Library Program / Minimum 2,750 sq ft.

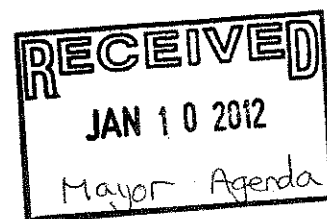
	Total Area (SF)	Description / Standard
Collection Space	1,000	15,000 books @ 15bk/sf
Circulation Desk	150	
Public Access Catalogues	40	
User Seating	240	8 seats x 30sf
Children's Area	300	12% of area
Teen Area	100	4% of area
Public Access Computer Space	100	4 users
Work / Storage Room	250	11% of library area
Washrooms	80	1 male 1 female
Circulation	490	19% of net area
Total	2,750	

Site Selection

		Site 1	Site 2	Site 3	Site 4	Site 5
Physical Site						
1	Site accommodates facility which meets area standard for catchment area					
2	Central to catchment area					
3	Site is in future growth area					
4	High visibility within community					
5	Close to commercial node / activity					
6	Close to other community facilities					
7	Site restrictions (ie flood plane or restrictive covenants)					
8	Library use permitted by existing zoning					
Site Access						
9	Accessible by public transit					
10	Vehicle parking is maximum permitted by zoning					
11	Bicycle parking is provided (as per zoning if applicable)					
12	Access for service and delivery vehicles					
Building						
13	Meets minimum area requirement (for branch size)					
14	Meetings building code standards					
15	Barrier free access					
15	Access to telephone, Internet, cable, communication infrastructure					
17	Overall premise / building is in good condition					
18	Available for long term period (20 years)					
19	Affordable					
20	Separate entrance					
Total (maximum score = 100)						

Facility Decision Process





January 5, 2012

Her Worship Leslie Baird
Mayor of the Village of Cumberland
2673 Dunsmuir Avenue
PO Box 340
Cumberland, BC V0R 1S0

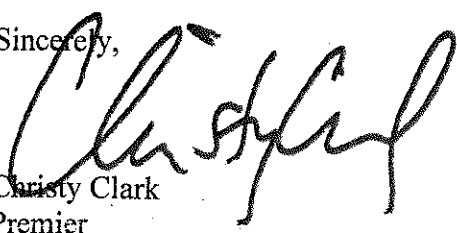
Dear Mayor Baird:

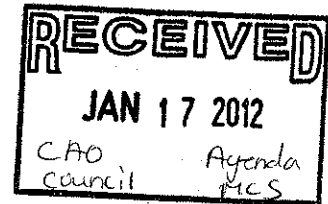
Thank you for your letter about CETA. I appreciate your sharing the Village of Cumberland Council's resolution with me.

The Government of British Columbia is working closely with the federal government to ensure the negotiations toward a Comprehensive Economic and Trade Agreement (CETA) with the European Union result in significant benefits and meet the needs of all British Columbians and the communities in which they live. Please be assured your comments and concerns will be included in any related discussions.

Again, thank you for contacting us. It was good to hear from you.

Sincerely,


Christy Clark
Premier



January 9, 2012

File: 76915-03/Dam Safety Regulation

CUMBERLAND VILLAGE OF
PO BOX 340
CUMBERLAND BC
V0R1S0

Dear Dam Owner:

**Re: Information for Dam Owners about the amended BC Dam Safety Regulation
(under OIC 108/2011)**

This letter is to inform you that the Dam Safety Regulation, 108/2011, under the *Water Act of British Columbia* has been amended. Our records indicate that you are the primary owner of the dam(s) noted below (for definition of primary owner, please refer to the second last paragraph of the letter).

This letter has been sent to owners of dams classified as "Low" and "Significant" under Schedule 1 of the amended Dam Safety Regulation. Please be advised that Dam Consequence Classification names under Schedule 1 of the amended Dam Safety Regulation have been changed. "Low" classification dams were previously named "Very Low" and "Significant" classification dams were previously named "Low". This revision is a change of name only; please see the enclosed information sheet on dam classification. The new classification(s) of your dam(s) are noted in the table below.

Dam Name	Dam File Number	2011 Consequence Class
ALLEN LAKE DAM	720101	LOW
HENDERSON LAKE DAM	720111	LOW
STEVENS LAKE DAM	720126	LOW
HAMILTON LAKE DAM	720109	SIGNIFICANT

Please read the enclosed information carefully and familiarize yourself with any applicable changes to your responsibilities, if any:

- A copy of the amended Dam Safety Regulation (108/2011),
- "Application of the Dam Safety Regulation", an Information Sheet on the amended regulation,

Page 1 of 2

Ministry of Forests, Lands & Natural Resource Operations Resource Stewardship Division	Water Management Branch Dam Safety Section	Mailing Address: PO Box 9340 Stn Prov Govt Victoria BC V8W 9M1 Telephone: 250-952-6790 Facsimile: 250-952-6792	Location: 3 rd Floor, 395 Waterfront Cres Victoria BC V8T 5K7
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- "Dam Signage Requirements"; Information Sheet for dams on or partially on Crown Land (if applicable),
- "Dam Failure Consequence Classification Conversion Guideline", Information Sheet.

New Signage Requirement: Please note that as of November 30, 2011 all owners of dams (except those of Low Classification) that are located on or partially on Crown Land must install information signs as per Section 3, subsections (5), (6) and (7) of the Dam Safety Regulation. Additional information regarding the signs is in the enclosed document "Dam Signage Requirements".

In some instances there is more than one person who holds a water licence to store water in the reservoir behind the dam. This letter is being sent to the person that we have on record as the holder of the largest water storage licence, or, the person who has been identified as the representative of other water storage licence holders. This person is identified as the primary owner. To determine who the other water storage licencees are (if any), you may use the following weblink (or contact the Dam Safety Officer in your region): http://a100.gov.bc.ca/pub/wtrwhse/water_licences.input.

If you have any questions please contact your Dam Safety Officer, or send an email to dam.safety@gov.bc.ca or visit the BC Dam Safety web page (www.env.gov.bc.ca/wsd/public_safety/dam_safety/). A list of Dam Safety Officers and contact information is available on the website.

Yours truly,



Glen Davidson, P.Eng.
Comptroller of Water Rights

Enclosures (4)



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Victoria, British Columbia, Canada

IMPORTANT INFORMATION

B.C. Reg. 44/2000

Deposited February 10, 2000

O.C. 131/2000

NOTE: This copy of the Dam Safety Regulation has been reformatted from the original to improve readability when printed. In case of discrepancy between this copy and the original posted by Queen's Printer, the original takes precedence and is available at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_44_2000.

Water Act**BRITISH COLUMBIA DAM SAFETY REGULATION**

[includes amendments up to B.C. Reg. 163/2011, September 12, 2011]

Contents

- 1 Definitions
- 2 Application
- 3 Operation and maintenance of a dam
 - 3.1 Emergency preparedness plan
 - 3.2 Change of classification
- 4 Alteration of a dam
- 5 Inspections and tests
- 6 Reporting
 - 6.1 Review of downstream conditions
- 7 Dam safety review and report
 - 7.1 Potential safety hazard at a dam
- 8 Hazardous conditions at a dam
- 9 Suspension of normal operation or removal of a dam
- 10 Information and evaluation
- 11 Instrumentation
- 12 Expert opinion
- 13 Acceptance by dam safety officer
- 14 Transition — dam safety review and report

Schedule 1**Schedule 2****Definitions**

1 In this regulation:

"Act" means the *Water Act*;

"classification" means the dam failure consequences classification of a dam under Schedule 1;

"dam" means

(a) a barrier constructed across a stream, or

(b) a barrier constructed off-stream and supplied by diversion of water from a stream,

for the purpose of enabling the storage or diversion of water, and includes all works which are incidental to or necessary for the barrier;

"dam owner" means, with respect to a dam, any or all of the following:

(a) the person who holds the current licence or is required to hold a licence for the dam;

(b) the person who last held a licence for the dam, including a licence that has been suspended, cancelled, abandoned or terminated;

(c) if there is no person to whom paragraph (a) or (b) applies, the owner of the land on which the dam is located or the person who had the dam constructed;

"dam safety officer" means an engineer or officer who is designated in writing by the comptroller as a dam safety officer;

"dam safety review" means a review carried out by a professional engineer under section 7 or 14;

"emergency preparedness plan" means

(a) a plan prepared by a dam owner under section 3.1 (1) and accepted by a dam safety officer, and

(b) any revisions to the plan prepared by the dam owner and accepted by a dam safety officer;

"height" means the vertical distance to the top (crest) of a dam measured,

(a) in the case of a dam across a stream, from the natural bed of the stream at the downstream outside limit of the dam, or

(b) in the case of a dam that is not across a stream, from the lowest elevation at the outside limit of the dam;

"instrumentation" means, but is not limited to, survey monuments and stations, inclinometers, extensometers, piezometers or measuring weirs;

"maintain" or **"maintenance"** means the performance of those tasks required to keep the dam in good operating condition;

"operation, maintenance and surveillance manual" means

(a) a manual prepared by a dam owner under section 3 (2) and accepted by a dam safety officer, and

(b) any revisions to the manual prepared by the dam owner and accepted by a dam safety officer;

"professional engineer" means a person registered, and in good standing, as a professional engineer under the *Engineers and Geoscientists Act*;

"Provincial Emergency Program" means the Provincial Emergency Program continued under the *Emergency Program Act*; .

"Schedule 2 table" means the table in section 2 of Schedule 2;

"volume of water" means the total storage volume of the reservoir at full supply level measured in accordance with one of the following:

- (a) between the natural bed of the stream and the spillway crest;
- (b) between the upstream outside limit of the dam and the spillway crest;
- (c) if a low level outlet is excavated to an elevation lower than the general foundation of the dam, between the bottom of that outlet and the spillway crest.

[am. B.C. Reg. 108/2011, App. 1, s. 1; App. 2, s. 1.]

Application

2 (1) This regulation applies to all of the following:

- (a) a dam 1 metre or more in height that is capable of impounding a volume of water greater than 1 000 000 m³;
- (b) a dam 2.5 metres or more in height that is capable of impounding a volume of water greater than 30 000 m³;
- (c) a dam 7.5 metres or more in height;
- (d) a dam that does not meet the criteria under paragraph (a), (b) or (c) but has a classification of significant, high, very high or extreme.

(2) This regulation does not relieve a dam owner from any other requirements that may be imposed under the Act, the Water Regulation or any other applicable enactment.

[am. B.C. Reg. 108/2011, App. 1, s. 1; App. 2, s. 1.]

Operation and maintenance of a dam

3 (1) A dam owner must operate and maintain a dam in accordance with all of the following:

- (a) this regulation;
- (b) any applicable licence or approval;
- (c) any order made by the comptroller, a regional water manager or an engineer under the Act or this regulation or any requirement specified by a dam safety officer under this regulation;
- (d) the emergency preparedness plan for the dam;
- (e) the operation, maintenance and surveillance manual for the dam.

(2) A dam owner of a dam that has a classification of significant, high, very high or extreme must, in the form and manner and within the time period specified by the comptroller or regional water manager,

- (a) prepare a manual that describes the dam owner's operation, maintenance and surveillance procedures for the dam, and

(b) submit the manual to a dam safety officer for acceptance by the dam safety officer.

(3) Subsection (2) applies whether or not there is a term or condition in an approval granted or licence issued that requires the preparation of such a manual for the dam.

(3.1) A dam owner of a dam that has a classification of significant, high, very high or extreme must

(a) review, and revise if necessary, the operation, maintenance and surveillance manual for the dam no less frequently than is specified for the classification of the dam in item 6 in the Schedule 2 table, and

(b) submit any revisions to a dam safety officer for acceptance by the dam safety officer.

(4) A dam owner must ensure that the dam is adequately safeguarded to prevent unauthorized operation of the dam by someone other than the dam owner or an agent of the dam owner.

(5) A dam owner of a dam that is located partially or entirely on Crown land and that has a classification of significant, high, very high or extreme must ensure that there is at all times posted on the land at both ends of the top of the dam a sign that meets all of the following criteria:

(a) the sign must contain, in lettering that is clearly visible from 15 metres, the following information:

(i) the name of the dam;

(ii) the name of the stream that is dammed;

(iii) the following words: "If you see any dam safety concerns, please contact:", followed by

(A) the name and emergency telephone numbers for both day and night of a dam owner, and

(B) the emergency telephone number for the Provincial Emergency Program;

(b) the sign must be at least 75 centimetres high and 60 centimetres wide;

(c) the sign must be clearly visible under seasonal conditions to persons approaching the dam;

(d) the sign and post must be constructed from metal or other durable materials having strength suited to the location and environment of the sign;

(e) the sign must meet any other requirement specified by the comptroller or a regional water manager.

(6) Subsection (5) applies whether or not the dam owner has an authorization or other right to use or occupy the Crown land on which the dam is partially or entirely located.

(7) For the purposes of subsection (5) (a) (iii) (A), if there is more than one dam owner, the dam owner whose name and emergency telephone numbers must be on the sign is the dam owner who

- (a) the dam owners agree is the emergency contact for the dam, or
- (b) if there is no agreement by the owners, the dam owner specified by a dam safety officer.

[am. B.C. Reg. 108/2011, App. 1, s. 3; App. 2, s. 2.]

Emergency preparedness plan

3.1 (1) A dam owner of a dam that has a classification of significant, high, very high or extreme must, in the form and manner and within the time period specified by the comptroller or regional water manager,

- (a) prepare a plan that describes the actions to be taken by the dam owner in the event of an emergency at the dam, and
- (b) submit the plan to a dam safety officer for acceptance by the dam safety officer.

(2) Subsection (1) applies whether or not there is a term or condition in an approval granted or licence issued that requires the preparation of such a plan for the dam.

(3) A dam owner of a dam that has a classification of significant, high, very high or extreme must

- (a) review, and revise if necessary, the emergency preparedness plan for the dam no less frequently than is specified for the classification of the dam in items 5 and 6 in the Schedule 2 table, and
- (b) submit any revisions to a dam safety officer for acceptance by the dam safety officer.

[en. B.C. Reg. 108/2011, App. 1, s. 4.]

Change of classification

3.2 If the classification of a dam changes, a dam owner must, in a timely manner,

- (a) meet the requirements of this regulation that apply in respect of the new classification, and
- (b) review, and revise if necessary, the operation, maintenance and surveillance manual and the emergency preparedness plan, if any, for the dam and submit any revisions to a dam safety officer for acceptance by the dam safety officer.

[en. B.C. Reg. 108/2011, App. 1, s. 4.]

Alteration of a dam

4 (1) Any alteration, improvement or replacement to all or any part of a dam must be authorized by an approval, licence or order.

(2) Subsection (1) does not apply to an alteration, improvement or replacement for the purpose of

- (a) maintaining the dam as authorized under section 3, or
- (b) addressing a hazardous condition under section 8.

(3) On completion of an alteration, improvement or replacement to all or any part of a dam, a dam owner must, in a timely manner,

- (a) submit to a dam safety officer a report on the work and the manner in which the alteration, improvement or replacement was performed, and
- (b) review, and revise if necessary, the operation, maintenance and surveillance manual and the emergency preparedness plan, if any, for the dam and submit any revisions to a dam safety officer for acceptance by the dam safety officer.

[am. B.C. Reg. 108/2011, App. 1, s. 5.]

Inspections and tests

5 A dam owner must do all of the following:

- (a) inspect the dam and dam site no less frequently than is specified for the classification of the dam in items 1 and 2 in the Schedule 2 table in order to assess the condition of the dam during the construction, operation or alteration of the dam;
- (b) test the operation of the outlet facilities, spillway gates and other mechanical components of the dam no less frequently than is specified for the classification of the dam in item 4 in the Schedule 2 table;
- (c) record the results of every inspection or test performed under this section;
- (d) comply with section 7.1 or 8, if applicable.

[en. B.C. Reg. 108/2011, App. 1, s. 6.]

Reporting

6 (1) If an inspection or test is carried out under section 5 or any other inspection, test or review is carried out with respect to a dam, a dam owner must, if required by a dam safety officer, submit to the dam safety officer, in the form and manner and within the time period specified by the dam safety officer,

- (a) a record of the results of the inspection, test or review, and
- (b) the results and analysis of any test or measurement taken including, but not limited to,
 - (i) instrumentation readings and analysis,
 - (ii) visual records or observations,
 - (iii) drawings,
 - (iv) soil, aggregate and concrete test results, and
 - (v) any other test results.

(2) Despite subsection (1), if an inspection, test or review carried out with respect to a dam reveals a potential safety hazard referred to in section 7.1 or a hazardous condition referred to in section 8, a dam owner must promptly submit to a dam safety officer the records referred to in subsection (1).

(3) A dam owner must, if required by a dam safety officer, submit to the dam safety officer copies of the following records relating to the design, construction or alteration of the dam:

- (a) all design notes, drawings and specifications;
- (b) hydraulic, hydrologic, geological and geotechnical data;
- (c) reports and other similar records.

[en. B.C. Reg. 108/2011, App. 1, s. 6.]

Review of downstream conditions

6.1 A dam owner must

- (a) annually conduct a review of conditions downstream of the dam to assess whether there has been any change to the classification of the dam, and
- (b) immediately notify a dam safety officer if there has been a change to the classification of the dam.

[en. B.C. Reg. 108/2011, App. 1, s. 6.]

Dam safety review and report

7 (1) A dam owner of a dam that has a classification of high, very high or extreme must, no less frequently than is specified for the classification of the dam in item 7 in the Schedule 2 table,

(a) have a professional engineer with qualifications and experience in dam safety analysis,

(i) carry out a review, in accordance with the requirements of the comptroller or regional water manager,

(A) to determine whether the dam is safe, and

(B) if it is determined that the dam is not safe, to determine what actions are required to make the dam safe; and

(ii) prepare, in the form and manner specified by the comptroller or regional water manager, a dam safety report, and

(b) submit to a dam safety officer, for acceptance by the dam safety officer, a copy of the dam safety report prepared by the professional engineer.

(2) Despite subsection (1), if a dam classification increases due to an increase in the consequences of a failure of the dam, other than an increase from a low classification to a significant classification, the dam owner must meet the requirements of paragraphs (a) and (b) of subsection (1) no later than 2 years from the earlier of the following dates:

(a) the date on which a dam safety officer notifies the dam owner of the change in classification;

(b) the date on which the dam owner notifies a dam safety officer of the change in classification;

unless the comptroller, regional manager or a dam safety officer specifies that the requirements must be met by another date.

(3) For the purposes of subsections (1) and (2), if a dam owner meets the requirements of paragraphs (a) and (b) of subsection (1) on or before December 31 of the year in which the requirements must be met under those subsections, the dam owner is deemed to have met the requirements within the time required.

(4) After completion of a dam safety review the dam owner must comply with section 7.1 or 8, if applicable.

[en. B.C. Reg. 108/2011, App. 1, s. 6.]

Potential safety hazard at a dam

7.1 If

- (a) an inspection or test under section 5,
- (b) a dam safety review,
- (c) monitoring, under section 11, the instrumentation installed at a dam, or
- (d) any other inspection, test or review carried out with respect to a dam

reveals a potential safety hazard to which section 8 does not apply, a dam owner must prepare a plan that identifies and prioritizes any actions required to correct the potential safety hazard and, in accordance with section 4, if applicable, must implement the plan in a timely manner based on the priorities identified in the plan.

[en. B.C. Reg. 108/2011, App. 1, s. 6.]

Hazardous conditions at a dam

8 If conditions exist which are or are likely to be hazardous to a dam, or if conditions may reasonably be anticipated to cause a dam, or any part of a dam, or any operation or action at or in connection with a dam, to be or become potentially hazardous to public safety, the infrastructure or works, other property or the environment, a dam owner must promptly do all of the following:

- (a) if an emergency preparedness plan exists, modify the operation of the dam, or any part of the dam, in accordance with the emergency preparedness plan;
- (b) if an emergency preparedness plan does not exist, operate the dam in a manner, and initiate any remedial actions, that will
 - (i) safeguard the public,
 - (ii) minimize damage to the infrastructure or works or to other property, including that not owned by the dam owner, and
 - (iii) minimize damage to the environment;

- (c) contact the Provincial Emergency Program;
- (d) notify a dam safety officer, or the comptroller or regional water manager, of
 - (i) the nature of the existing or anticipated conditions,
 - (ii) all things done by the dam owner to rectify the conditions, and
 - (iii) the time and exact nature of any information or warning of existing or anticipated conditions issued to any person under this section;
- (e) inform local authorities, and persons who may be in immediate danger from the potential failure of the dam, of the nature of the existing or anticipated conditions and, if necessary, advise those persons who may be in immediate danger to vacate and remove any property from the endangered area;
- (f) modify the operation of the dam to minimize or prevent damage which may be caused by the failure of the dam, and undertake any other hazard response activity required by a dam safety officer or engineer or by the comptroller or regional water manager.

[am. B.C. Reg. 108/2011, App. 2, s. 3.]

Suspension of normal operation or removal of a dam

- 9** (1) A dam owner must give the comptroller or regional water manager at least 60 days written notice before undertaking any of the following activities:
- (a) removing all or a significant part of a dam;
 - (b) decommissioning or abandoning a dam;
 - (c) stopping the normal operation of a dam for a period of time longer than one year.
- (2) The dam owner must prepare, and submit to a dam safety officer for approval,
- (a) a plan respecting an activity under subsection (1) (a) or (b), or
 - (b) if required by the dam safety officer, a plan respecting an activity under subsection (1) (c).
- (3) The dam owner must, at least 14 days before the date on which the work is expected to commence, notify a dam safety officer before commencing any work under the approved plan.
- (4) The dam owner must submit to a dam safety officer, on the completion of the work performed under the approved plan, a report on the work and the manner in which it was performed.
- (5) The dam owner must undertake any further actions that the comptroller or regional water manager requires to alleviate any adverse consequences to any person, the infrastructure or works, other property or the environment that may be affected by any work performed on the dam.
- (6) An approval under subsection (2) respecting the decommissioning of a dam is subject to the Environmental Assessment Act and to approvals, if any, required under that Act.

Information and evaluation

10 (1) A dam owner must, if required by a dam safety officer, submit to the dam safety officer the following information in order to evaluate the condition or hazard potential of a dam:

(a) information with respect to the dam including, but not limited to,

- (i) foundation investigation results,
- (ii) design details and as-built plans,
- (iii) construction records,
- (iv) operation manuals,
- (v) records of instrumentation,
- (vi) inspection reports,
- (vii) safety reports, and

(viii) inundation studies and emergency preparedness plans;

(b) information with respect to the nature of the land and the stream, and the use of the land and the stream, downstream from or adjacent to the dam or reservoir, including the hydraulic, hydrologic, geological and geotechnical characteristics and the uses of the land and stream;

(c) information with respect to the watershed upstream of the dam.

(2) The information required under subsection (1) must be submitted to a dam safety officer, in the form and manner and within the time period specified by the comptroller or regional water manager.

(3) The dam owner must conduct any inspection, investigation, survey or test that is necessary to provide the information required by subsection (1).

(4) If a dam owner conducts an investigation that involves drilling, trenching, excavating a test pit or other invasive activity within the dam or in close proximity to the dam, the dam owner must ensure that the activity is directly supervised by a professional engineer with qualifications and experience in dam design, construction and analysis.

[am. B.C. Reg. 108/2011, App. 1, s. 7.]

Instrumentation

11 A dam owner must do all of the following:

(a) install any instrumentation necessary to adequately monitor the performance of a dam;

(b) maintain or replace instrumentation installed at a dam to ensure continuity of readings;

(b.1) monitor the instrumentation installed at a dam no less frequently than is specified for the classification of the dam in item 3 in the Schedule 2 table;

(c) if required by a dam safety officer, submit to the dam safety officer instrumentation readings and evaluations in the form and manner and within the time period specified by the dam safety officer;

- (c.1) comply with section 7.1 or 8, if applicable;
- (d) submit, to a dam safety officer for acceptance by the dam safety officer,
 - (i) notice of any planned modifications to, changes to or removal of the instrumentation at least 60 days before the proposed modification, change or removal, or
 - (ii) an annual plan outlining intended changes to the instrumentation.

[am. B.C. Reg. 108/2011, App. 1, s. 8.]

Expert opinion

- 12** (1) If, based on information submitted in respect of a dam or related works, the comptroller or regional water manager considers that a question has arisen as to what is proper practice for resolving an issue involving a dam or related works, the comptroller or regional water manager may require a dam owner to retain an independent expert, satisfactory to the comptroller or regional water manager, with qualifications and experience as follows:

- (a) in the case of a dam, in dam design, construction and analysis;
- (b) in the case of related works, in hydraulic, hydrological, geological, geotechnical, mechanical or structural engineering or other appropriate disciplines.

- (2) The expert retained under subsection (1) must provide a report to the comptroller or regional water manager on the issue.

[am. B.C. Reg. 108/2011, App. 1, s. 9.]

Acceptance by dam safety officer

- 13** (1) If a record that is submitted under this regulation by a dam owner to a dam safety officer for acceptance by the dam safety officer is not in a form that is acceptable to the dam safety officer, the dam safety officer may return the record to the dam owner together with a written notice specifying the deficiencies in the record and requiring that they be corrected.

- (2) If a dam safety officer provides a written notice to a dam owner under subsection (1)

- (a) the dam owner must correct the deficiencies identified in the notice in a timely manner, and
- (b) the dam safety officer is not required to accept the record referred to in subsection (1) until the dam owner has corrected the deficiencies set out in the notice.

[en. B.C. Reg. 108/2011, App. 1, s. 10.]

Transition — dam safety review and report

- 14** (1) Despite section 7, if a dam

- (a) had a downstream consequence classification of low or very low under this regulation as it read immediately before June 9, 2011, and
- (b) had a classification of high, very high or extreme on June 9, 2011,

the dam owner must meet the requirements of paragraphs (a) and (b) of section 7 (1) no later than December 31, 2013.

(2) Despite section 7, subsection (3) of this section applies to a dam if

(a) the dam had a downstream consequence classification of high or very high under this regulation as it read immediately before June 9, 2011,

(b) the dam had a classification of extreme on June 9, 2011, and

(c) on June 9, 2011 the immediately preceding dam safety review in respect of the dam was conducted in a year set out in column 1 of the table in subsection (3).

(3) For the purposes of subsection (2) of this section, the dam owner must meet the requirements of paragraphs (a) and (b) of section 7 (1) no later than the date specified in column 2 in the table below opposite the year in which the immediately preceding dam safety review was conducted as set out in column 1 of the table below:

	Column 1	Column 2
Item	Year of immediately preceding dam safety review	Date by which requirements in paragraphs (a) and (b) of section 7 (1) must be met
1	2001 or 2002	10 years from the date on which the dam safety report in respect of the immediately preceding review was submitted to a dam safety officer.
2	2003, 2004 or 2005	December 31, 2013.
3	2006 and thereafter	The date specified for the classification of the dam in item 7 in the Schedule 2 table.

(4) In respect of Items 1 and 3 of the table in subsection (3) of this section, if a dam owner meets the requirements of paragraphs (a) and (b) of section 7 (1) on or before December 31 of the year in which the requirements must be met under subsection (3) of this section, the dam owner is deemed to have met those requirements within the time required.

[en. B.C. Reg. 163/2011.]

Schedule 1

[en. B.C. Reg. 108/2011, App. 1, s. 11.]

(sections 1, 2 (1) (d), 3 (2) and (3.1), 3.1 (1) and (3), 3.2, 5, 6.1, 7, 11 (b.1) and 14)

Dam Classification

Definitions

1 In this Schedule:

"category", with respect to consequences of failure, means one of the following:

- (a) loss of life;
- (b) environment and cultural values;
- (c) infrastructure and economics;

"consequences of failure" means losses or damages that

- (a) are caused by the failure of a dam, and
- (b) result from impacts on areas that are at the dam or are downstream or upstream of the dam;

"failure", in respect of a dam, means the partial or complete collapse of the dam and the uncontrolled release of all or part of the water stored by the dam, caused by either flood-induced failure or non flood-induced failure;

"flood-induced failure" means a dam failure that is caused by a natural flood of a magnitude that is greater than the magnitude that the dam can pass at the time of the failure;

"non flood-induced failure" means a dam failure that occurs during normal dam operation that is caused by conditions such as internal erosion, piping, an earthquake or an error in operation leading to overtopping.

Determination of classification

2 The dam failure consequences classification of a dam is determined in accordance with the following steps:

- (a) for each category of consequences of failure in the following table, identify the losses or damages specified in the table that most closely describe the losses or damages that are the worst potential consequences of a failure of the dam;
- (b) identify the classification that is specified in the following table for the losses or damages referred to in paragraph (a) for each category;
- (c) the classification identified under paragraph (b) with the worst potential consequences is the classification of the dam.

Table (Schedule 1)

Dam failure consequences classification	Population at risk	Consequences of failure		
		Loss of life	Environment and cultural values	Infrastructure and economics
Low	None ¹	There is no possibility of loss of life other than through unforeseeable misadventure.	Minimal short-term loss or deterioration and no long-term loss or deterioration of (a) fisheries habitat or wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance.	Minimal economic losses mostly limited to the dam owner's property, with virtually no pre-existing potential for development within the dam inundation zone.
Significant	Temporary only ²	Low potential for multiple loss of life.	No significant loss or deterioration of (a) important fisheries habitat or important wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is highly possible.	Low economic losses affecting limited infrastructure and residential buildings, public transportation or services or commercial facilities, or some destruction of or damage to locations used occasionally and irregularly for temporary purposes.
High	Permanent ³	10 or fewer	Significant loss or deterioration of (a) important fisheries habitat or important wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is highly possible.	High economic losses affecting infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to scattered residential buildings.
Very high	Permanent ³	100 or fewer	Significant loss or deterioration of (a) critical fisheries habitat or critical wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is possible but impractical.	Very high economic losses affecting important infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to residential areas.
Extreme	Permanent ³	More than 100	Major loss or deterioration of (a) critical fisheries habitat or critical wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is impossible.	Extremely high economic losses affecting critical infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to residential areas.

¹ There is no identifiable population at risk.

² People are only occasionally and irregularly in the dam-breach inundation zone, for example stopping temporarily, passing through on transportation routes or participating in recreational activities.

³ The population at risk is ordinarily or regularly located in the dam-breach inundation zone, whether to live, work or recreate.

Schedule 2

[en. B.C. Reg. 108/2011, App. 1, s. 11; am. B.C. Reg. 163/2011.]

(sections 1, 3 (3.1), 3.1 (3), 5, 7, 11 (b.1) and 14)

Minimum Frequency of Safety Activities

Interpretation of Schedule

1 In this Schedule:

"EPP" means the emergency preparedness plan for a dam;

"formal inspection" means a thorough on-site inspection performed by the representative of the dam owner who is responsible for dam safety;

"OMS manual" means the operation, maintenance and surveillance manual for a dam;

"site surveillance" means the close monitoring of dam behaviour through visual inspections and, in addition, may include the systematic collection, analysis and interpretation of data obtained through automated instrumentation.

Frequency of activities

- 2** In the following table, column 1 sets out an activity that must be carried out by a dam owner under a provision in this regulation and columns 2, 3, 4 and 5 set out the minimum frequency with which the activity must be carried out for each classification.

Table (Schedule 2)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Activity	Frequency of activity			
		Extreme classification	Very high and high classifications	Significant classification	Low classification
1	Site surveillance	Weekly ¹	Weekly ¹	Monthly ¹	Quarterly
2	Formal inspection	Semi-annually	Annually	Annually	Annually
3	Monitor instrumentation	Annually unless otherwise specified in the OMS manual	Annually unless otherwise specified in the OMS manual	Annually unless otherwise specified in the OMS manual	If and when required by a dam safety officer
4	Test operation of outlet facilities, spillway gates and other mechanical components	Annually unless otherwise specified in the OMS manual	Annually unless otherwise specified in the OMS manual	Annually unless otherwise specified in the OMS manual	Annually
5	Update the emergency contact information in the EPP	Annually	Annually	Annually	Not applicable
6	Review, and revise if necessary, the OMS manual and the EPP	Every 7 years	Every 10 years	Every 10 years	Not applicable
7	Conduct dam safety review and submit dam safety report	Every 7 years	Every 10 years	Not applicable	Not applicable
8	Review downstream conditions, as set out in section 6.1, and notify a dam safety officer of any change in classification	Annually	Annually	Annually	Annually
¹ The frequency of visual inspections may be reduced if provided for in the OMS manual.					

[Provisions relevant to the enactment of this regulation: *Water Act*, R.S.B.C. 1996, c. 483, section 101 (1), (2), (3), (5) and (8)]



INFORMATION SHEET

APPLICATION OF THE DAM SAFETY REGULATION

Based on British Columbia Dam Safety Regulation 44/2000 and revised to include amendments B.C. Reg. 108/2011 (June 9, 2011) and B.C. Reg. 163/2011 (Sept 12, 2011) – *Revisions in red*

INTRODUCTION

The Dam Safety Regulation was passed into law as Regulation 44/2000 under the *Water Act* effective February 11, 2000, and *amended as B.C. Reg. 108/2011 (June 9, 2011) and subsequently as B.C. Reg. 163/2011 (September 12, 2011)*.

The objective of the Regulation is to mitigate loss of life and damage to property and the environment from a dam breach by requiring dam owners to inspect their own dams, undertake proper maintenance on them, and ensure that these dams meet ongoing engineering standards.

WHO IT APPLIES TO

The Dam Safety Regulation applies to all dam owners (i.e., the person who holds a current water licence for the dam, see Section 1 of the Regulation for a full definition of dam owner) whose dams are:

- 1 metre or more in height and capable of impounding a volume of water greater than 1,000,000 m³,
- 2.5 metres or more in height and capable of impounding a volume of water greater than 30,000 m³,
- 7.5 metres or more in height and capable of impounding any volume of water, or
- classified as *significant, high, very high or extreme* downstream consequence (see Schedule 1 of the Regulation).

WATER ACT REQUIREMENTS

The *Water Act* has authority over dams (considered works) and holds dam owners liable for any damage caused by the construction, operation or failure of their dam.

Under the *Water Act*, dam owners are responsible for:

- obtaining a water licence and complying with its terms and conditions, and
- maintaining historical records of all observations, inspections, maintenance items, instrumentation readings, etc.

CLASSIFICATION SYSTEM

The obligations of a dam owner under the Regulation depend on the potential downstream consequences of failure of the dam (see Schedule 1 of the Regulation). The dam owners are responsible for estimating these consequences subject to verification by the Dam Safety Officer. *Schedule 1 has been amended by replacing the 4 consequence classifications with the 5 classifications adopted by the Canadian Dam Association (CDA) in their 2007 Guidelines to ensure that the requirements of the regulation and the CDA Guidelines are consistent. The classifications will all be converted in the provincial dam registry; see the BC Dam Safety Program web site for details.*

REGULATION REQUIREMENTS

Dam owners must satisfy all ongoing requirements and may also need to meet special and/or additional requirements:

1. Ongoing Requirements

The ongoing requirements include:

- safe day to day operation and maintenance of the dam,
- regular inspections of the dam (i.e., site surveillance, formal inspections, recording instrumentation data, and testing mechanical components),

- preparing, reviewing and updating the operation, maintenance and surveillance plan and the emergency preparedness plan (*except low consequence dams*),
- performing dam safety reviews (high, very high and *extreme* consequence dams only),
- reporting all significant findings resulting from inspections and/or dam safety reviews to the Dam Safety Officer, and
- *annually review the consequence classification and report any changes.*

2. Special Requirements

The dam owner must undertake the following special requirements:

- obtain authorization when alternations, improvements or replacements to all or any part of their dam are considered,
- notify the Dam Safety Officer and get authorization prior to the removal, decommissioning or abandoning a dam,
- *prepare a plan in response to any safety hazard,*
- operate their dam in a manner, and initiate remedial actions, that will safeguard the public and dam in response to hazardous conditions at the dam,
- *obtain acceptance from the Dam Safety Officer for revisions to the operation, maintenance and surveillance and emergency preparedness plan, or*
- *prepare and erect signage at all dams located on Crown Land (except low consequence dams) notifying passersby to report any problems to the dam owner or emergency response authorities (effective November 30, 2011).*

3. Additional Requirements

Dam owners must undertake the following if required by provincial authorities under the regulation:

- install any instrumentation necessary to adequately monitor the performance of a dam,
- obtain an expert's opinion on the design, construction and analysis of the dam,
- obtain the opinion of an appropriate specialist such as hydraulic, hydrological,

geological, geotechnical, mechanical or structural engineer or related professional on various questions, and

- submit additional information, including recorded data, on the dam, reservoir, downstream area, or watershed upstream of the dam.

ROLE OF THE RESPONSIBLE MINISTRY

The Comptroller of Water Rights instituted the Provincial Dam Safety Program in 1967. The program's goal is to set design, construction, maintenance, and surveillance standards, and assist dam owners in meeting these standards.

Dam Safety Officers located in each region and in Victoria protect public safety by auditing and monitoring the activities of dam owners and taking enforcement/compliance action when necessary.

The Dam Safety Regulation is an important component of the Provincial Dam Safety Program objective to minimize the impact of floods and dam failures.

MORE INFORMATION

More information on dam safety can be obtained from the Responsible Ministry by contacting:

Dam Safety Section
Water Management Branch
PO Box 9340 Stn Prov Govt
Victoria BC V8W 9M1

Or Dam Safety Website:

http://www.env.gov.bc.ca/wsd/public_safety/dam_safety/index.html

The Canadian Dam Associations' Dam Safety Guidelines and website at <http://www.cda.ca/>



INFORMATION SHEET

DAM SIGNAGE REQUIREMENTS FOR DAM OWNERS

SIGNAGE MANDATE

As specified in the British Columbia Dam Safety Regulation, as of November 30, 2011, all owners of dams located partially or entirely on Crown Land and that have a classification of significant, high, very high or extreme must post signs at those dams in the manner described in the Regulation. The requirement for signage on dams is a commitment that meets one of the twelve recommendations put forward by David Morhart, Deputy Solicitor General in his report entitled Review of the Testalinden Dam Failure (July 2010). Recommendation #3 states: *The Ministry of Environment (now the Ministry of Forest, Lands & Natural Resource Operations) should consider implementing signage to make it clear to passersby that the structure is a dam and to provide direction and emergency contact information, including contact information for the owner, to report any issues observed."*

GENERAL SIGNAGE CRITERIA AND INFORMATION FOR DAM OWNERS

1. Considerations for Signs

- Background colour and reflectivity can affect the visibility of safety signs. Low light conditions may reduce visibility and make existing signs ineffective.
- Use of a reflective background material can increase visibility.
- Signs usually consist of dark lettering on light backgrounds or vice versa to ensure legibility.
- Keeping signage consistent increases recognition by the public.
- Where possible, sign placement should consider sun and glare, shadows, orientation and visitor safety.
- As a general rule, place signs on the right hand side (when facing the dam crest) of the approach to the dam.
- Sign placement should not interfere with the normal operation of the dam.
- Sign placement should not be too close to trees or foliage that could cover the face of the sign.

2. Materials and Cost

Dam owners are responsible for the cost, installation and maintenance of signs on their dams. Costs vary greatly with quantity, size, location and type of material used. Commonly used materials for signs are:

- Marine quality, ¾ inch plywood,
- Medium density Fiberboard (MDF), and
- Aluminum.

The post kits (post, sleeves, bolts and anchor) required will depend on the situation and sign material chosen. For installation at provincial dams, the posts chosen were 3.6 metres long and 57 mm in diameter. The anchor was 1050 mm long and 64 mm in diameter. Each post kit weighed about 23 kilograms. Installation costs vary depending on the location of the dam, type of installation required and whether installed by the dam owner or contractor.

3. Maintenance

Inspection and maintenance procedures for the signs must be included by the dam owner in the dam's Operation, Maintenance and Surveillance manual. Standard maintenance plans should address physical damage, visibility, legibility and appearance. Key concepts of a maintenance plan should include:

- Frequent inspections to ensure that signs are maintained and repaired as needed – include sign check as part of the surveillance and formal inspection of the dam and include procedures into the dam's Operation, Maintenance & Surveillance manual.
- Taking precautions to reduce vandalism to the signs,
- Repairing or replacing damaged signs quickly,
- Checking the reflectivity of signs that are meant to be seen at night, and
- Updating protocols for employees and/or visitors to report damage.

Experience suggests that annual maintenance of signs averages about 30% of the initial cost as signs are common targets for graffiti and gun shots.

4. Specifications for Signs

Signs must conform to the specifications provided in the British Columbia Dam Safety Regulation. This includes but is not limited to:

- Signs must be at least 75 centimetres high and 60 centimetres wide.
- Lettering on the sign must be clearly visible from 15 meters.
- The sign must contain the following information and be in the following format:

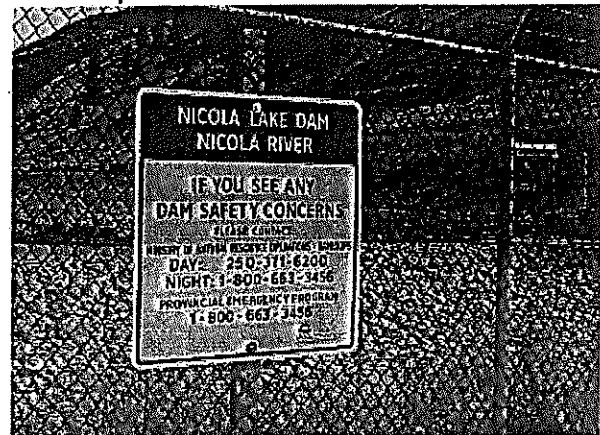
<DAM NAME>
<STREAM NAME>

IF YOU SEE ANY
DAM SAFETY CONCERNS,
PLEASE CONTACT:
<DAM OWNER NAME>
DAY: ____-____-____
NIGHT: ____-____-____

PROVINCIAL EMERGENCY
PROGRAM

1-800-663-3456

For Example:



MORE INFORMATION

Information on dam safety is available on the BC Government Dam Safety Website:

http://www.env.gov.bc.ca/wsd/public_safety/dam_safety/index.html

Or, can be obtained from your local Dam Safety Officer or by contacting:

Dam Safety Section
Water Management Branch
PO Box 9340 Stn Prov Govt
Victoria BC V8W9M1



INFORMATION SHEET

Dam Failure Consequence Classification Conversion Guideline For Dams in British Columbia, BC Reg. 108/2011

Background to Dam Classification in BC

In 1999 the Canadian Dam Association (CDA) published Dam Safety Guidelines to establish safety requirements for new and existing dams, enable the consistent evaluation of dam safety deficiencies and to provide a basis for dam safety legislation and regulation. The Guidelines included a 4-tier failure consequence classification system: very low, low, high and very high. In February 2000, the BC Dam Safety Regulation (44/2000), under the *Water Act* of BC, was enacted. Schedule 1 of the Regulation defined 4 dam classifications similar to those provided by the CDA. In 2007, the CDA Guidelines were rewritten and the consequence classification system changed to 5 tiers: low, significant, high, very high and extreme. The Province has recently amended the BC Dam Safety Regulation bringing the consequence classification system in-line with the CDA Guidelines.

2011 BC Dam Safety Regulation Amendment

On June 9, 2011, the BC Dam Safety Regulation was amended: B.C. Reg. 108/2011. Schedule 1 of the amended Regulation includes a 5-tier dam failure consequence classification (Attachment 1). This change aligns the consequence classification of BC dams with the current CDA Guidelines thus ensuring BC's dam safety requirements are consistent with the current CDA Guidelines.

Conversion to the New 2011 Dam Failure Consequences Classifications

The dam failure consequence classifications for all dams in BC have been converted to the new 5-tier classifications as per Schedule 1 of the BC Regulation 108/2011 (Attachment 1). The conversions are based on the Dam Consequence Conversion Table provided in Attachment 2. Dam owners are being advised of the Regulation change and provided with confirmation of their dam failure consequence classification by registered letter during August and September 2011. Many dam owners have undertaken dam break inundation studies to confirm the consequence classification or to provide evidence for a revised classification. If a dam owner does not receive notice of their new dam classification by October 2011, or if you have additional information that might influence the dam failure consequence classification, please contact your local Dam Safety Officer.

Additional Information

It is important to note that the BC Dam Safety Regulation dam failure consequence classification determines the requirements that a **dam owner** must meet. The CDA Guidelines classifications are for **dam design** criteria. Please refer to the CDA website to order the CDA Guidelines (<http://www.cda.ca/>).

Please note that under the amended BC Dam Safety Regulation (108/2011), there are some additional dam safety requirements for dam owners based on the consequence classifications. For example, owners of Significant Consequence Classification dams (formally Low Consequence Classification dams, BC Reg. 44/2000) are now required to prepare Emergency Preparedness Plans. Also, effective November 30, 2011, all owners of dams located on Crown land, except those dams classified as Low Consequence, are required to post contact information on signs at their dams. For further information please refer to the Dam Signage Requirement Information Sheet and OIC 237/2011 available on the BC Dam Safety website:

http://www.env.gov.bc.ca/wsd/public_safety/dam_safety/index.html

Attachments:

Attachment 1 –BC Dam Safety Regulation (108/2011), Schedule 1. June 9, 2011.

Attachment 2 – BC Dam Consequence Classification Conversion Table. August 5, 2011.

Schedule 1 – Dam Safety Regulation (108/2011), June 9, 2011¹
Downstream Dam Failure Consequences Classification Table

Dam failure consequences classification	Population at risk	Consequences of failure		
		Loss of life	Environment and cultural values	Infrastructure and economics
Low	None ²	There is no possibility of loss of life other than through unforeseeable misadventure.	Minimal short-term loss or deterioration and no long-term loss or deterioration of (a) fisheries habitat or wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance.	Minimal economic losses mostly limited to the dam owner's property, with virtually no pre-existing potential for development within the dam inundation zone.
Significant	Temporary only ³	Low potential for multiple loss of life.	No significant loss or deterioration of (a) important fisheries habitat or important wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is highly possible.	Low economic losses affecting limited infrastructure and residential buildings, public transportation or services or commercial facilities, or some destruction of or damage to locations used occasionally and irregularly for temporary purposes.
High	Permanent ⁴	10 or fewer	Significant loss or deterioration of (a) important fisheries habitat or important wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is highly possible.	High economic losses affecting infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to scattered residential buildings.
Very high	Permanent ⁴	100 or fewer	Significant loss or deterioration of (a) critical fisheries habitat or critical wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is possible but impractical.	Very high economic losses affecting important infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to residential areas.
Extreme	Permanent ⁴	More than 100	Major loss or deterioration of (a) critical fisheries habitat or critical wildlife habitat, (b) rare or endangered species, or (c) unique landscapes or sites of cultural significance, and restoration or compensation in kind is impossible.	Extremely high economic losses affecting critical infrastructure, public transportation or services or commercial facilities, or some destruction of or some severe damage to residential areas.

¹ This table is a copy of Schedule 1 of the Dam Safety Regulation 108/2011. In case of discrepancy between this table and the approved Regulation, the Regulation takes precedence.

² There is no identifiable population at risk.

³ People are only occasionally and irregularly in the dam-breach inundation zone, for example stopping temporarily, passing through on transportation routes or participating in recreational activities.

⁴ The population at risk is ordinarily or regularly located in the dam-breach inundation zone, whether to live, work or recreate.

BC Dam Failure Consequences Classification Conversion Table (August 5, 2011)¹

Consequence Classification NEW BC Dam Safety Regulation 108/2011	Population at Risk	Loss of Life		Environment and Cultural Values ²		Infrastructure & Economics ²		Consequence Classification OLD BC Dam Safety Regulation 44/2000
		BC Reg. 108/2011	BC Reg. 44/2000 ³	BC Reg. 108/2011	BC Reg. 44/2000	BC Reg. 108/2011	BC Reg. 44/2000	
Low	None	No possibility of loss of life	Minimal	Minimal short-term and no long-term loss or deterioration	No significant loss of habitat or sites	Minimal economic losses mostly limited to dam owner's property	<\$100K Minimal	Very Low
Significant	Temporary Only	Low potential for multiple loss of life ⁶	Some Possible	No significant loss or deterioration incl. Important habitat Restoration or compensation possible	Loss or deterioration of regionally important habitat & sites – High chance for restoration or compensation	Low economic losses to buildings, services, public transportation, infrastructure, etc.	<\$1M Limited Infrastructure, Public, Commercial	Low
High	Permanent Residents	< 10	< 10 ⁴	Significant loss or deterioration incl. Important habitat Restoration or compensation possible	Same as below	High economic losses to buildings, services, public transportation, commerce, infrastructure, etc.	<\$10M ⁴ Same as below	High (Low ⁴)
Very High	Permanent Residents	< 100	< 100	Significant loss or deterioration incl. critical habitat Restoration or compensation impractical	Loss or deterioration of Nationally & Provincially important habitat & sites – High chance for restoration or compensation	Very high economic losses to important buildings, services, transportation, infrastructure, commerce etc. Or severe damage to residential areas	<\$100M Substantial Infrastructure, Public, Commercial	High (High ⁴)
Extreme	Permanent Residents	> 100	> 100	Major loss or deterioration incl. critical habitat Restoration or compensation impossible	Loss or deterioration of Nationally & Provincially important habitat & sites – Low chance for restoration or compensation	Extremely high economic losses to critical buildings, services, transportation, infrastructure, commerce etc. Or destruction or severe damage to residential areas	>\$100M Very High Infrastructure, Public, Commercial, Residential	Very High

¹ This table contains abridged descriptions of the dam failure consequences. Attachment 1 contains the full descriptions for BC Regulation 108/2011. In all cases the Regulation takes precedence over information contained in this table.

² Name for these categories in BC Reg. 44/2000 are "Environmental and Cultural Losses" and "Economic and Social Losses" respectively.

³ Conservative estimate of loss of life amongst population affected by the flood waters (may equal Population at Risk).

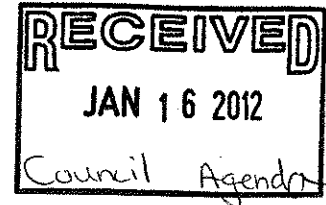
⁴ Sub-classifications of "High (Low)" and "High (High)" and associated thresholds were established by policy in 1998 for use in the BC Dam Safety Program risk-based assessment.

⁵ A temporary population (e.g. in recreational areas) could be quite large and a "sunny-day" failure could result in multiple fatalities.



Item 8.6

B.C. RETIRED TEACHERS' ASSOCIATION
100 - 550 West 6th Avenue
Vancouver, BC V5Z 4P2



January 10, 2012

Village of Cumberland
Box 340, 2673 Dunsmuir Ave.
Cumberland, BC, V0R 1S0

Dear Mayor Leslie Baird and Council:

Congratulations on your recent election and your decision to serve your community. May your term in office be fruitful and rewarding.

We are sending you a summary of a report on a research project we completed last September. It reveals the results of a survey we conducted to assess the volunteer role of retired teachers in British Columbia and the impact of the range and extent of that volunteerism on communities throughout our province.

We found the results to be amazing and heartwarming. We were surprised by how many teachers, after they retire, remain in the areas where they taught. Our study shows that they continue to serve their communities with enthusiasm and diligence.

We hope that if you find the summary interesting, you will go to our website for the complete report: bcrt.ca.

If you have questions or comments, please contact the Chair of our Volunteerism Committee, JoAnn Lauber: jlauber@shaw.ca.

Yours sincerely,

Douglas Edgar

Douglas Edgar, President
British Columbia Retired Teachers' Association

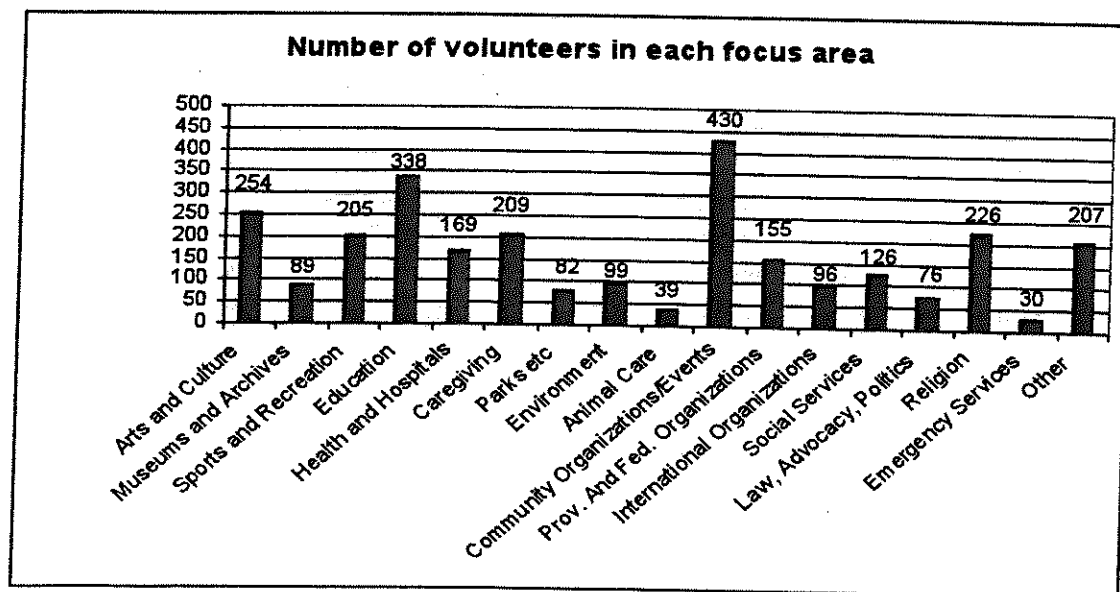


In March and April 2011, the British Columbia Retired Teachers' Association (BCRTA) conducted a survey to investigate both the volunteer role of educators who had retired and the impact of their work on communities in the province.

Based on the number of responses to the survey (1036), the professional staff of the Research and Technology Division of the British Columbia Teachers' Federation, who assisted the BCRTA, declared the results statistically valid. Respondents, in addition, made 1282 written comments.

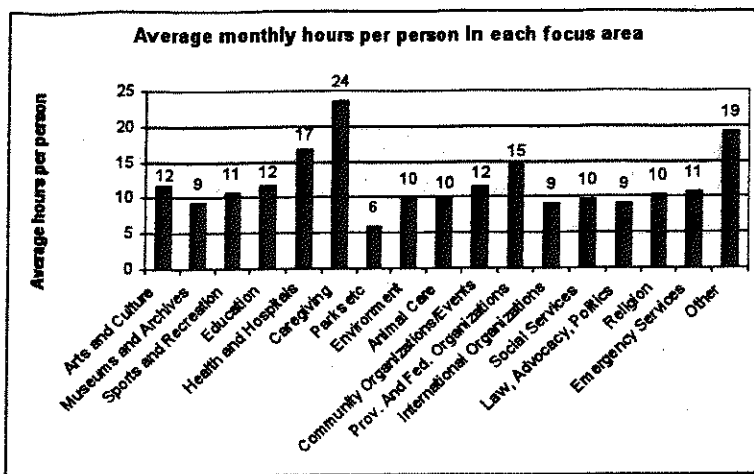
The survey found that thousands of retired teachers are actively contributing to society by volunteering in communities all across the province where they taught and built connections, and where they still reside. Their volunteer work is rich in scope and diversity, and significant in terms of contribution.

In volunteering, retired teachers, even into their 80's and beyond, touch the lives of people in all age groups from children to the elderly. The graph below illustrates that in their volunteer work, they engage in a variety of activities, in fact, an average of four different activities by each volunteer.



The largest number of BCRTA volunteers work in community, provincial, and international organizations and events -- more than half (681) of the survey respondents thus indicating active participation in social and civic affairs.

One survey respondent remarked, "Retired teachers are significant in the leadership and organization skills in our town in almost every area"; and another, in support of this finding, wrote, "In my experience, retired teachers are highly valued as volunteers by organizations because of the skills developed over a teaching career—planning, organizing, implementing plans, and working well with others—and are often actively recruited."



The results, illustrated by the graph on the left, show that largest number of hours of volunteering per person per month, far greater than for any other category was found to be in caregiving. In addition to the data shown in the graph, many respondents commented that they were also administering necessary caregiving in their homes; thus, many hours in addition to those cited on the survey, are devoted to caregiving. This contribution --in

the form of caregiving assistance --constitutes a huge social and financial benefit to our health and childcare systems.

The study revealed that each BC retired educator devotes an average of 31 hours of volunteer time each month to a multiple endeavours in a broad range of community and people-centred activities. This amount of time is more than double that donated by "top volunteers", as described in a 2009 survey on volunteering by all Canadians.

If the volunteer work of BCRTA survey respondents is extrapolated to the entire population of retired educators in the province (29,831 retirees at the time of the survey), and calculated at only a minimum wage of \$10 per hour, the economic benefit is valued at about \$111 million annually. A phenomenal contribution to the welfare of society in British Columbia!

Retired educators contribute in diverse and significant ways to the well-being and sustainability of the communities of our province. During their lives as educators, BC teachers were devoted to their charges—the school children in their communities; perhaps it is not surprising that their altruistic and compassionate spirit of involvement and caring carries on to become their passionate preoccupation in retirement.

This spirit of caring and giving pervaded the comments of the survey respondents. Wrote one retired educator, "Volunteering is wonderful, keeps us young, keeps brain cells dancing, and makes us realize just how many skills have been attained throughout a teaching career. Volunteering not only fills the hours but provides an opportunity to serve others in a meaningful way, to make community stronger, to give back to society the benefit we get from living in a democratic country."

The authors of this report wish to thank all those retired teacher volunteers from every region of this province who shared their experiences and reflections. Their work as volunteers makes our world a better place. We hope that the results of this study will enable informed discussion about retiree volunteering in British Columbia and encourage the provincial and federal governments to consider what they might do to support the selfless work of volunteers.

The full report is posted on the website: bcrt.ca.

Ad hoc Volunteerism Committee: Cliff Boldt, Judy deVries, Dale Lauber, JoAnn Lauber (Chair), Sheila Pither, Howard Spence

4

Comox Valley Snow to Surf Society
121-750 Comox Road, Courtenay BC
VON 3P6 250-334-3124 rick@rickgibson.ca

Council/Agenda/
David

January 10, 2012

The Mayor & Council
The Village of Cumberland,
Town Hall,
Cumberland, B.C. By fax 336-2321

RECEIVED

JAN 10 2012

Dear Madam Mayor and Council:

We would request that the Village of Cumberland be again included as part of this coming years Snow to Surf Race being held April 29, 2012. We request permission to bring the Cycle leg of our race into the Village as we have in the past. We would also like to stage the kayaking leg in Comox Lake. In order to achieve this we would ask permission to close Cumberland Lake Park from the hours of 7am until noon on April 29, 2012 for our sole use. We will be launching the kayaks on the BC Hydro Dam side (Rod and Gun Club property) and the kayaks would race across making the change over to road bikes at the parking lot of the Park. In order to do this, we would also be opening up the log breakwater and closing it up properly when we are finished.

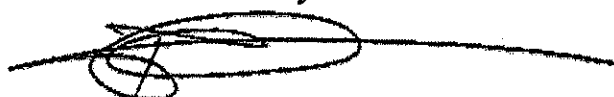
As we will have upwards of 400 athletes in this area, we would also like permission to restrict traffic on the Road going to Cumberland Lake Park from Downtown Cumberland.

We would also like to extend you an invitation to attend the finish festivities and awards ceremonies following the 2012 event. The post race festivities commence on the lawns of the Comox Marina at noon, with the first team expected to arrive after 12:30. The prize giving ceremonies will commence at approximately 4p.m.

This year the limit of teams will be easily reached and with nine members per team involved in Alpine & Nordic Skiing, Running, Cycling and Canoeing from Mt. Washington to Comox Marina Park, this ranks the largest annual community participation event in the Comox Valley and the largest Race of its kind in Canada and the Pacific Northwest.

We would like to thank the Village of Cumberland for its help and support in staging This worthwhile community event and look forward to the successful 2012 Comox Valley Snow to Surf Race.

Yours Sincerely



Rick Gibson
Race Chairman



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

Officer in Charge
Comox Valley Detachment
800 Ryan Road
Courtenay, B.C. V9N 7T1

Mayor and Council
Village of Cumberland
2673 Dunsmuir Street
Cumberland, B.C. V0R 1S0

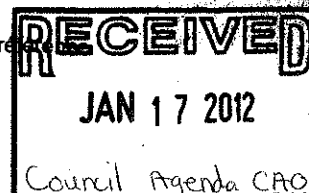
Your File - Votre référence

Our File - Notre référence

302-4-1

Date

January 10, 2012



Dear Mayor and Council:

Re: Comox Valley R.C.M.P. Monthly Policing Report - December, 2011

The following is a brief overview of some of the more significant investigations and activities of the Comox Valley Detachment for the month of December 2011.

- On November 26th our drug section wrapped up a 2 month long investigation into the activities of two local men. The investigation resulted in the arrest of two men who are facing charges of Possession of Controlled Substances for the Purpose of Trafficking. Search warrants were executed on three residences resulting in the seizure of 21 ounces of cocaine, 8 ounces of heroin, one ounce of crystal methamphetamine and one half pound of marihuana. One of the accused was released on bail while the other male was remanded in custody.
- On December 6th and 7th our members and support sections searched a rural property for evidence relating to the 1993 disappearance of 14 year-old Lindsey Nicholls. The current property owner is not considered a suspect and the search was conducted with the owner's permission and assistance. The search was conducted as a result of a tip that was received following a press conference that was held in September 2011. The search failed to yield any information that would help to further the investigation.
- On December 7th three local men broke into a Courtenay residence and seriously assaulted the occupant. The 22 year-old male victim was in serious condition and had to be airlifted to Victoria General Hospital. Three local adult males have been arrested and are facing charges of Aggravated Assault, Break and Enter and Robbery. Two of the accused have been released on bail, while the third person remains in custody. All parties involved are known to each other.

- On December 9th Adrian Julian Wilson, a high risk sex offender, was released from a federal correction facility. He has chosen to take up residence in the City of Courtenay. Our detachment took the rare step of issuing a Public Interest Notification to warn the public that this individual is living in our community. He is being monitored by Probation and our members.
- On December 13th three charges of Theft Over \$5,000.00 were sworn against a woman from Cumberland. These charges stem from a lengthy investigation by members of the General Investigation Section and the Ministry of Children and Family Developments Fraud Unit. Between July 1, 2009 and May 31, 2011 the accused owned three local child daycare centres in the Comox Valley. It is alleged that the accused applied for, and received, operational funding for the daycare centres from the Provincial Government. She allegedly failed to report the closure of two of the facilities while continuing to receive funding for them and over-billed for the third facility.
- On December 13th our drug section executed a search warrant at a residence on Macaulay Road near Black Creek. This resulted in the discovery and take-down of a large marihuana grow operation. One thousand and seventy marihuana plants were seized along with the usual grow equipment and other evidence. A 27 year-old male from the B.C. Lower Mainland has been arrested. The investigation is continuing. Others are involved and charges are being recommended.
- On December 19th Constable Anne Bock of the Comox Valley Detachment was operating a fully marked police vehicle. She was on routine patrol westbound on Ryan Road in Courtenay, returning to the office, when an eastbound vehicle suddenly and unexpectedly veered across the centre line into the path of her vehicle. This resulted in a head-on collision. Both vehicles were badly damaged. Police, fire and ambulance responded and worked together to free both drivers who were trapped inside their vehicles. Constable Bock received serious injuries and was transported by ambulance to St. Joseph's Hospital for treatment. The driver of the eastbound vehicle was also transported to hospital. He was examined and subsequently released from hospital. An investigation is underway and charges will be recommended. The driver of the eastbound vehicle was under the influence of drugs and alcohol at the time of the collision. Constable Bock spent several days in hospital, was released and is recovering. She is not expected to return to work for some time.
- On December 8th we received a report of vandalism at St. Andrews church on Dingwall Road, Courtenay. "Skin Heads Rule" was written on the church and gravestones were pushed over. On December 30th a second report was received. Suspect(s) wrote the word "Skin Heads" and drew a swastika on the front of the church. There are no suspects. These incidents have attracted media attention from around the Province. Our media relations officer has fielded several inquiries from various media outlets.

- Our members were kept busy responding to a variety of calls throughout the Valley on New Year's Eve. Traffic incidents, loud parties and alcohol-related events made up the majority of calls. We were supported by North Island Traffic Services, Citizens on Patrol and Auxiliary Constables. Several people started the new year on the wrong foot by spending the night in our cells.

Yours sincerely,

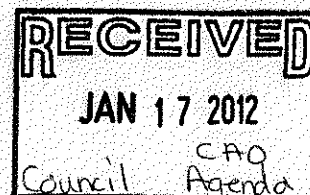


(T.E. GRAY) Inspector
Officer In Charge
Comox Valley Detachment



CANADIAN UNION OF PUBLIC EMPLOYEES
BRITISH COLUMBIA DIVISION

510 - 4940 Canada Way, Burnaby, British Columbia V5G 4T3
www.cupe.bc.ca
Tel: 604-291-9119 Fax: 604-291-9043



All Council members
received this letter

January 12, 2012

Mayor
Leslie Baird
Village of Cumberland
Box 340
Cumberland BC V0R 1S0

Dear Mayor Baird:

On behalf of CUPE's 85,000 members in British Columbia I would like to congratulate you on your election as Mayor for the community of Cumberland.

We believe that the service you are offering to your community is incredibly important. Elected local community leaders like you are responsible for so many decisions that will make our communities livable and vibrant.

In most communities it is CUPE members who will carry out the decisions you make and who will provide direct services to your citizens. We too have an enormous stake in our communities not only because we work there but because we live there. We not only provide services we use them.

We spend our wages in our communities to support local businesses. In fact, we are actively encouraging our members across British Columbia to shift 10% of their spending to support local community businesses.

While there are sometimes differences between locally elected community leaders and CUPE as the union which represents their employees, we have far more in common than we have differences.

We look forward to working with you for the next three years to make British Columbia's vibrant communities even better.

Again, congratulations.

Yours sincerely,

Barry O'Neill
President
CUPE BC Division

BON/LW
COPE-378

P:/2012/legislative mailings/12-12-01 municongrats

Barry O'Neill, President
Mark Hancock, Secretary-Treasurer



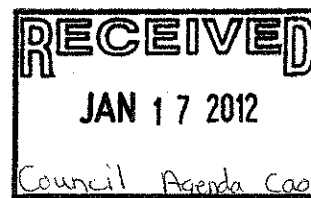


Canadian Office and Professional Employees Union Local 378
 2nd Floor, 4595 Canada Way, Burnaby, BC V5G 1J9
 TEL 604-299-0378 TOLL FREE IN BC 1-800-665-6838 FAX 604-299-8211 www.cope378.ca

Our File No. LF/COPE/Committees/PA

January 12, 2012

Village of Cumberland
 Box 340
 Cumberland, BC V0R 1S0



Dear Mayor and Council,

Over the past year as BC Hydro has started to install Smart Meters, we've seen strong reactions from people in communities across BC.

I'm sure you're hearing – as we are – from people in your communities concerned about potential health, environmental, cost, and privacy impacts. That's part of what led to last fall's UBCM convention passing a resolution calling for a moratorium on Smart Meter installation.

I am writing to you as the president of COPE 378, the union representing the meter readers who will be put out of work by Smart Meters, to ask your council/board to consider one further key impact of the Smart Meter Initiative – the loss of nearly 400 jobs in communities around this province. Meter Readers have valuable institutional knowledge and are proud of the work they do in service of our public utility and communities.

COPE 378 has been doing presentations before municipal councils and public community meetings on the job impact of Smart Meters, and we would like to extend the offer to come before your council to present our information.

Among all the other issues that come with Smart Meters – the impact on the meter readers is the most immediate and measurable. These layoffs will have a devastating impact on families and communities across BC.

To date, the provincial government has simply ignored the issue. COPE 378 has tried several times to get an 'anywhere, anytime' meeting with various premiers and ministers of energy to discuss Smart Meters and meter readers, to no avail.

I hope you will contact us at 604-299-0378 or by emailing communications@cope378.ca if you would like to discuss setting up a presentation to your council.

Sincerely,

David Black
 President, COPE 378

Trisha Stockand

From: Joan Anderson [jam610@shaw.ca]
Sent: Friday, January 13, 2012 2:19 PM
To: Trisha Stockand
Subject: Fw: taxes on visitor's Centre

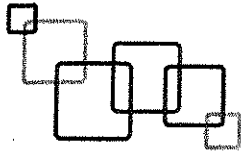
would you please put this forward to the mayor and council for the next meeting thank you and Happy new year

From: Joan Anderson
Sent: Friday, January 13, 2012 1:58 PM
To: kate Greening
Subject: taxes on visitor's Centre

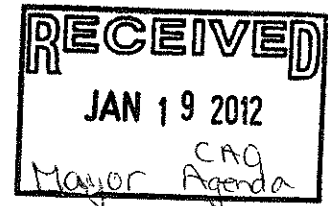
HI KATE

I HAVE JUST FINISHED READING THE FRIDAY PAPER AND READ ABOUT THE VISITORS CENTRE WANTING A TAX EXEMPTION. I AM ANNOYED THAT CUMBERLAND COUNCIL WOULD EVEN TAKE THIS INTO CONSIDERATION. WE WILL NOT BENEFIT FROM THIS AND ALSO IT MENTIONED THE CITIES OF PORT ALBERNI POPULATION OF 17.743 AND PARKSVILLE POPULATION OF 12.000 HAVE DONE THIS FOR THEIR VISITORS CENTRE. IT MIGHT BE OK FOR THEM BECAUSE THEY HAVE MORE TAXES TO BRING INTO THEIR CITIES AND CAN OVER LOOK THIS AND THEY REAP THE BENEFIT OF THEIR CENTRE. AS WAS MENTIONED IN THE PAPER CUMBERLAND IS NOT ADVERTISED AT THE CENTRE SO WHAT BENEFIT WILL IT BRING TO US? LET THE OTHER SURROUNDING AREAS WHO WILL BENEFIT FROM THIS CENTRE PAY INTO THE TAX BASE TO HELP. CUMBERLAND IS STRUGGLING RIGHT NOW TO GET BY, SO WHY WOULD THE COUNCIL CONSIDER THIS PROPOSAL AT ALL. IF THE CENTRE CAN ASK FOR A TAX BREAK I THINK I WILL ASK FOR ONE TOO. IF CUMBERLAND IS GIVING TAX BREAKS START WITH THE TAX PAYERS FIRST. IF THEY WANT A TAX BREAK WHY DID THEY BUILD IN THE FIRST PLACE, IF THERE WAS TO BE NO BENEFIT TO US.

REGARDS
JOAN ANDERSON



VIEA

VANCOUVER ISLAND
ECONOMIC ALLIANCE

January 16, 2012

Mayor Leslie Baird
Village of Cumberland
2673 Dunsmuir Ave.
Cumberland, BC, V0R 105

Dear Mayor Baird,

On behalf of the Vancouver Island Economic Alliance, I wish to thank you for your continuing support. According to our records, your membership is due for renewal as of January, 2012.

As you well know, VIEA's role is to support Vancouver Island's regional economic development strategy, facilitate discussion, encourage participation and coordinate activities. A regional economic strategy requires broad participation amongst jurisdictions. The more groups participate in a regional economic development strategy, the stronger and more effective it will be.

The Vancouver Island Economic Alliance is a proactive, facilitative, independent body. Our revenues are driven from entrepreneurial activity from three main sources; Membership, Contract Management and our annual events Linking Island Business and State of the Island Economic Summit. The revenues generated are reinvested into projects that will benefit all Vancouver Island Businesses and Stakeholders such as:

- Regional Economic Analysis for Vancouver Island
- Workforce Supply and Demand Analysis for Vancouver Island
- Newcomer Integration Strategy for Vancouver Island
- Investment and Workforce Attraction Web Portal for Vancouver Island
- Investment and Workforce Attraction Video for Vancouver Island
- Pilot Projects such as Gray Skills in Victoria
- Collaborative Model of Regional Economic Development for Vancouver Island

The 2011 State of the Island Economic Summit with over 400 in attendance was a resounding success with an impressive lineup of speakers, a program that was both broad in appeal and deep in content, and a tradeshow that many have commented provided excellent traffic flow and continuous engagement.

VIEA invests revenues from these events and memberships to implement tactics identified during the recent Link Project and as well during the breakout sessions and dialogues at the Summit. We would not be able to continue this regional work without the support of members such as you.

Examples of initiatives currently being worked on include:

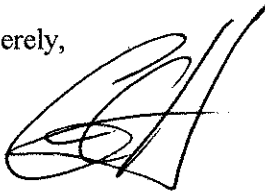
- 2nd annual Linking Island Business in Qualicum Beach – April 11, 2012;
- Working in Partnership with BC Hydro to ensure that Island Businesses and Island Labour have access to opportunities in the John Hart Generating Station replacement project;
- Working with Island Partners in the development of workshops regarding Export Readiness;
- Working in Partnership with CAVI Developing a Sustainability Strategy for Vancouver Island;
- Working with Island Partners in the Development of a VI Agriculture Outlook; and
- Planning already for the 6th annual State of the Island Economic Summit – October 15 & 16, 2012, Nanaimo, BC

Attached with this letter is an invoice for your renewed VIEA membership which can be paid by cheque. Our new mailing address is: P.O. Box 76, Station 'A', Nanaimo, BC, V9R 5K4.

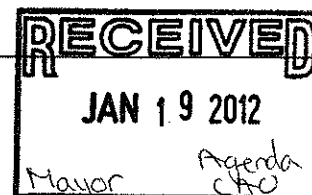
(We will be offering a member rate for tradeshow space at the Linking Island Business event. If you would like to profile your business at this April event, please contact me at your earliest convenience.)

Again, thank you for your continued support.

Sincerely,



George Hanson, M.Sc., President
Vancouver Island Economic Alliance
250-591-0713, george@viea.ca



Dear Leslie Baird, Mayor

Start planning now for Drinking Water Week 2012 – May 13th to 19th: Appoint a Community Liaison.

BC Water & Waste Association (BCWWA) would like to invite your community to participate in Drinking Water Week, May 13 – 19, 2012. Drinking Water Week is a campaign organized by BCWWA and endorsed by the Province of BC to raise awareness of the value of our water. New this year is the 'BC Community Water Challenge' – a province-wide contest that asks participants to take simple steps towards being more water wise (visit bcwwa.org/contest for details).

Our goal is for the public to develop a better understanding of where their water comes from, where it ends up, and the many people and processes involved along the way. We also hope to instill public confidence in the individuals whose job it is to provide us with safe drinking water, manage wastewater and protect the environment.

BCWWA will provide your community with a variety of resources and materials that can be customized with your logo or messages. These resources are intended to complement your own regional engagement and awareness initiatives.

This year, we are also forming a network of "Drinking Water Week Community Liaisons" – individuals in communities across the province who will receive information, updates and resources from us for Drinking Water Week, as well as champion awareness locally. **We kindly ask that you appoint a person to be this contact within your organization by February 6, 2012.** We have previously sent a letter (dated Nov. 9) to your CAO requesting this contact.

Here are a few ways you can participate in Drinking Water Week 2012:

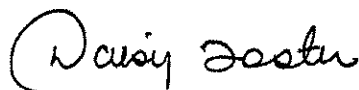
- Publicly proclaim Drinking Water Week in your community (sample proclamation wording available).
- Host an educational tour of your local watershed or water/wastewater treatment plant.
- Place an ad to support a full page advertorial supplied by BCWWA and Black Press, our media sponsor, which can also be customized with your own logo and messages (to run in your local Black Press newspaper).
- Make use of customizable advertising templates for print and bus shelters, and place them in your community.
- Distribute children's activities and informational postcards provided by BCWWA.
- Link from your website to the new Drinking Water Week website, which will include water stats, conservation tips and downloadable resources: www.drinkingwaterweek.org (launching at the end of January).

For more information about these resources, and to provide us with a Community Liaison, please contact Alana Tees, Communications Coordinator at atees@bcwwa.org or 604-630-5348.

Our goal is to reach as many communities as possible with these vital messages. Let's work together to make this happen. With your help, we look forward to a successful Drinking Water Week 2012.

Please pass this letter on to other decision makers in your community, water and wastewater managers and staff.

Yours sincerely,



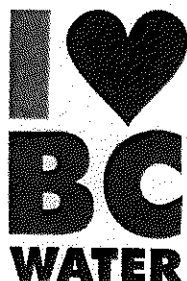
Daisy Foster, CEO
BC Water & Waste Association

62

Drinking Water Week 2011 – Highlights

Communities BC-wide participated to create awareness of the value of water.
Join us for Drinking Water Week 2012!

'Get to know your H₂O' was the theme of BC Water & Waste Association's 2011 Drinking Water Week initiative (May 1-7). The purpose of the campaign was to increase public-awareness of the value of our water and the need to protect and conserve it. The Province of British Columbia and municipalities province-wide proclaimed Drinking Water Week 2011, with many communities holding tours, displays and contests.



The Government of BC proclaimed Drinking Water Week 2011 in the legislature. Attending were: (L-R) Mike de Jong, BC Minister of Health, Daisy Foster, BCWWA CEO; Ida Chong, BC Minister of Community, Sport and Cultural Development; John Slater, MLA; Jim Mattison, BCWWA Board Member.



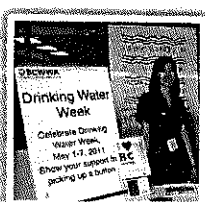
The City of Vancouver was one of many municipalities that proclaimed Drinking Water Week. Vancouver mayor Gregor Robertson (L) and BCWWA board president Len Stein celebrated with a toast of Vancouver tap water at City Hall.



BCWWA CEO Daisy Foster and City of Kelowna mayor Sharon Shepherd toast Drinking Water Week at Kelowna City Hall.



Taking a break at the pristine Sooke reservoir during the Capital Regional District's free public tour of its watershed.



BCWWA Communications Coordinator Alana Tees promoting Drinking Water Week at BCWWA's Annual Conference in Kelowna.



Burnaby Drinking Water Week display at City Hall.



Two-page spread in Vancouver Sun.



Children's activities and other resources were available through BCWWA.

Highlights

- 'I ♥ BC Water' buttons were a runaway hit – over 7,000 buttons distributed throughout BC.
- BCWWA produced *The People Behind the Water*, a short video featuring people working at each stage of water and wastewater processing. Communities presented the video at various events. View it online at www.bcwwa.org.
- Educational advertorials through sponsor Black Press were featured in 36 community newspapers. Many municipalities customized the advertorials with their local content and logos.
- BCWWA ran a two-page advertising feature in the *Vancouver Sun*, with support from local advertisers. It included conservation tips, water use statistics and ways to get involved.

- Media interviews and DWW coverage were featured in print, TV and radio.
- The BC Government proclaimed Drinking Water Week 2011 in the Legislature. MLAs were given 'I ♥ BC Water' buttons.

We hope this awareness week helped instill public confidence in our water supply and the dedicated people who work to provide us with safe drinking water and manage our wastewater. By engaging local governments and communities, we hope to create a lasting awareness of the value of our water.

Our goal is to engage more people in more communities in 2012 – **get involved now!**

- Drinking Water Week 2012: May 13-19.
- Budget now for your DWW 2012 activities – customizable resources and tools will be provided by BCWWA.
- Contact Alana Tees at 604-433-4389 or dww@bcwwa.org to join our contact list and find out more.
- Visit www.drinkingwaterweek.org for more ideas on how to get involved.



DRINKING WATER WEEK 2011: EXAMPLES OF COMMUNITY ACTIVITIES

Okanagan Basin Water Board: Kids aged 5-15 completed an online questionnaire and were entered in a draw to win a pool and pizza party for 10 friends in the Water Wise Challenge. Prizes were given to a lucky winner in each of: South, North and Central Okanagan.

Abbotsford Mission Water & Sewer Commission: A free tour of the Norrish Creek Water Treatment Plant was held in Mission, BC. Attendees learned about the process required to treat their water before it reaches their taps.

City of Campbell River: 'Powerful Water Tours' educated residents of Campbell River about where their drinking water comes from. Attendees visited John Hart Lake, the community watershed, the City of Campbell River Ultra Violet Treatment Facility, the John Hart Generating Station, and the Norm Woods Environmental Centre. Residents also learned about watershed and water conservation issues in Campbell River.

Capital Regional District (Victoria): Hundreds of people attended free day-long bus tours of the region's pristine watersheds, located in Sooke, to learn more about where their water comes from. This was a unique opportunity for visitors as these watersheds are usually closed to the public.

City of Coquitlam: A mobile water wagon for people to fill up their own reusable water bottles was a highlight in Coquitlam. At an open house at City Hall, residents learned about local water from source to tap, and entered a draw to win a rain barrel or water wise kits by participating in a water taste test. Residents could also take the Tap Water Pledge and pick up an entry form for the kids' colouring contest.

City of Dawson Creek Environmental Department: Free public tours of its water supply treatment facilities were offered, including the Arras Water Intake, Hanson Reservoir, Dawson Creek Monitoring Station, and Watershed Stewardship Office. Dawson Creek residents learned about how their tap water is delivered and managed, and the importance of valuing and conserving this precious resource.

City of Prince George: Classroom learning was provided through the Wacky Wet Water Program throughout the week for grades 4-7, as well as free tours of the Fish Trap Island Well House.

District of Summerland: Residents were invited to tour the local water treatment plant and learn about the journey their water takes to get to their taps. Attendees enjoyed a photo display of Summerland's water system, including its history, watershed, and storage system. They also learned about threats to the watershed and ways to protect it.

City of Vancouver: A Water Wise workshop at Van Dusen Gardens and a photo contest to encourage people to think about how drinking water is used for our gardens and lawns were highlights of the City of Vancouver's outreach. Entrants submitted photos of simple things they have done in their gardens to reduce water use, and inspired and challenged others to make similar changes.

Science World: Throughout the week, Science World held water-related activities for kids that challenged them to calculate their water footprint and build their own rain gauge. A 'Water Detectives' video was also shown.

City of Vernon: Residents attended a free public opening of the new Duteau Creek Water Treatment plant. The plant serves those living in the Greater Vernon Area, and has significantly reduced turbidity and colour of the region's drinking water.

Cowichan Valley Regional District: Activities included open houses and barbecues at the Satellite Park Water Treatment Plant and the Kerry Village Water Treatment Plant. Residents were encouraged to come and learn how their tap water is treated, while enjoying some delicious barbecue fare.

District of Peachland: Residents were invited to an Open House and Water Intake Tour to celebrate the week, and encourage people to "get to know their H₂O." Residents enjoyed a tour of the Deep Creek Intake and learned how the water is treated and tested. They also viewed poster boards showing the future water treatment plant and reservoir.

DRINKING WATER WEEK 2011 COMMITTEE

Thank you to our province-wide Drinking Water Week Committee for your help planning Drinking Water Week and for being champions in your own communities!

Amy Wakeford, City of Abbotsford
Carolyn Stewart, City of Penticton
Corinne Jackson, Okanagan Basin Water Board
Deborah Walker, Capital Regional District
DG Blair, Blair Whitehead & Associates
Gil Bogaard, City of Nelson
Gina Layte-Liston, City of Prince George
Heather Mitchell, Columbia Basin Trust
Jennifer Bailey, City of Vancouver
Jennifer Munro, City of Kamloops
Jeremy Sagebiel, City of Powell River
Karen Prentice, City of Powell River
Kevin Reilly, Capital Regional District
Luisa Richardson, City of Campbell River
Peter Cech, City of Vancouver
Renee Clark, Regional District of North Okanagan
Tracey Weldon, City of Burnaby
Virginia Sarrazin, Yukon Engineering Services

PROCLAMATIONS

The following communities and regional districts proclaimed Drinking Water Week in 2011:

City of Armstrong
City of Burnaby
City of Campbell River
City of Colwood
City of Dawson Creek
City of Duncan
City of Fort St. John
City of Kelowna
City of Nanaimo
City of New Westminster
City of North Vancouver
City of Parksville
City of Pitt Meadows
City of Port Alberni
City of Port Coquitlam
City of Port Moody
City of Prince George
City of Surrey
City of Trail
City of Vancouver
Comox Valley Regional District
District of Logan Lake
District of Mission
District of New Hazelton
District of Saanich
Okanagan Basin Water Board
Regional District of Central Okanagan
Town of Creston
Town of Ladysmith
Village of Tahnish

WATER FOOTPRINT CONTEST

PENTICTON RESIDENT WINS BCWWA'S FACEBOOK WATER FOOTPRINT CONTEST

Congratulations to Shannon Cornell and her family from Penticton for taking the top prize in our online Water Footprint Contest. Shannon won a one-night stay at the Delta Hotel Vancouver Airport, admission for two to Science World, a \$50 gift certificate to White Spot, and a stainless steel water bottle. Shannon's post received the highest number of 'likes' on our Facebook page. Here is her winning submission:

"We use 122,816 L/person/year - we have a pool and live in a semi-arid climate and we water our grass by sprinkler - a lot, we also have young children, so we do a lot of cleaning. We are going to landscape our property this year with native plants to significantly reduce our 'grass footprint' as well as install irrigation to better utilize our water. Now, if only we can figure out a way to use even less water - maybe by washing the car on the lawn with the children in all their dirty clothes and holding all the dirty dishes helping? Although, evidently, cutting our shower time in half would make the biggest difference."

THANK YOU

TO OUR 2011 SPONSORS AND PARTNERS
Media Sponsors:



Black Press



CBC

Partners and Supporters:
Science World, Delta Hotels

Join us for Drinking Water Week 2012 May 13-19.
Visit drinkingwaterweek.org or contact Alana Tees at
dww@bcwwa.org or 604-433-4389.

 **BCWWA**
BC WATER & WASTE ASSOCIATION
www.bcwwa.org



Office of the Chair

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca

File: 5360-30/SWMP

January 19, 2012

Sent via email only

Board of Directors
Comox Valley Regional District (Comox Strathcona waste management)
600 Comox Rd.
Courtenay BC V9N 3P6

Dear Directors:

Re: Solid waste management plan - public consultation schedule

As you know, the Comox Valley Regional District is in the process of updating the solid waste management plan for the Comox Strathcona waste management (CSWM) service area. We are moving on to the public consultation phase and will be holding consultation events in 14 communities in the CSWM service area starting in March 2012.

A schedule of these consultation events is provided below for your information.

Community	Date	Time	Venue
Union Bay and Fanny Bay	05-Mar-12	4-8pm	Union Bay Community Hall
Denman Island	07-Mar-12	4-8pm	Denman Island Community Hall
Hornby Island	08-Mar-12	4-8pm	Hornby Island Community Hall
Cumberland	13-Mar-12	4-8pm	Cumberland Seniors Centre
Black Creek, Oyster Bay and Oyster River	14-Mar-12	4-8pm	Horst Henning Hall, Oyster Bay Resort
Gold River	19-Mar-12	4-7pm	Gerry Morgan Memorial Centre
Tahsis	20-Mar-12	4-7pm	Tahsis Recreation Centre
Campbell River	21-Mar-12	4-8pm	Campbell River Museum - Grand Foyer
Comox and Lazo North	28-Mar-12	4-8pm	Comox Seniors Centre
Courtenay	29-Mar-12	4-8pm	CVRD Boardroom, 550B Comox Road
Quadra Island	11-Apr-12	7-9pm	Quadra Island Community Centre
Cortes Island	12-Apr-12	7-9pm	Gorge Hall
Sayward Valley and Village of Sayward	16-Apr-12	7-9pm	Heritage Hall, Sayward Valley
Zeballos	17-Apr-12	4-7pm	Zeballos Community Hall

This schedule will be published in newsletters and posters for distribution in February to the CSWM service area residents, businesses and public facilities.

If you have any questions please contact Vince Van Tongeren, engineering analyst at 250-334-6038 or via email at vvantongeren@comoxvalleyrd.ca.

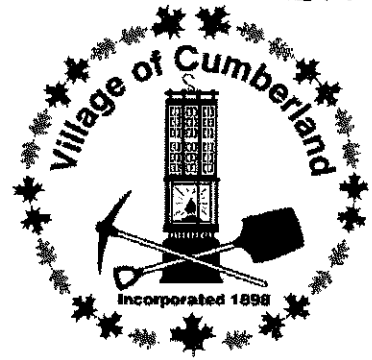
Sincerely,



Edwin Grieve
Chair

cc: Debra Oakman, chief administrative officer, Comox Valley Regional District
Richard Kanigan, chief administrative officer, Town of Comox
Sandy Gray, administrator, City of Courtenay
Sundance Topham, chief administrative officer, Village of Cumberland
Andy Laidlaw, chief administrative officer, City of Campbell River
Bill Halstead, interim chief administrative, officer Village of Sayward
Larry Plourde, chief administrative officer, Village of Gold River
Bob Lafleur, chief administrative officer, Village of Tahsis
Eileen Lovestrom, chief administrative officer, Village of Zeballos
T. Ian Smith, general manager of community services branch
Tom Boatman, manager of solid waste
James Warren, corporate legislative officer

COUNCIL REPORT



REPORT DATE: January 17, 2012
MEETING DATE: January 23, 2012

TO: Mayor and Councillors
FROM: David Durrant, Manager of Community Services
SUBJECT: Bus Shelter and Waste Receptacles

RECOMMENDATION

- i. THAT Council receive the Bus Shelter and Waste Receptacles Report.
- ii. THAT Council approve the expenditure of up to \$22,000 for the installation of a bus shelter and waste receptacles, on Dunsmuir Avenue.

SUMMARY

At the April 26th, 2011 Council meeting, Council amended the 2011-2015 Financial Plan to include an additional \$22,000 use of amenity funds, contributed by Slegg Lumber, for the purchase of a bus shelter to be located on Dunsmuir Avenue, and any remaining funds be applied to the purchase of waste receptacles, also to be located along Dunsmuir Avenue. Due to delays in BC Transit route planning staff was unable to complete the project in 2011. Staff is requesting Council permission to complete this project in the 2012.

BACKGROUND

Establishing a location for the Victorian-style bus shelter was delayed due to BC Transit considering a new route, which will take effect in February 2012. The change in route will provide better access to the new residential areas of Cumberland. Cumberland was successful in having BC Transit increase the frequency of service to the Village.

Staff was also directed to investigate the installation of bear-proof waste receptacles to be located along Dunsmuir Avenue. Staff recommends replacing the four existing concrete receptacles, located along Dunsmuir Avenue, with new bear-proof waste receptacles.

FINANCIAL IMPLICATIONS

The cost of the bus shelter is \$10,000 (including shipping). The cost of four bear-proof waste receptacles is \$6,500 (including shipping). \$3,000 has been set aside for Public Works to install both the bus shelter and waste receptacles. A 2,500 contingency fund forms part of the budget. The project budget, including contingency, falls within the \$22,000, approved by Council.

STRATEGIC OBJECTIVE

The installation of a bus shelter and waste receptacles, located on Dunsmuir Avenue, is a Council priority.

ATTACHMENTS

None

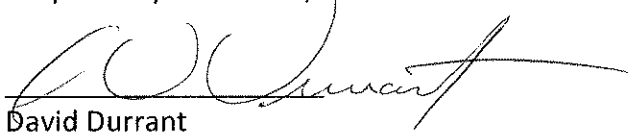
CONCURRENCE

Michelle Mason, Financial Officer, confirms that \$22,000 in amenity funds was set aside in 2011 and is available for the acquisition and installation of a bus shelter and waste receptacles.

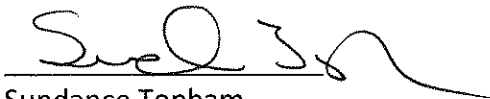
OPTIONS

1. For Council to adopt the Manager of Community Services recommendation.
2. Any other action deemed appropriate by Council.

Respectfully submitted,

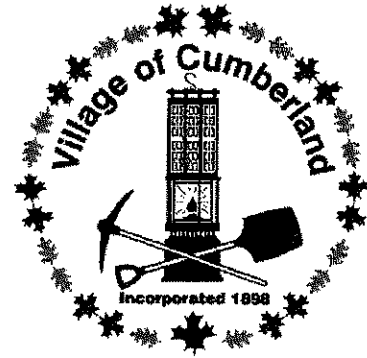


David Durrant
Manager of Community Services



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: January 12, 2012

MEETING DATE: January 23, 2012

TO: Mayor and Councillors

FROM: David Durrant, Manager of Community Services

SUBJECT: Municipal Campground Management, Operation and Lease Agreement

RECOMMENDATION

- i. THAT Council receive the Manager of Community Services report,
- ii. THAT the Corporation of the Village of Cumberland enters into a Municipal Campground Management, Operation and Lease Agreement with Mr. John E. Jones for the period January 30, 2012 to December 31, 2014 for the operation of the Cumberland Lake Park Campground.

SUMMARY

Prior to the conclusion of the Holiday Trails contract (ending December 31, 2011) the Village issued a Request for Proposals (RFP) from interested groups, businesses, and individuals to manage, operate, and maintain the municipal Lake Park campground.

The Village requires a twelve month general operation agreement. The successful proponent will also enable recreational activities at Lake Park. The goal is for all campground and day users to have a positive experience while at the lake.

BACKGROUND

Three proposals were received; two proposals were scored, with a third opting out for personal reasons. John Jones, having served as Lake Park Manager for the past fourteen years, scored the higher of the two. Mr. Jones operates a home based business in Cumberland; he provided impeccable references, and has agreed to:

- liaise with the Village of Cumberland on all matters concerning the park,
- establish reasonable rates for the campground, based on the rental rates levied in neighbouring campgrounds. To support a maximum of 25% of lots, which are not all prime, to be used for long term stays,
- maintain a Lake Park office and establish regular hours of operation,
- provide a professional display of the Village's tourism promotion information both in and outside the office, and provide tourism related information to campground tenants on an as required basis,

- ensure washrooms buildings are in working order, and clean,
- provide all materials, supplies, maintenance equipment and resources necessary for the operation, management and maintenance of the campground,
- undertake all maintenance in a timely manner,
- monitor the water system as per the direction of the Village Engineer,
- conduct Lake Park operations in such a way as to enhance the image of the Village,
- engage an adequate number of trained staff to provide quality, friendly and helpful service,
- enable a wide range of recreational activities,
- maintain, control, and operate the boat ramp and area parking,
- develop a Risk Management Plan to enhance public safety,
- establish emergency procedures for the Campground operation, including, but not limited to:
 - initial response to suppress nuisance fires,
 - first aid,
 - problem animals,
 - public control problems,
 - emergency communications,
 - response to health advisories.

Mr. Jones is prepared to enter into a three year contract with the Village of Cumberland.

There are a variety of costs and expenses incurred in operating the Cumberland Lake Park Campground that are not always evident or obvious. Mr. Jones has agreed to manage and finance these and other such costs; included but not limited to:

- food concession upkeep and maintenance – exhaust hoods are to be annually cleaned and inspected, grease traps cleaned, and grease disposed of in accordance with public health guidelines,
- health inspections and permit renewals,
- insurance,
- fire extinguisher annual testing and inspections,
- maintenance of equipment – ice cream cooler,
- painting, staining of buildings, facilities and furniture,
- repair and replacement of tables,
- camp site realignments,
- septic pumping,
- off season security checks and maintenance,
- repairs to boat launch and docks,
- repairs to swimming booms and diving float,
- maintaining the day use area,
- controlling parking,
- staffing,
- providing a high service level.

Mr. Jones has agreed that within ten (10) business days of the preceding month, a monthly performance report will be submitted to the Village summarizing all the activities of the campground, boat ramp, the selling of fire wood, recreational programs, concession, and parking fees. All income and expenses must be recorded.

Mr. Jones has agreed that he and his team will be entirely compensated by the fees collected at the campground, concession, boat ramp, parking, sale of fire wood, less a dividend of 10% (gross) for the entire park operation, and 5% (gross) for the concession operation. The dividend is to be paid to the Village of Cumberland monthly, and affixed to the monthly performance report.

Mr. Jones will submit an annual report, including suggestions park improvements, upgrades and capital projects which would enhance the campground experience.

FINANCIAL IMPLICATIONS

Based on Mr. Jones' Business Revenue and Expenditure Summary, the Village of Cumberland anticipates receiving a \$15,000 annual dividend.

STRATEGIC OBJECTIVE

To enter into a mutually beneficial Cumberland Lake Park Management Agreement. To explore the pros and cons of establishing other park operating models such as creating Corporations within Corporations.

ATTACHMENTS

None

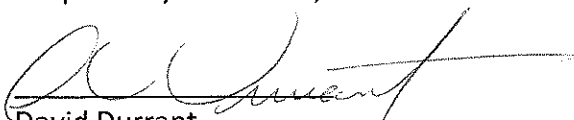
CONCURRENCE

Michelle Mason, Financial Officer

OPTIONS

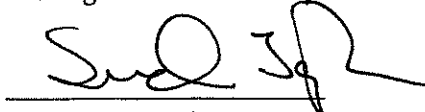
1. For Council to adopt the Manager of Community Services recommendation.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



David Durrant

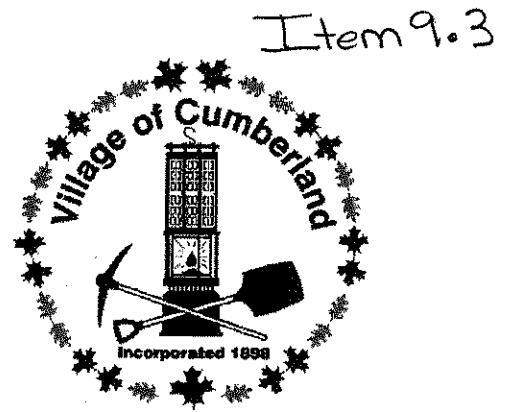
Manager of Community Services



Sundance Topham

Chief Administrative Officer

C.O.T.W REPORT



REPORT DATE: January 17, 2012

MEETING DATE: January 23, 2012

TO: Mayor and Councillors

FROM: Committee of the Whole

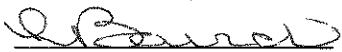
SUBJECT: January 16, 2012 Committee of the Whole Meeting Recommendations

The following item was considered by the Committee of the Whole at its meeting held Thursday, January 16, 2012 and forwarded for Council consideration:

RECOMMENDATION

1. Village of Cumberland Water Supply

THAT Village staff draft an agreement with Coal Valley Estates for Council approval whereby, conditional upon Vancouver Island Health Authority source approval for the Coal Creek Well, the developer can prepay (or secure by suitable financial instrument) water Development Cost Charge fees in exchange for water Development Cost Charge credits, so that the Village of Cumberland Subdivision Approving Officer is satisfied that water supply will not preclude final approval of the Coal Valley Estates Phase 4A subdivision application.



Leslie Baird

Chair

Committee of the Whole

COUNCIL REPORT



REPORT DATE: January 18, 2012

MEETING DATE: January 23, 2012

TO: Mayor and Councillors

FROM: Michelle Mason, Financial Officer

SUBJECT: Financial Report – December 31, 2011

RECOMMENDATION

THAT Council receive the Financial Report – December 31, 2011 report for information.

SUMMARY

Financial performance as at December 31st, 2011 continues to get stronger for Cumberland. Cumberland has a net financial debt position which means that we have more debt than assets (cash). This means that future revenues are required to pay for past transactions and events. However, the net financial debt has been reducing each year since 2009 so the Village is working towards becoming more sustainable. In addition, the Village just went through some intensive capital upgrades, causing a rise in debt, which would be expected when a municipality upgrades its infrastructure. All departments operated relatively within their budgets during 2011 with the majority coming in considerably under budget.

BACKGROUND

Attached to the report are financial summaries as at December 31, 2011 with comparisons to the 2011 financial plan and 2010 audited amounts. These financial summaries are not audited and do not meet all accounting standards which would otherwise be applied for final year-end financial statement purposes. Amortization on assets and expense accruals are not booked, prepayments and inventories have not been adjusted. Principal on lease payments are reflected in operating costs and not transferred to debt until year end. The summaries are intended for internal purposes only.

The attached *Consolidated Statements of Financial and Municipal Position (Attachment #1)*, *Operations and Accumulated Surplus (Attachment #2)* and *Change in Net Financial Assets (Attachment #3)* as at December 31, 2011 provide information in financial statement format. The attached *Reconciliation of Financial Statement Surplus to Financial Plan Surplus (Attachment #4)* as at December 31, 2011 provides a list of adjustments to reconcile surplus for financial reporting purposes to surplus for financial plan purposes. For budget variance analysis we recommend focusing on the *Consolidated Statement of Operations and Accumulated Surplus (Attachment #2)* and the *Reconciliation of Financial Statement Surplus to Financial Plan Surplus (Attachment #4)*.

In reviewing budget variance please note that asset amortization is a significant accounting expense that is not being booked throughout the year and is not within budget manager's ability to control, consequently Attachment 2 and 3 have been modified to show the 2011 financial plan figures with and without amortization in order to provide a better comparative figure for a review of performance against budget.

Based on the above information and the fact that year-end adjustments and some invoices are still outstanding, we can expect an approximate 95-100% use of budget for operating expenses. Grants and development cost charge revenues are expected to reflect similar timing to related capital project expenses. Brief variance comments are included on Attachment 2 and 3 and more significant variances and other items of note are provided below.

Cumberland Fire Protection District service fees revenue, budgeted at \$71,180, will be invoiced at year end. The 2010 accounts receivable of \$60,201 will be paid by January 31st.

Protective Services is expected to be below budget because the Bylaw Officer position was vacant for nine months out of the year. General Government Services is also expected to be below budget because there were two management positions vacant for half of the year.

Transportation expenses are showing \$42 thousand over budget; however, once the \$90 thousand principal portion of the leases is adjusted during year-end, this department should come in slightly under budget.

The \$387 thousand variance in conditional grants and DCC revenue is offset by a variance in capital expenditures of \$450 thousand.

The financial plan surplus to date is \$513,406. The following is a list of items that contributed to the surplus position:

- consultant costs for the financial audit is a year-end adjustment;
- information technology support services for the organization are less than expected;
- management positions were vacant for significant portions of the year;
- snow clearing budgets were not fully used;
- dams and sewer distribution maintenance costs were lower than expected;
- Liquid Waste Management Plan completion is on hold until 2012;
- training budgets across all departments were not fully utilized; and
- some capital projects came in under budget and others were not completed.

FINANCIAL IMPLICATIONS

As mentioned above.

STRATEGIC OBJECTIVE

None.

ATTACHMENTS

- Attachment 1 - Consolidated Statement of Financial and Municipal Position as at December 31, 2011;
- Attachment 2 - Consolidated Statement of Operations and Accumulated Surplus as at December 31, 2011;
- Attachment 3 - Consolidated Statement of Change in Net Financial Assets as at December 31, 2011; and
- Attachment 4 - Reconciliation of Financial Statement Surplus to Financial Plan Surplus as at December 31, 2011.

CONCURRENCE

None.

OPTIONS

1. Receive this report for information.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



Michelle Mason
Financial Officer
Village of Cumberland



Sundance Topham
Chief Administrative Officer

VILLAGE OF CUMBERLAND
CONSOLIDATED STATEMENT OF FINANCIAL AND MUNICIPAL POSITION
AS AT
December 31, 2011

UNAUDITED

	<u>2011</u> (Note 1)	<u>2010</u>
FINANCIAL ASSETS		
Cash and equivalents	\$ 4,246,950	\$ 3,413,207
Property taxes receivable	252,833	294,608
Accounts receivable	941,354	808,004
Property acquired for taxes	-	-
	<u>5,441,137</u>	<u>4,515,820</u>
LIABILITIES		
Bank indebtedness	-	-
Accounts payable and accrued liabilities	(372,919)	(496,517)
Trust and other deposits	(196,615)	(171,456)
Deferred revenue	(2,265,319)	(2,187,641)
Debenture and long term-debt	(3,103,529)	(2,671,323)
	<u>(5,938,382)</u>	<u>(5,526,937)</u>
NET FINANCIAL ASSETS / (DEBT)	(497,245)	(1,011,118)
NON-FINANCIAL ASSETS		
Tangible Capital Assets	34,570,689	33,398,282
Inventories	55,329	72,932
Prepaid expenses	3,576	2,154
	<u>34,629,594</u>	<u>33,473,368</u>
ACCUMULATED SURPLUS	\$ 34,132,349	\$ 32,462,250

MUNICIPAL POSITION

Operating funds	\$ (2,060,409)	\$ (1,132,787)
Reserves	(604,780)	(602,504)
Equity in capital assets	<u>(31,467,160)</u>	<u>(30,726,959)</u>
	<u>\$ (34,132,349)</u>	<u>\$ (32,462,250)</u>

Note 1:

These statements are not audited and do not comply with all applicable accounting standards. They are intended for internal management purposes only.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND
Consolidated Statement of Operations and Accumulated Surplus
Interim Statement as at
December 31, 2011
UNAUDITED

	2011 FINANCIAL PLAN	ADJUSTMENT (Note 1)	2011 ADJUSTED FINANCIAL PLAN	2011 ACTUAL-YTD (Note 2)	% USE OF ADJUSTED BUDGET	VARIANCE	2010 ACTUAL	COMMENTS
REVENUES								
Property value taxes	\$ (1,842,515)	\$ -	\$ (1,842,515)	\$ (1,843,557)	100%	\$ 1,042	\$ (1,743,372)	
Grants in lieu of taxes	(47,184)	-	(47,184)	(47,193)	100%	9	(46,161)	
Frontage taxes	(168,200)	-	(168,200)	(170,027)	101%	1,827	(168,200)	
Sale of services	(1,081,430)	-	(1,081,430)	(1,066,359)	99%	(15,071)	(1,047,311)	
Sale of services to other government	(114,910)	-	(114,910)	(26,775)	23%	(88,135)	(60,202)	Cumberland Fire Protection District payment not invoiced until Y/E/
Transfer from other governments - unconditional	(440,000)	-	(440,000)	(431,190)	98%	(8,810)	(451,910)	Animal Control Revenues to date
Transfer from other governments - conditional	(1,096,720)	-	(1,096,720)	(775,475)	71%	(321,245)	(2,002,618)	Grants relate to timing of capital project
Other revenue	(234,379)	-	(234,379)	(259,630)	111%	25,251	(479,298)	
DCC revenue realized	(252,980)	-	(252,980)	(186,494)	74%	(66,486)	(283,256)	DCC revenue relates to timing of capital project
Contributed Assets	-	-	-	-	-	-	(34,869)	
	(5,278,318)	-	(5,278,318)	(4,806,700)	91%	(471,617)	(6,317,197)	
EXPENSES								
General government services	720,280	(15,580)	704,700	526,178	75%	178,522	591,879	IT costs lower than expected, audit fees recognized at YE, 2 Mgt positions vacant for 1/2 year
Transportation services	845,500	(349,890)	495,610	537,685	108%	(42,075)	987,378	Expenditures include \$94K in lease principal payments that will be adjusted at YE
Protective services	436,990	(53,775)	383,215	323,830	85%	59,385	376,014	Bylaw Officer position vacant 9 months
Environmental health services	1,323,140	(254,210)	1,068,930	840,291	79%	228,639	2,029,685	Admin/Meter dam costs/Sewer distribution costs lower than expected/LWMP project in progress
Public health services	22,785	(1,905)	20,880	16,051	77%	4,829	14,155	Donations project not done/signage costs lower than expected
Environmental planning and development services	365,405	-	365,405	333,594	91%	31,811	310,725	Village Park Plan will be paid by Trilogi directly/building inspection costs lower than expected
Recreation, parks and cultural services	586,018	(35,020)	550,998	558,972	101%	(7,974)	552,898	
	4,300,118	(710,380)	3,589,738	3,136,601	87%	453,137	4,862,734	
ANNUAL SURPLUS	(978,200)	(710,380)	(1,688,580)	(1,670,099)	99%	(18,480)	(1,454,463)	
ACCUMULATED SURPLUS, BEGINNING OF YEAR	(32,462,250)	-	(32,462,250)	(32,462,250)	100%	-	(31,007,787)	
ACCUMULATED SURPLUS, END OF YEAR	\$ (33,440,450)	\$ (710,380)	\$ (34,150,830)	(34,132,349)	100%	\$ (18,481)	\$ (32,462,250)	

Note 1:

The adjustment being made is for amortization that will not be recorded until year end.

Note 2:

These statements are not audited and do not comply with all applicable accounting standards. They are intended for internal management purposes only.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND
Consolidated Statement of Change in Net Financial Assets
Interim Statement as at
December 31, 2011
UNAUDITED

	2011 FINANCIAL PLAN	ADJUSTMENT (Note 1)	2011 ADJUSTED FINANCIAL PLAN	2011 ACTUAL-YTD (Note 2)	% USE OF BUDGET	VARIANCE	2010 ACTUAL	COMMENTS
ANNUAL SURPLUS	\$ (978,200)	\$ (710,380)	\$ (1,688,580)	\$ (1,670,099)	99%	\$ (18,480)	\$ (1,454,463)	
Amortization of tangible capital assets	710,380	(710,380)	-	-	-	-	(863,208)	Amortization not recorded at this point in the year
Proceeds on disposal of tangible capital assets	-	-	-	-	-	-	-	
Change in supplies inventories	-	-	-	(17,604)	-	17,604	18,564	
Change in prepaid expense	-	-	-	1,422	-	(1,422)	(2,907)	
Gain on sale of tangible capital assets	-	-	-	-	-	-	(449,002)	
Acquisition of tangible capital assets	1,623,080	-	1,623,080	1,172,408	72%	450,672	2,536,070	Sewer impr. Meters/Sewer Head Works/Water Supply testing/Water infrastructure repl. Projects Complete
CHANGE IN NET DEBT (FINANCIAL ASSETS)	1,355,260	(1,420,761)	(65,500)	(513,873)	(38%)	1,869,133	(214,946)	Lagoon Phase 2 tender awarded/bus shelter & garbage cans & sewer infrastructure repl. not complete
NET DEBT, BEGINNING OF YEAR	1,011,118	-	1,011,118	1,011,118	100%	-	1,226,064	
NET DEBT (FINANCIAL ASSETS), END OF YEAR	\$ 2,366,379	\$ (1,420,761)	\$ 945,618	\$ 497,245	21%	\$ 1,869,134	\$ 1,011,118	

Note 1:

The adjustment being made is for amortization that will not be recorded until year end.

Note 2:

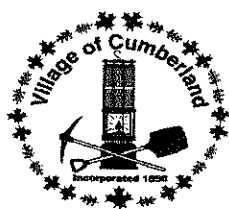
These statements are not audited and do not comply with all applicable accounting standards. They are intended for internal management purposes only.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND
Reconciliation of Financial Statement Surplus to Financial Plan Surplus
Interim Statement as at
December 31, 2011
UNAUDITED

	2011 FINANCIAL PLAN	ADJUSTMENT (Note 1)	2011 ADJUSTED FINANCIAL PLAN	2011 ACTUAL-YTD (Note 2)	% USE OF BUDGET	VARIANCE	2010 ACTUAL	COMMENTS
ANNUAL SURPLUS PER FINANCIAL STATEMENTS	\$ (978,200)	\$ (710,380)	\$ (1,688,580)	\$ (1,670,099)	99%	\$ (18,480)	\$ (1,454,463)	
ADJUSTMENTS AS PER FINANCIAL PLAN								
Acquisition of tangible capital assets	1,623,080	-	1,623,080	1,172,408	72%	450,672	2,536,070	Sewer impr. Water Meters/Sewer Head Works/Water Supply testing/Water infrastructure repl. Projects Complete
Remove amortization expense	710,380	(710,380)	-	-	-	-	(863,208)	Lagoon Phase 2 tender awarded/bus shelter & garbage cans
Proceeds from borrowing	(498,280)	-	(498,280)	(452,147)	91%	(46,133)	(720,442)	& sewer infrastructure repl. not complete
Principals payments on debt	147,290	-	147,290	19,941	14%	127,349	134,361	
Remove DCC revenue realized	252,980	-	252,980	(186,494)	-74%	439,474	283,256	
Add DCC reserve interest earned	-	-	-	(11,421)	-	11,421	-	
Add loss on disposal of assets	-	-	-	-	-	-	(449,003)	
CHANGE IN CONSOLIDATED BALANCES	1,257,250	(1,420,761)	(163,510)	(1,127,812)		2,385,062	(533,429)	
TRANSFER FROM OTHER RESERVES								
Development Cost charges	(252,980)	-	(252,980)	197,916	-78%	(450,896)	(283,256)	
TRANSFER TO OTHER RESERVES								
Reserves	416,490	-	416,490	416,490	100%	-	221,422	
TRANSFER TO / (FROM) OTHER RESERVES	163,510	-	163,510	614,406	376%	(450,896)	(61,834)	
SURPLUS PER FINANCIAL PLAN	\$ 1,420,760	\$ (1,420,761)	\$ -	\$ (513,406)		\$ 1,934,166	\$ (595,263)	

Note 1:
The adjustment being made is for amortization that will not be recorded until year end.

Note 2:
These statements are not audited and do not comply with all applicable accounting standards.
They are intended for internal management purposes only.



The Corporation of the Village of Cumberland
Electronic Funds and Cheque Register
From December 1, 2011 to December 31, 2011

Document Date	Vendor Name	Document Number	Document Amount
12/6/2011	Minister of Finance - PTB	028570	\$1,159.84
12/7/2011	Acevedo, Javier	028581	\$50.00
12/7/2011	Acklands-Grainger Inc.	028582	\$5,891.24
12/7/2011	Acme Supplies Ltd.	028583	\$61.63
12/7/2011	Alsco Nanaimo	028584	\$188.41
12/7/2011	Andrew Sheret Ltd.	028585	\$112.41
12/7/2011	Arseneault, Darby	028586	\$156.77
12/7/2011	Benson Juliette	028587	\$45.50
12/7/2011	Black Creek Farm and Feed	028588	\$435.68
12/7/2011	Bossom, Kevin	028589	\$39.00
12/7/2011	Caledonia Fire Protection Ltd.	028590	\$471.43
12/7/2011	Centerline Machine Ltd.	028591	\$111.34
12/7/2011	Corix Water Products Limited Partnership	028592	\$2,155.30
12/7/2011	Cumberland Community Forest Society	028593	\$250.00
12/7/2011	Cumberland General Store	028594	\$1,282.00
12/7/2011	Cumberland Mini Mart	028595	\$28.44
12/7/2011	Cupe Local 556	028596	\$909.33
12/7/2011	E.B. Horsman & Son	028597	\$297.12
12/7/2011	Engrave It!	028598	\$165.76
12/7/2011	Environmental Operators Certification Program	028599	\$392.00
12/7/2011	Firstline Mortgages/00813.052	028600	\$770.00
12/7/2011	Floucault Lawrence	028601	\$52.00
12/7/2011	Forbes Alexis	028602	\$34.00
12/7/2011	Frontline Fire Department Training Inc	028603	\$840.00
12/7/2011	Grey Rock Welding & Fab. Ltd.	028604	\$128.15
12/7/2011	Guillevin International Co.	028605	\$385.28
12/7/2011	Hartman Auto Supply 1996 Ltd.	028606	\$256.87
12/7/2011	Hilz Rachel	028607	\$272.00
12/7/2011	Hydro & Power Authority, BC	028608	\$52.48
12/7/2011	Hyland Precast Inc.	028609	\$313.35
12/7/2011	IABC of Victoria (View Royal) BC	028610	\$84.54
12/7/2011	Inland Kenworth Ltd.	028611	\$29.19
12/7/2011	Janssen, Wessel	028612	\$134.39
12/7/2011	Kal Tire	028613	\$235.81
12/7/2011	Lacourse, Megan	028614	\$34.00

12/7/2011 Lee Mac Electric Ltd.	028615	\$18,591.41
12/7/2011 Life and Casualty Company, BC	028616	\$1,922.67
12/7/2011 Lordco Auto Parts	028617	\$599.71
12/7/2011 Meyers Norris Penny LLP	028618	\$3,134.88
12/7/2011 Midland Tools	028619	\$435.11
12/7/2011 Monk Office	028620	\$763.05
12/7/2011 North Island Communications Inc.	028621	\$2,440.48
12/7/2011 North Island Tractor Ltd.	028622	\$85.88
12/7/2011 OnDeck Systems Inc.	028623	\$1,805.10
12/7/2011 Ono Trading Courtenay	028624	\$34.16
12/7/2011 Pacific Blue Cross	028625	\$2,923.73
12/7/2011 Price's Security Locksmiths	028626	\$362.70
12/7/2011 Quality Seeds West	028627	\$19.04
12/7/2011 Receiver General For Canada	028628	\$16,214.46
12/7/2011 Record, Comox Valley	028629	\$502.32
12/7/2011 Reed Construction Data	028630	\$252.00
12/7/2011 Rees Joanne	028631	\$445.47
12/7/2011 Regional District, Comox Valley	028632	\$588.50
12/7/2011 Revenue Services of British Columbia	028633	\$2,094.50
12/7/2011 Roffey, Sheri	028634	\$299.23
12/7/2011 Savage, Graham	028635	\$1,025.00
12/7/2011 Schoffield-Reid, Margaret	028636	\$34.50
12/7/2011 Sew What, I Sew	028637	\$67.20
12/7/2011 Shaw Cablesystems G.P.	028638	\$72.74
12/7/2011 Slegg Construction Materials Ltd./Slegg Lumber	028639	\$1,168.47
12/7/2011 Softchoice Corporation	028640	\$374.64
12/7/2011 South Country Feed	028641	\$90.12
12/7/2011 Stockand Trisha	028642	\$199.11
12/7/2011 Strathcon Industries	028643	\$24.12
12/7/2011 Symons Nancy	028644	\$26.00
12/7/2011 Tayco Paving Company	028645	\$504.13
12/7/2011 Telus Communications	028646	\$119.97
12/7/2011 Telus Mobility	028647	\$148.23
12/7/2011 ThyssenKrupp Elevator	028648	\$956.19
12/7/2011 Topham Sundance	028649	\$1,780.96
12/7/2011 Vranjes, David	028650	\$272.00
12/7/2011 Walker, Judith	028651	\$25.12
12/7/2011 Walmart Stores Inc.	028652	\$970.67
12/7/2011 WesternOne Rentals & Sales	028653	\$709.05
12/7/2011 Whyte James C.	028654	\$85.68
12/7/2011 Windsor Plywood	028655	\$13.42
12/12/2011 Aitken, Ronald Peter	028657	\$616.00
12/12/2011 Banks, Angelina	028658	\$1,299.90
12/12/2011 Banks, Robert	028659	\$2,661.80

12/12/2011 Banks, Thomas Leonard	028660	\$1,728.81
12/12/2011 Best, Gary	028661	\$180.00
12/12/2011 Bidinost, Richard	028662	\$470.00
12/12/2011 Bossom, Michael	028663	\$1,625.00
12/12/2011 Brown Michael	028664	\$100.00
12/12/2011 Dry, Greig	028665	\$1,570.60
12/12/2011 Dueck, Mark	028666	\$665.00
12/12/2011 Eldon, Jonathan	028667	\$1,296.08
12/12/2011 Ellis, Michael	028668	\$2,239.94
12/12/2011 French, Jesse	028669	\$1,881.11
12/12/2011 Grinde, Blair	028670	\$914.13
12/12/2011 Guthrie, Russell Sean	028671	\$933.26
12/12/2011 Hofmann, Donald Brent	028672	\$891.90
12/12/2011 Holst Patrick	028673	\$650.00
12/12/2011 Levirs, Robert	028674	\$1,843.59
12/12/2011 Longpre, Rocklene	028675	\$791.00
12/12/2011 Lund, Mikkel	028676	\$1,333.21
12/12/2011 Newsom, Quentin	028677	\$1,561.53
12/12/2011 Nicholls, Deanise	028678	\$695.00
12/12/2011 Rodger, Glen	028679	\$7,850.44
12/12/2011 Rodger, Sean	028680	\$1,326.83
12/12/2011 Sampson, Bruce	028681	\$1,103.74
12/12/2011 Wallace, Kevin	028682	\$1,004.62
12/12/2011 White Ryan	028683	\$80.00
12/12/2011 Williamson, Michael	028684	\$10,235.16
12/12/2011 Wilson, Jessica	028685	\$350.00
12/21/2011 Acevedo, Javier	028686	\$100.00
12/21/2011 Alsco Nanaimo	028687	\$198.10
12/21/2011 Andrew Sheret Ltd.	028688	\$69.89
12/21/2011 AquaVic Water Solutions Inc.	028689	\$5,376.00
12/21/2011 Aqua-Aerobic Systems, Inc.	028690	\$1,002.82
12/21/2011 Baird, Laurie	028691	\$45.00
12/21/2011 Baird, Leslie	028692	\$79.50
12/21/2011 BFI Canada - Comox	028693	\$663.35
12/21/2011 Bossom, Kevin	028694	\$91.00
12/21/2011 Canadian Tire #350	028695	\$568.82
12/21/2011 Carmie's Café	028696	\$362.88
12/21/2011 Carvello Law Corporation	028697	\$8,923.04
12/21/2011 Chamber of Commerce, Cumberland	028698	\$250.00
12/21/2011 Clark Industries	028699	\$750.00
12/21/2011 Claymore Clothes Ltd.	028700	\$2,153.76
12/21/2011 Columbia Fuels	028701	\$607.11
12/21/2011 Community Solutions Inc.	028702	\$1,386.00
12/21/2011 Community Schools Society, Cumberland	028703	\$250.00

12/21/2011 Cumberland Mini Mart	028704	\$34.73
12/21/2011 Cumberland Museum & Archives	028705	\$250.00
12/21/2011 Cupe Local 556	028706	\$622.11
12/21/2011 DK Door Service	028707	\$3,246.88
12/21/2011 E.B. Horsman & Son	028708	\$1,073.54
12/21/2011 Echo, Comox Valley	028709	\$482.32
12/21/2011 Engrave It!	028710	\$135.52
12/21/2011 F.A.S. Delivery Ltd.	028711	\$22.27
12/21/2011 FASTENAL CANADA LTD.	028712	\$58.18
12/21/2011 Floucault Lawrence	028713	\$71.50
12/21/2011 FORTISBC-Natural Gas	028714	\$4,617.20
12/21/2011 Greyhound Courier Express	028715	\$45.81
12/21/2011 Grieve, Glen	028716	\$1,114.99
12/21/2011 Guiton Environmental Consulting	028717	\$18,328.80
12/21/2011 Hilz Rachel	028718	\$272.00
12/21/2011 Hydro & Power Authority, BC	028719	\$6,612.27
12/21/2011 Industrial Plastics & Paints	028720	\$33.51
12/21/2011 Iron Mountain	028721	\$54.03
12/21/2011 Jim & Don Investments Ltd.	028722	\$3,004.09
12/21/2011 Journey Recycling	028723	\$21.00
12/21/2011 Kal Tire	028724	\$444.30
12/21/2011 Konica Minolta	028725	\$745.38
12/21/2011 Lacourse, Megan	028726	\$68.00
12/21/2011 Land Title & Survey Authority of British Columbia	028727	\$71.25
12/21/2011 Last Logo Promotions	028728	\$244.16
12/21/2011 MacMillan Heritage Homes	028729	\$750.00
12/21/2011 Mastercard, Credit Union	028730	\$12,215.16
12/21/2011 Midland Tools	028731	\$44.79
12/21/2011 Minister of Finance-Queen's Printer	028732	\$52.55
12/21/2011 Monk Office	028733	\$470.72
12/21/2011 Pilon Tool Rentals (1972) Ltd.	028734	\$178.08
12/21/2011 Planet Clean	028735	\$23.51
12/21/2011 Powsey, Clive	028736	\$45.50
12/21/2011 Price's Security Locksmiths	028737	\$780.24
12/21/2011 Purin, Paul	028738	\$50.00
12/21/2011 Randall's Auto Body	028739	\$1,344.00
12/21/2011 Receiver General For Canada	028740	\$23,026.41
12/21/2011 Receiver General/Installments	028741	\$1,672.19
12/21/2011 Refrigeration & Air Conditioning Ltd., Comox Valley	028742	\$760.63
12/21/2011 Robertson, Margaret	028743	\$11.96
12/21/2011 Roffey, Sheri	028744	\$190.00
12/21/2011 Rogers Communications Inc.	028745	\$109.34
12/21/2011 Savage, Graham	028746	\$1,041.25
12/21/2011 Shields Ind Services (2004) Ltd.	028747	\$43.76

12/21/2011 SPCA, Comox Valley	028748	\$100.00
12/21/2011 Strathcon Industries	028749	\$13.77
12/21/2011 Sun Coast Waste Services	028750	\$7,864.86
12/21/2011 Telus Communications	028751	\$1,005.87
12/21/2011 Thrifty Foods	028752	\$56.00
12/21/2011 Van Houtte Coffee Services	028753	\$509.63
12/21/2011 Vanherwaarden, Jennifer	028754	\$34.00
12/21/2011 Vranjes, David	028755	\$136.00
12/21/2011 Walmart Stores Inc.	028756	\$867.71
12/21/2011 Young, Anderson Barristers & Solicitors	028757	\$297.64
12/21/2011 Baird's First Aid Service	028758	\$200.00
12/21/2011 North Island Laboratories Ltd.	028759	\$952.00
12/21/2011 Northern Ropes & Industrial Supply Ltd.	028760	\$114.24
12/21/2011 OnDeck Systems Inc.	028761	\$712.86
12/21/2011 Price's Alarm Systems Ltd.	028762	\$33.04
12/21/2011 Regional District, Comox Valley	028763	\$3,903.50
12/21/2011 Rocky Mountain Phoenix	028764	\$677.88
12/21/2011 Sleno Enterprises Inc.	028765	\$980.00
12/21/2011 Society of Landscape Architects, BC	028766	\$860.83
12/21/2011 Speedpro Signs Courtenay	028767	\$69.38
12/21/2011 Staples McDannold Stewart	028768	\$2,807.90
12/2/2011 Municipal Pension Plan	CASH	\$9,228.89
12/23/2011 Municipal Pension Plan	CASH	\$7,277.75
12/28/2011 Municipal Finance Authority	CASH	\$2,438.74
12/28/2011 Municipal Finance Authority	CASH	\$1,053.12
12/28/2011 Municipal Finance Authority	CASH	\$873.72
12/28/2011 Municipal Finance Authority	CASH	\$869.06
12/28/2011 Municipal Finance Authority	CASH	\$867.83
12/28/2011 Municipal Finance Authority	CASH	\$662.97
12/28/2011 Municipal Finance Authority	CASH	\$662.04
12/28/2011 Municipal Finance Authority	CASH	\$621.05
12/28/2011 Municipal Finance Authority	CASH	\$617.83
12/28/2011 Municipal Finance Authority	CASH	\$525.29
12/28/2011 Municipal Finance Authority	CASH	\$329.98
12/28/2011 Municipal Finance Authority	CASH	\$328.25
12/28/2011 Municipal Finance Authority	CASH	\$282.80
12/28/2011 Municipal Finance Authority	CASH	\$280.51
12/28/2011 Municipal Finance Authority	CASH	\$227.57
		<u>\$284,611.34</u>

ACTION ITEMS

Please note: In-camera action items not included

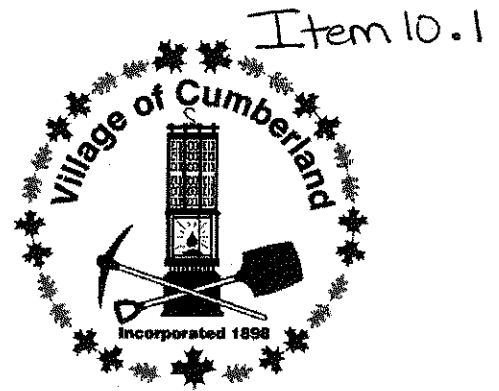
#	RESOLUTION	WHO	COMPLETED
12.05.R	GREENING/KISHI: THAT council receive the proposal for information as a follow up to the December 12, 2011 delegation AND FURTHER THAT a letter be sent to the Gingrich's thanking them for their presentation but that the Village is continuing to support the Comox Valley Community Justice Centre.	Trisha	Complete
Item 8.2 01/12/R	Council directed Staff to arrange a time for a representative from the RCMP to come to a Council meeting or a Committee of the Whole meeting to present the "Crime Prevention through Environmental Design (CPTED) Why Wouldn't We?" video.	Trisha	In Process
Item 8.3 01/12/R	Council directed Staff to arrange a presentation from BC Assessment for a future Council meeting.	Trisha	In Process
12.10.R	GREENING/SPOULE: THAT Council receive the December 15, 2011 letter from Paul Ives, Mayor, Town of Comox re: Comox Valley Youth Advisory Committee AND FURTHER THAT this item be moved to the February 2012 Committee of the Whole meeting to be discussed with other Village of Cumberland committee discussions.	Trisha	Complete
12.13.R	GREENING/SPOULE: THAT Council receive the December 15, 2011 letter from Paul Ives, Mayor, Town of Comox re: Comox Valley Youth Advisory Committee AND FURTHER THAT this item be moved to the February 2012 Committee of the Whole meeting to be discussed with other Village of Cumberland committee discussions.	Trisha	Complete

12.16.R	<p>GREENING/SPOULE:</p> <p>AND THAT Council grant the Development Variance Permit (File 11-08-DV – Mathieu) for property legally described as Lot 9, Block 23, District Lot 21, Nelson District, Plan 522C (2799 Derwent Avenue) to vary the front lot line setback from the permitted 3.0metres to 0.34metres in accordance with the site drawing contained in the draft Development Variance Permit which is attached to the report as Appendix A.</p>	Joanne	In Process
12.18.R	<p>GREENING/KISHI:</p> <p>AND THAT Council grant the Development Variance Permit (File 11-07-DV – Russell) for property legally described as Lot 12, Block 14, District Lot 21, Nelson District, Plan 522A (2763A&B Maryport Avenue) to vary:</p> <ul style="list-style-type: none"> a) the front lot line setback from the permitted 3.0metres to 1.75metres; b) the left side lot line setback from the permitted 1.5metres to 0.72metres; c) the right side lot line setback from the permitted 3.5metres to 0.54metres; in accordance with the survey certificate prepared by Rick Kuss, BCLS dated October 28, 2011 contained in the Development Variance Permit which is attached to the report as Appendix A. 	Joanne	In Process
12.19.R	<p>KISHI/GREENING:</p> <p>THAT the Village of Cumberland Procedural Bylaw No. 859, 2007 and Village of Cumberland Procedural Bylaw No. 879, 2007 be amended to reflect the changes discussed during the December 29, 2011 Committee of the Whole Meeting and that these changes be incorporated into a new Village of Cumberland Procedure Bylaw to be brought to Council for consideration.</p>	Sundance & Michelle	In Process
12.20.R	<p>GREENING/KISHI:</p> <p>THAT the Village of Cumberland Purchase of Goods and Services Policy be reviewed by staff and that a new Purchase of Goods and Services Policy be brought to Council for consideration.</p>	Sundance & Michelle	In Process

12.21.R	KISHI/GREENING: THAT the Village of Cumberland Staff, Committee and Public Communications to Council Policy be amended to reflect the changes discussed during the December 29, 2011 Committee of the Whole Meeting and that these changes be incorporated into a new Staff and Council Communications Policy to be brought to Council for consideration.	Sundance & Michelle	In Process
12.22.R	SPROULE/GREENING: THAT the Village of Cumberland hold a Committee of the Whole meeting in February to discuss possible committees of Council. Place resolution on next COTW agenda	Trisha	Complete
12.23.R	GREENING/SPROULE: THAT Council approve the expenditure of up to \$18,000 for the purposes of creating a new municipal website for the Village of Cumberland AND THAT this expenditure be added to the 2012 Village of Cumberland Financial Plan.	Sundance & Michelle	In Process
12.25.R	GREENING/SPROULE: THAT Council bring the "Engineering Report to December 31, 2011" prepared by Bob Hoffstrom to the January 16 th , 2012 Committee of the Whole meeting.	Trisha	Complete
12.28.R	THAT pursuant to Section 77 of the Land Title Act Council appoint Sundance Topham, Chief Administrative Officer, as Approving Officer for the Village of Cumberland and Graham Savage as Deputy Approving Officer for the Village of Cumberland. Follow up with Land Titles	Trisha	In Process

12.29.R	<p>SPROULE/KISHI:</p> <p>THAT Council receive the Climate Action Revenue Incentive (CARIP) Public Report dated January 4, 2012;</p> <p>AND THAT the Council of the Corporation of the Village of Cumberland approve the attached Climate Action Revenue Incentive (CARIP) Public Report for 2011 for posting on the Village of Cumberland website.</p> <p>Councillor Greening suggested a number of amendments to the CARIP Public Report.</p>	Michelle	Complete
Item 11.1 01/12/R	Councillor Greening suggested that the Manager of Protective Services be added to the Occupational Health and Safety Committee.	Sundance	In Process

BYLAW REPORT



REPORT DATE: January 10, 2012
MEETING DATE: February 13, 2012

TO: Mayor and Councillors
FROM: Joanne Rees, Planner
SUBJECT: Village of Cumberland Board of Variance Bylaw No. 958, 2012

RECOMMENDATION

- i) THAT Council receive the Village of Cumberland Board of Variance Bylaw No. 958, 2012 report.
- ii) THAT the 'Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012' be read a first time.
- iii) THAT the 'Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012' be read a second and third time.

SUMMARY

Section 899 of the Local Government Act requires that any municipality or regional board that has enacted a zoning bylaw must have a Board of Variance. Records indicate that until 2005 the Village did have a Board but it has since lapsed. Since that time legislation has changed and a revised bylaw and Board is necessary.

BACKGROUND

A BIT OF HISTORY

Municipalities in British Columbia were first given the authority to enact zoning bylaws in the *Town Planning Act* of 1925. It was this Act that enacted a "zoning board of appeal" which has evolved over the years to become the Board of Variance. The Board of Variance (BoV) is now a body appointed entirely by the municipality with its jurisdiction being 'minor' and 'hardship' appeals plus a few other types of matters that have been added to the Board's agenda over time.

Local governments in BC have never been given a choice as to whether to establish a BoV and this is significant. In effect, the Legislature that enacted the *Town Planning Act* was making a deal with municipalities: we are allowing you to get involved in this *newfangled* business of zoning, but you must provide relief for affected owners by appointing an appeal tribunal. In various cases the role of the Board has been described as 'easing the pain' where the zoning shoe does not fit the property owner's foot; the requirement for an appeal board recognizes that zoning regulations, as understood in the early part of the 20th century, were by their nature very generalized, and insensitive to the peculiarities of the parcels of land to which they applied, most of which had

been created before the zoning regulations came along. In theory, the municipal Council and the BoV were intended to play complementary roles in zoning, with the Council making the general rules and the BoV fine-tuning their application to particular circumstances in cases of hardship. The BoV was in no way conceived as the Council's adversary; the two bodies were to act in concert.

SOME FUNDAMENTAL CONCEPTS

Most of the legal issues that arise in relation to the BoV pertain to a limited number of general concepts that are summarized here. The *Local Government Act* still provides that no appeal lies from BoV decisions (except in relation to its "extent of damage" jurisdiction) and it is because of this that the litigation that has occurred over the years tends to focus on one or more of these concepts.

A BoV must be appointed if there is a zoning bylaw

Surprisingly, the question still is asked from time to time: "Do we have to appoint a BoV?" The BC Legislature is itself responsible for some of the confusion that exists around this question, by having created the "development variance permit" (DVP) in the 1985 amendments to what was Part 29 of the *Municipal Act*. Some local governments wonder why there has to be a BoV when the Council and regional board have the ability to vary their own bylaws by means of a DVP. The short answer is that s.899 still requires the appointment of a BoV.

The more complex answer is that, while some variances are within the jurisdiction of both the BoV and the Council, the BoV has jurisdiction in relation to several important matters including those involving non-conforming uses, that cannot be dealt with by DVP. Failing to appoint a BoV denies to property owners affected by the rules in section 911, the ability to add to or alter a building containing a lawful non-conforming use, and to appeal the decision of a building official as to the extent of damage that has occurred to a building containing such a use (which decision might make continuation of the use impossible).

The *Local Government Act* permits two or more local governments to establish a joint BoV, an option that does not seem to have become popular despite the potential savings in administrative costs and the greater objectivity that a more broadly-based Board might be able to achieve.

The new Bylaw is attached for Council's consideration and reflects the legislative changes enacted since the 1993 bylaw was adopted.

Board Members are Council Appointees

Three members shall be appointed by Council for a three year term. Persons appointed to the Board may not be a member of an advisory planning commission, an officer or employee of the local government. It is recommended that upon enactment of the BoV Bylaw Council advertise for persons interested in being on the Board, and choose those that represent the widest range of expertise and experience.

Under s.899(9), a local government may rescind an appointment to a BoV at any time. Like many federal and provincial tribunals, the Board's members serve "at the pleasure of the appointing local government". This is a very important point because the reluctance of some local governments to recognize or promote the opportunity of the BoV is sometimes based on a perception that the Board members routinely and recklessly vary the bylaw without regard to its intent. If this is the case, the local government has a clear remedy: replace the board, or the members who are not perceived to be discharging their duties properly.

The BoV is an independent tribunal

Once appointed, the BoV is meant to operate at arm's length from the municipality. This can be a difficult point to grasp, since the municipal Council establishes and appoints the Board, provides funds for its operating costs, dictates its procedures, prescribes application fees, indemnifies its members, and usually provides logistical support, keeps its records, and provides a meeting place.

The BoV is subject to the rules of procedural fairness

The requirement in s.901 for the Board to notify adjacent landowners of variance applications (as it does for DVP's) imports into the Board's procedures the administrative law rules associated with the notion of "procedural fairness." Board decisions must be made after having provided the opportunity to be heard in an even-handed manner as an impartial tribunal.

The BoV must be given adequate administrative support

The *Local Government Act* requires the local government that has established a BoV to "provide in its annual budget for the necessary funds to pay for the costs of the Board". Board members are volunteers and cannot be personally exposed to out-of-pocket costs incurred in the performance of their duties.

Staff recommends that upon enactment of the BoV Bylaw Joanne Rees be appointed as Secretary to the Board of Variance. Ms. Rees has extensive experience with this legislation as she was the Secretary to the Regional District's Board's from 1993 to 2007.

The BoV is subject to the "open meeting" rule

The drafter of the "open meeting" rule in s.90 of the *Community Charter* didn't distinguish the BoV from other local government bodies like Council committees and advisory planning commissions, when prescribing in s.93 other bodies whose meetings must be open to the public.

The BoV is subject to FIPPA as a "local government body"

Public bodies, including local public bodies and local government bodies including BoV's, are subject to the requirement in the *Freedom of Information and Protection of Privacy Act* to provide public access to records of the BoV.

The jurisdiction of the BoV is prescribed by statute

In place of the relatively broad jurisdiction described in the 1925 legislation, the authority of modern BoV's is limited to the matters particularly set out in s.901 of the *Local Government Act*:

1. Siting, dimensions or size of a building or structure;
2. Statutory prohibition on alteration of building containing nonconforming use;
3. Agricultural or Industrial Subdivision servicing requirements;
4. Extent of damage jurisdiction (appeal from building official);
5. Tree cutting bylaws.

There is no objective test of "hardship" or "minor"

Some local governments have advised applicants that they must apply for a DVP instead of a BoV order, because they do not have a hardship case or because the variance they are seeking is not minor. This is, in law, somewhat akin to the clerk at the court registry refusing to record a plea of "not guilty" because the clerk considers their defence will fail. Section 901 permits the BoV to order a minor variance if it finds that compliance with the bylaw would cause undue hardship, without defining what kinds of hardship are eligible for consideration. The absence of any such

constraints in the *Local Government Act* suggests that economic hardships and hardships to which many property owners are equally exposed may properly be considered.

Similarly, the jurisdiction of the BoV to order a "minor variance" is not constrained by any statutory definition of that term. The case law makes it clear that the extent of variance that the Board may order is neither more nor less than the extent of variance that is required to relieve the hardship that the Board has found. In one case, it was noted that the magnitude of a variance is to be considered in the context of all of the regulations that apply to a site and not just the particular regulation that is being varied, with the result that a variance of 100% in a particular regulation such as a building setback may nonetheless be "minor".

A DVP application is not an appeal of a BoV decision, and vice versa

The significant overlap between the Board's historic jurisdiction and the jurisdiction of local governments to issue DVP's, continues to cause confusion as to whether the Board's decisions are truly 'final' as s.901(8) specifies, or whether the Board's decision can in fact be reversed by a favourable decision on a DVP. The DVP application and the BoV application are in law unrelated to one another, and a decision on one cannot be regarded as an appeal of a decision on the other. These are separate processes arising from separate areas of jurisdiction.

Records of Board Orders

The requirement to deposit notices of DVPs and development permits in the Land Title Office has brought into sharp focus the fact that BoV orders, that might effect the same important changes in the land use regulations affecting property, are not registered against title even though they are of enduring effect and probably 'run with the land'. The only official record of BoV orders is that comprised in the records that the Board is required to maintain under s.900(4) of the *Local Government Act*. It is then extremely important that the local government provide resources to the Board that are adequate to enable it to keep and maintain accurate records of its decisions.

Staff has recently taken all historical records of Orders and have entered them into a database which is backed up off-site, to exist in addition to the hard copies in central filing which have been identified as "perpetual retention".

FINANCIAL IMPLICATIONS

Costs for the BOV would be minimal, except for provisions for legal counsel (if necessary) as it is anticipated that most variances would continue to be processed through DVP, although staff would be offering both options. Board of Variance members are not paid, but normal expenses such as mileage would be reimbursed.

STRATEGIC OBJECTIVE

Not applicable

ATTACHMENTS

See "Village of Cumberland Board of Variance Bylaw No. 958, 2012" which is attached

See the attached "Fees Justification" prepared for Board of Variance applications.


CONCURRENCE

David Durrant, Manager of Community Services

OPTIONS

1. Receive the Village of Cumberland Board of Variance Bylaw No. 958, 2012 report and give first three readings to the Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



Joanne Rees
Planner
Village of Cumberland

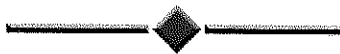
Sundance Topham
Chief Administrative Officer

STATUS

TITLE: Corporation of the Village of Cumberland Board of Variance
Bylaw No. 958, 2012

APPLICANT: Village of Cumberland

PURPOSE: A bylaw to establish a Board of Variance and the procedures
and fees for appeals.



COUNCIL: **Date:**
Decision:

COUNCIL: **Date:**
Decision:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 958

A bylaw to establish a Board of Variance and the procedures and fees for appeals.

WHEREAS pursuant to the *Local Government Act* a municipality that has enacted a zoning bylaw is required to establish a Board of Variance;

NOW THEREFORE the Council of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as the 'Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012.'

2. APPLICABILITY

This bylaw is applicable to all lands and surface of the water within the Village of Cumberland that are subject to the zoning bylaw of the Village.

3. DEFINITIONS

The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, in the 'Corporation of the Village of Cumberland Zoning Bylaw No. 717, 1997,' as amended from time to time and secondly in the *Interpretation Act* and thirdly in the Canadian Oxford dictionary.

COUNCIL means the Council of the Corporation of the Village of Cumberland.

INACTIVE means any application that remains incomplete, or during processing, becomes dormant due to an applicant's deficiency in fulfilling the requests/requirements of staff or Council. If the reason for the period of "inactivity" can be communicated to staff or Council, the time period is extended before a file is considered abandoned and closed.

OWNER means a person registered in the land registry records as owner of land or of a charge on land, whether entitled to it in his/her own right or in a representative capacity or otherwise.

VILLAGE means, as the context requires, the Corporation of the Village of Cumberland, or the area within the boundaries of the Village of Cumberland.

4. ESTABLISHMENT OF THE BOARD OF VARIANCE

- a) There shall be established, pursuant to the *Local Government Act*, a Board of Variance for the Village, consisting of three members appointed by Council.

- b) The term of appointment shall be three years or until a successor is appointed by Council.
- c) Council may remove an appointee at any time.
- d) The members so appointed shall elect one of their members as Chair. The Chair may appoint another member to be Acting Chair in his absence.
- e) A quorum of the Board shall be any two members.

5. SECRETARY

- a) The Council shall appoint a Secretary to the Board of Variance. The Secretary will be responsible for:
 - i) Receiving Notices of Appeals to the Board.
 - ii) Arranging meetings, preparing reports, taking minutes of meetings, record keeping as is required for the Board
 - iii) Preparing a year end report for Council which includes a review of the years' activities and financial and policy implications of the Board's work plan (if any).

6. MEETINGS

- a) The time and date of meetings shall be scheduled as required in consultation with the members of the Board upon receipt of a Notice of Appeal.
- b) Meetings must be held within 45 days of the receipt of a Notice of Appeal.
- c) Except where the provisions of section 90 of the *Community Charter* apply, all meetings must be open to the public.
- d) With the exception of those meetings where provisions of section 90 of the *Community Charter* apply, minutes of meetings must be open for public inspection at the Village Office during its regular office hours.

7. NOTICES OF APPEAL

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Secretary together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information, including fees, have been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Board of Variance.

8. ABANDONED APPEALS

A Notice of Appeal which has been inactive for more than six months is deemed to be abandoned and will be closed. The applicant has the right to request that the Chairperson of the Board grant an extension of up to one year, and if granted additional fees, noted as follows, apply.

9. NOTIFICATION

The Secretary shall ensure notification that a Notice of Appeal will be considered by the Board of Variance by mailing or otherwise delivering to the owners of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before consideration by the Board.

10. FEES

Notices of Appeal to the Board of Variance to Vary	
Siting, size or dimensions of a building or structure	\$350
Siting of a manufactured home in a manufactured home park	\$350
Subdivision Servicing Requirements	\$550
Structural Alteration or Addition for a Non-conforming Use	\$350
Extent of damage determined by Building Inspector	\$500
+ Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to granting the Order.	
Extension to Appeal	\$100
Amendment to Order	\$200
Refund	Less 30% before notification to adjacent neighbours. Less 50% before preparation of report to Board No refund after Board consideration.
<i>Fees do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the applicant.</i>	

11. APPLICATION REQUIREMENTS

- The completed application form which includes authorizing signatures of the owner and/or agent.
- Title search for the subject property dated no more than 10 days prior to the date of application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name.
- A Surveyors Certificate prepared by BCLS Surveyor will be required where the requested variance is for existing development on the subject property.

- d) A Site plan which contains the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scale;
 - v) Geodetic elevation;
 - vi) Roads and access.

12. SEVERABILITY

If any part of this bylaw is found to be invalid it may be severed without affecting the validity of the balance of the bylaw.

13. REPEAL

The following bylaws are repealed in their entirety upon adoption of this Bylaw:

- a) 'Village of Cumberland Board of Variance Bylaw No. 650, 1993'; and
- b) 'The Corporation of the Village of Cumberland Board of Variance Bylaw No. 815, 2005'

READ A FIRST TIME THIS	DAY OF	2012.
READ A SECOND TIME THIS	DAY OF	2012.
READ A THIRD TIME THIS	DAY OF	2012.
ADOPTED THIS	DAY OF	2012.

Mayor

Corporate Officer

I hereby certify the above to be a true and correct copy of the 'Corporation of the Village of Cumberland Board of Variance Bylaw No. 958, 2012' as adopted by the Village Council on the ____ day of January, 2012.

Corporate Officer

Fees Justification

Board of Variance Appeal				
<i>Subdivision Servicing Requirements (same as above except for line 8 & total)</i>				
1	Receipt of application, includes discussion with applicant	0.50	\$39.61	\$19.81
2	Preliminary review of application	0.50	\$39.61	\$19.81
4	Secretary arranges meeting date & time	1.00	\$39.61	\$39.61
5	Referrals to Village or DS meeting	0.50	\$39.61	\$19.81
6	senior planner	0.25	\$42.50	\$10.63
7	development consultant	0.25	\$90.00	\$22.50
8	building inspector	0.25	\$85.00	\$21.25
9	public works	0.25	\$40.00	\$10.00
10	Notice to adjacent neighbours prepared & sent	1.50	\$39.61	\$59.42
11	Preparation of Report to Board	2.00	\$39.61	\$79.22
12	Secretary attends BoV meeting	1.00	\$39.61	\$39.61
13	Order Prepared if granted	0.50	\$39.61	\$19.81
15	Applicant advised of outcome	0.25	\$39.61	\$9.90
			TOTAL	\$371.38

Board of Variance Appeal				
<i>Subdivision Servicing Requirements (same as above except for line 7 & total)</i>				
7	development consultant	3.00	\$90.00	\$270.00
				\$618.88

Board of Variance Appeal				
<i>Extent of damage determined by Building Inspector (same as above except for line 8 & total)</i>				
8	building inspector	2.0	\$85.00	\$170.00
				\$520.13

Other Jurisdictions

City of Courtenay: \$250 all applications

Town Comox: \$300 all applications

Regional District: \$250 (residential) & \$1000 all other