



**COUNCIL FOR THE CITY OF PORT ALBERNI**

# **AGENDA PACKAGE**

**TUESDAY, APRIL 10, 2007**

## **CONTENTS**

- **Meeting Schedule**
- **Regular Council**

**CITY OF PORT ALBERNI – MEETING SCHEDULE  
TUESDAY, APRIL 10, 2007**

1:00 pm	Tour of new Assisted Living Facility	BY INVITATION
6:00 pm	Special In-Camera Meeting <i>@ Committee Room</i>	CLOSED TO PUBLIC
7:00 pm	Regular Council Meeting <i>@ Council Chambers</i>	OPEN MEETING

**DATES TO NOTE**

<b>Apr 13 to 15</b>	Association of Vancouver Island & Coastal Communities (AVICC) Convention	BY INVITATION
<b>Mon. Apr 16</b> Noon	Advisory Planning Commission (Councillor Mealey) <i>@ Committee Room</i>	OPEN MEETING
2:00 pm	Port Authority Board/Council Re: Uptown Waterfront Redevelopment Study <i>@ Committee Room</i>	BY INVITATION
<b>Mon. Apr 23</b> 2:00 pm	Boundary Study Committee (Councillors Chopra, Mealey, McLeman) <i>@ Committee Room</i>	OPEN MEETING
4:00 pm	Audit Committee Meeting (Councillor Chopra, Whiteman, McLeman) <i>@ Committee Room</i>	OPEN MEETING
7:00 pm	Regular Council Meeting <i>@ Council Chambers</i>	OPEN MEETING
<b>Wed. Apr 25</b> 2:00 pm	Island Coastal Economic Trust Presentation (all Council) <i>@ Regional District Board Room</i>	BY INVITATION

# A G E N D A

## REGULAR MEETING OF COUNCIL

TUESDAY, APRIL 10, 2007 AT 7:00 PM  
IN THE CITY HALL COUNCIL CHAMBERS

### PRESENT:

#### A. APPROVAL OF AGENDA (including introduction of late items)

1. Late items identified by Councillors.
2. Late items identified by the City Clerk.

*That the agenda be approved as circulated with the addition of late items as outlined.*

#### B. ADOPTION OF MINUTES - Page 1

1. Regular Council Meeting held March 26, 2007 at 7:00 pm.

#### C. DELEGATIONS

##### 1. **Community Arts Council of the Alberni Valley** - Page 11

Gareth Flostrand of the Community Arts Council in attendance to invite Mayor and Council to participate in their Mosaic walk on April 23, 2007 as part of Arts and Culture Week.

##### 2. **Chamber of Commerce/Alberni Valley Tourism (Karen Goldby)** (KW) - Page 12

In attendance to provide a status report on the branding exercise undertaken by the AV Tourism and the Chamber of Commerce.

##### 3. **Bev Denning – SOS Committee** - Page 14

To address Council regarding issues relating to West Coast General Hospital.

**4. Mike and Jeanette Steves – Sunbird Disposal and Recycling - Page15**

In attendance to address Council regarding the issue of recycling and the contracting out of disposal services in the Valley.

**D. PROCLAMATIONS**

**1. Parkinson Society British Columbia (CS) - Page 16**

Letter dated March 26, 2007 advising that the month of April is "Parkinson's Awareness Month" and requesting that April, 2007 be declared as "Parkinson's Awareness Month" in Port Alberni.

*That the letter be received and the month be proclaimed as requested.*

**2. Mount Klitsa Garden Club (CM) - Page 18**

Email dated April 3, 2007 requesting that "Broombusting Week" be changed to June 3 – 9, 2007.

*That Council for the City of Port Alberni rescind the motion proclaiming June 17 – 23, 2007 as "Broombusting Week" in the City of Port Alberni.*

*That Council for the City of Port Alberni declare June 3 – 9, 2007 as "Broombusting Week" in Port Alberni, that citizens be permitted to drop off cut broom at a suitable site to be determined and that the City support the request to the Alberni-Clayoquot Regional District that fees for broom brought to the landfill site during that week be waived.*

**E. CORRESPONDENCE FOR ACTION**

**1. Vancouver Island Economic Alliance (CS) - Page 19**

Letter dated March 23, 2007 introducing the Vancouver Island Economic Alliance and inviting Council to become a member. (\$1,000 Membership Fee for communities over 10,000).

**2. Union of British Columbia Municipalities (CS) - Page 26**

Fax received March 29, 2007 regarding the Ministry of Attorney General's Green Paper on Reforming BC's *Limitation Act* and requesting support of the UBCM's resolution on this topic.

*That Council for the City of Port Alberni endorse the UBCM's resolution to petition the provincial government to reduce the ultimate limitation period from 30 years to 10 years and further that the provincial government require all participants in the building system to have insurance.*

**3. Shape Properties (CM) - Page 28**

Letter dated March 29, 2007 regarding the rezoning application for Post Office use at the Pacific Rim Shopping Centre and requesting that this use be allowable under all C2 zoned properties.

*That Council for the City of Port Alberni refer Shape Properties letter regarding Post Office use zoning to the Advisory Planning Commission for consideration.*

**4. Canadian Union of Public Employees (CS) - Page 29**

Letter dated March 21, 2007 providing information regarding the Trade, Investment and Labour Mobility Agreement and requesting that Council consider a motion to ask that this agreement not be imposed on municipalities and also request public hearings be held to allow all British Columbians to express their views on the agreement.

*That the letter from CUPE BC be received.*

**5. BC Hydro (JM) - Page 37**

Letter dated March 30, 2007 inviting the City of Port Alberni participate in the "Turn It Off Challenge" between June 1<sup>st</sup> and August 31<sup>st</sup>, 2007.

**6. Island Corridor Foundation (CS) - Page 39**

Letter dated March 27, 2007 providing copies of the Rail Track License between the Island Corridor Foundation and City of Port Alberni for operation of the train to McLean Mill until December 31, 2007 for a license fee of \$5,000.

*That Council for the City of Port Alberni authorize the Mayor and City Clerk to execute the Rail Track License Agreement as presented.*

**7. Clint Dow - Waters Edge Bistro (CS) - Page 52**

Letter dated April 2, 2007 from Clint Dow owner of the Waters Edge Bistro requesting permission to sublease his restaurant at the Harbour Quay.

*That Council for the City of Port Alberni agree to the request of Mr. Clint Dow of the Waters Edge Bistro to sublease the premises to Thomas Geiger of 330 Albion Street, Nanaimo BC, subject to the City's review of the sublease agreement to confirm all duties and responsibilities of the tenant are accounted for.*

**F. INFORMATIONAL CORRESPONDENCE**

**1. Baltimore County, Maryland - Page 53**

Letter dated March 22, 2007 from James T. Smith Jr., County Executive, responding to Mayor McRae's letter to TimberWest, expressing their interest in retaining one of the Martin Mars Water Bombers and in developing community to community collaboration related to our common Mars heritage. *(Copy of Mayor McRae's letter attached)*

**2. Canadian Association of Home & Property Inspectors (BC) - Page 57**

Letter dated March 20, 2007 advising that the National Certification Program for house and home inspectors is up and running in BC.

**3. Ministry of Energy, Mines and Petroleum Resources - Page 62**

Letter dated March 21, 2007 advising of the recent reorganization within the Ministry of Energy, Mines and Petroleum Resources.

**4. City of Abashiri - Page 64**

Letter dated March 14, 2007 expressing their appreciation that the Twinning Society has appointed a new board of directors and will continue the Sister City relationship.

**5. Union of British Columbia Municipalities - Page 65**

Email dated March 28, 2007 providing information regarding the Trade, Investment and Labour Mobility Agreement (TILMA) and advising they continue to address TILMA on their members behalf.

**6. Berni Pearce - Page 67**

Email dated April 3, 2007 providing the legal opinion of Steven Shrybman regarding the Trade, Investment and Labour Mobility Agreement (TILMA).

**7. Pamela Day - Page 70**

Email received March 29, 2007 regarding the Watershed Protection Project that was presented to the Alberni Clayoquot Regional District on March 28<sup>th</sup> and urging reconsideration of the proposal.

**8. Jerri Jelinek - Page 71**

Letter received March 30, 2007 expressing her concerns regarding garbage and recycling in the Alberni Valley.

**9. Union of British Columbia Municipalities - Page 77**

Letter dated March 20, 2007 announcing that the 2005 Community Tourism Program (Phase 1) Alberni Valley Tourism Initiative application for funding has been approved in the amount of \$85,000, bringing the total Phase 1 entitlement for the City of Port Alberni to \$124,531.23.

**10. Union of British Columbia Municipalities - Page 79**

Fax dated March 23, 2007 regarding the Bylaw Dispute Adjudication System and requesting participation in an online survey intended to gather information on local government interest in, and awareness of, the Bylaw Dispute Adjudication System.

**11. Ty Watson House - Page 80**

News release dated April 4, 2007 advising that an agreement has been reached between Vancouver Island Health Authority and the Alberni Valley Hospice Society for provision of palliative care services at Ty Watson House.

*That Informational Correspondence items numbered 1 through 11 be received and filed.*

## **G. UNFINISHED BUSINESS**

*(From March 26, 2007 Regular Council Meeting)*

### **1. Tofino Bus Services Ltd. - Page 82**

Email from Tofino Bus Services Ltd. explaining their updated schedule.

## **H. BYLAWS**

### **1. "5 Year Financial Plan 2007-2011, Bylaw No. 4657" (CS)**

*That "5 Year Financial Plan 2007-2011, Bylaw No. 4657" be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4657.*

### **2. Tax Rates 2007, Bylaw No. 4658 (CS)**

To be distributed at the meeting.

*That "Tax Rates 2007, Bylaw No. 4658 " be now introduced and read a first time.*

*That "Tax Rates 2007, Bylaw No. 4658 " be read a second time.*

*That "Tax Rates 2007, Bylaw No. 4658 " be read a third time.*

### **3. "Official Community Plan, Bylaw No. 4602, 2005" (CM)**

Public Hearing Report from the Public Hearing held April 4, 2007 at Echo Centre to be distributed at the meeting. Official Community Plan, Bylaw No. 4602 provided for consideration of third reading and adoption or further direction as provided by Council.

*That the April 4, 2007 Public Hearing Report regarding Bylaw 4602 be received.*

*That "Official Community Plan, Bylaw No. 4602, 2005" be now read a third time.*

*That "Official Community Plan, Bylaw No. 4602, 2005" be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4602.*



## **I. REPORTS**

### **1. Accounts (HC)**

*That the certification of the Director of Finance dated April 10, 2007 be received and the cheques numbered to inclusive, in payment of accounts totalling be approved.*

### **2. Engineering and Public Works (JM) - Page 83**

Monthly report from the City Engineer providing information about current departmental operations.

### **3. Planning (CM) - Page 85**

Monthly report from the City Planner providing information about current departmental operations.

### **4. Fire Department (CS) - Page 86**

Monthly report from the Fire Department providing information about current departmental operations.

### **5. Director of Finance - Transit Operating Agreement (CS) - Page 88**

Report dated March 26, 2007 regarding the 2007/08 Port Alberni Annual Transit Operating Agreement.

*That the report from the Director of Finance dated March 26, 2007 be received and Council for the City of Port Alberni approve the 2007/08 Annual Operating Agreement for transit services in Port Alberni.*

### **6. Director of Parks and Recreation - Amendment to VIHA Lease (CS) - Page 92**

Report from the Director of Parks and Recreation Department regarding a proposed amendment to the lease with Vancouver Island Health Authority for 4711 Elizabeth Street.

*That Council for the City of Port Alberni amend the lease with VIHA for the medical clinic to include the upper floor space under the same terms and conditions as the original lease and the Mayor and City Clerk be authorized to sign the amended lease agreement on behalf of the City.*

**7. City Planner – Development Variance Permit – 3596 Huff Drive (CM) -  
Page 96**

Report dated March 29, 2007 for Council to consider the issuance of a Development Variance Permit (No. 61) for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182).

*That the report from the City Planner dated March 29, 2007 regarding proposed Development Variance Permit No. 61, be received and Council proceed with consideration of the Development Variance Permit.*

- a) Introductory remarks by the Chair – Input received from the public and applicant and comments by staff and Council will form part of the record of input into the Development Variance Permit application.
- b) Background information from City Planner (NOTE: Members of the Public and Council will have the opportunity to ask questions of City Staff later on in this meeting.)
- c) Late correspondence regarding the matter (to be read by the Clerk).
- d) Presentation by the Applicant.
- e) Input from the Public (Members of the Public, in making their presentations, may also ask questions, through the Chair, of City Staff and/or Applicant.)
- f) Questions from Council (Members of Council may ask questions, through the Chair, of City Staff, the Applicant or of the members of the public who may have spoken.)
- g) Recommended resolution:

*That Development Variance Permit No. 61 vary Zoning Bylaw #4395 as follows:*

*Vary Section 6.1.4 (a) Conditions of Use Side Yard Setback for the West Side Yard from 2.13 metres to 1.5 metres for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182).*

*for the land legally described as Lot A, District Lot 92, Alberni District, Plan VIP67182, be authorized by resolution of the City Council on April 10, 2007.*

**8. City Engineer – Terasen Gas (JM) - Page 106**

Report dated April 3, 2007 from the City Engineer regarding the change in Terasen Gas Line Field Locate Policy recommending Council support the City of Nanaimo's resolution at the AVICC that requests to amend the Gas Safety Regulation to require the gas utility to locate their underground utility in the vicinity of excavation work.

*That Council for the City of Port Alberni support the City of Nanaimo's resolution at the AVICC Conference to amend the Gas Safety Regulation.*

**9. Current Status Report (HC) - Page 110**

*That the Current Status Report be received.*

**10. Mayor's Report**

**11. Councillors' Reports**

**J. QUESTION PERIOD**

An opportunity for the public and the press to ask questions of the Mayor and Council.

**K. OTHER COMPETENT BUSINESS**

**L. ADJOURNMENT**

*That the meeting adjourn at     pm.*

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 26,  
2007 AT 7:00 PM IN THE CITY HALL COUNCIL CHAMBERS**

**PRESENT:** Mayor McRae, Councillors Chopra, McLeman, Mealey, Patterson, Solda and Whiteman

**A. APPROVAL OF AGENDA (including introduction of late items)**

*Mealey/Patterson*

*That the agenda be approved as circulated with the addition of late item E. 9 Port Alberni Operation Trackshoes – Tag Day request.*

*Carried*

**B. ADOPTION OF MINUTES**

*Mealey/McLeman*

*That the minutes of the March 12, 2007, Budget Meetings held on March 13 and 14, 2007 and the Special Council Meeting held on March 15, 2007 be approved as circulated.*

*Carried*

**C. DELEGATIONS**

**1. Canadian Award for Financial Reporting**

The Mayor presented the Director of Finance with the Canadian Award for Financial Reporting.

**2. Leslie Wright, Mount Klitsa Garden Club**

Leslie Wright and Heather Washburn of the Mount Klitsa Garden Club discussed eradicating scotch broom in our area and declaring "Broombusting Week" in June.

*Whiteman/Mealey*

*That Council for the City of Port Alberni declare June 17 – 23 as "Broombusting Week" in Port Alberni, that citizens be permitted to drop off cut broom at a suitable site to be determined and that the City support the request to the Alberni-Clayoquot Regional District that fees for broom brought to the landfill site during that week be waived.*

*Carried*

**3. Marta Williamson**

Marta Williamson provided a presentation regarding updates to Port Alberni's Heritage Registry and new approaches to heritage.

Councillor Solda declared a potential conflict of interest with respect to Item C. 4. as she is an employee of the developer. She left the meeting at 7:35 pm.

**4. Jochem Juurlink**

Jochem Juurlink discussed the ongoing problems at the Canada Post building.

Councillor Solda returned to the meeting at 7:44 pm.

**5. Lynne Schroeder**

Attended at the invitation of Councillor McLeman to introduce herself to Council as the new CUPE Local 118 President.

**D. PROCLAMATIONS**

**1. British Columbia Paraplegic Association**

*McLeman/Mealey*

*That the letter dated March 6, 2007 requesting that June 12, 2007 be declared as "BC Paraplegic Association Day" in the City of Port Alberni be received and the day proclaimed as requested.*

*Carried*

**E. CORRESPONDENCE FOR ACTION**

**1. Uptown Merchants Association**

*Solda/Chopra*

*That the letter dated March 14, 2007 be received, and Council for the City of Port Alberni endorse the Uptown Merchants Association Community Clean Up, and Council request that they bring forward specific information regarding their request of the City, identify areas to be cleaned up and the dates of the event for consideration of Council.*

*Carried*

**2. Uptown Merchants Association**

*McLeman/Whiteman*

*That the letter received March 14, 2007 requesting the closure to regular traffic on 3<sup>rd</sup> Avenue between Argyle and Mar Street and closing the cross street to 3<sup>rd</sup> Avenue at Angus Street from mid morning to dusk to accommodate a Sidewalk Sale and Street Fair, be received and Council concur with the request subject to notification of the event date, notification of emergency services, consultation with all affected businesses to minimize potential conflict and traffic concerns and provision of standard liability insurance.*

*Carried*

**3. Bill Lekich**

*Patterson/Mealey*

*That the email received March 14, 2007 regarding budget cuts at the Alberni Valley Museum be received and filed.*

*Carried*

**4. Alexandra Pazitch**

*Patterson/Mealey*

*That the email received March 19, 2007 requesting that the 2008 Port Alberni Municipal Elections provide two polling stations, one for the north side of Port Alberni and one for the south side of Port Alberni as well as providing free bus transportation to the polling stations, be received.*

*Carried*

*Patterson/McLeman*

*That staff investigate the cost of providing free bus transportation to the polling station on election day.*

*Carried*

**5. Tsawaayuus (Rainbow Gardens)**

*Mealey/Solda*

*That the letter dated March 15, 2007 be received and that Council for the City of Port Alberni agree to the request of Tsawaayuus (Rainbow Gardens) and the Restrictive Covenant for an Option to Purchase be released from title for the property at 6151 Russell Place at their expense.*

*Carried*

**6. Coalition of Child Care Advocates of BC**

*Solda/Mealey*

*That the letter and DVD received March 15, 2007 regarding the child care crisis in British Columbia be received and that Council for the City of Port Alberni endorse the March 15, 2007 resolution included in their letter.*

*Carried*

**7. Heart and Stroke Foundation of BC & Yukon**

*McLeman/Mealey*

*That the letter dated March 16, 2007 requesting permission to use City streets for the "Big Bike Ride for Stroke" event on May 30, 2007, from 9:00 am to 8:00 pm, and advising that the route begins and ends at Roger Creek Park, be received and the request endorsed by Council subject to standard liability insurance requirements.*

*Carried*

**8. Lyle Price**

*Solda/Chopra*

*That the letter dated March 21, 2007 requesting that the eight residences on Franklin River Road enter into an agreement with the City to have the City Fire Department provide fire protection to these residences, be received and staff directed to identify operational challenges, develop a plan and provide a report for Council's consideration.*

*Carried*

**9. Port Alberni Operation Trackshoes – Alberni Valley Energizers**

*Solda/Mealey*

*That the letter received March 23, 2007 requesting a tag day on April 25, 2007 be received and the requested granted.*

*Carried*

**F. INFORMATIONAL CORRESPONDENCE**

**1. Tofino Bus Services Ltd.**

Email dated March 7, 2007 from Dylan Green of Tofino Bus Services to Mayor McRae, indicating that the application by Tofino Bus remains before the Board and the March 29, 2007 hearing has been cancelled.

**2. Trevor W. Jackson**

Email dated March 8, 2007 concerned Tofino Bus schedule has changed, limiting their bus trips to Vancouver.

3. **Alberni District Historical Society**  
Letter dated March 9, 2007 advising of their request to TimberWest Forest Corp. to allow the Alberni District Historical Society to retain all historical information pertaining to the Martin Mars Flying Tankers.
4. **Union of British Columbia Municipalities**  
Fax dated March 9, 2007 announcing that they have finalized the Spring Conference Program which includes a wide range of offerings.
5. **Group of Gabriola Island Residents**  
Letter dated March 2, 2007 expressing concerns about the BC – Alberta agreement "Trade, Investment and Labour Mobility Agreement" and providing articles and discussion papers on the subject.
6. **Jenny Kwan, Official Opposition**  
Letter dated March 7, 2007 informing council that the Trade, Investment, and Labour Mobility Agreement (TILMA) is set to take effect April 1, 2007 and encouraging local governments to pass a motion or write a letter to Premier Campbell and Minister Hansen.
7. **Vancouver Island Health Authority**  
Letter dated March 16, 2007 replying to Mayor McRae's letter of February 28, 2007 in regard to health services in Port Alberni.
8. **Union of British Columbia Municipalities**  
Fax dated March 19, 2007 regarding the 2007 West Nile Risk Reduction Funding now available for communities.
9. **The Council of Canadians**  
Letter dated March 12, 2007 expressing concerns about the BC – Alberta agreement "Trade, Investment and Labour Mobility Agreement" and providing an article on the subject.
10. **Ministry of Energy, Mines and Petroleum Resources**  
Letter dated March 16, 2007 regarding the Government of British Columbia's new Energy Plan: A Vision for Clean Energy Leadership.
11. **Vancouver Island Emergency Preparedness Conference**  
Information received March 19, 2007 regarding the upcoming Vancouver Island Emergency Preparedness Conference on May 11, 12, & 13, 2007.
12. **District of West Vancouver**  
Letter dated March 16, 2007 expressing concerns with regard to inequities in the Home Owner Grant program and request that the Homeowner Grant regulations be made equitable and applied uniformly across the Province.



13. **Public Works and Government Services Canada**  
Letter dated March 13, 2007 explaining that they are continuing to negotiate with Canada Post Corporation with the objective of securing a new lease agreement.
14. **The Corporation of the Village of Montrose**  
Letter dated March 7, 2007 expressing concerns on the reduction of child care programs in British Columbia.
15. **Charlie Wyse, MLA**  
Email received March 15, 2007 regarding Mr. Wyse's response to the budget speech on TILMA.

*McLeman/Mealey  
Regarding item F. 4, that Council for the City of Port Alberni provide a letter supporting the Alberni District Historical Society request to retain historical information pertaining to the Martin Mars Flying Tankers.*

*Carried*

*Mealey/Whiteman  
That Informational Correspondence items numbered 1 through 15 be received and filed.*

*Carried*

**G. UNFINISHED BUSINESS**

*(From March 12, 2007 Regular Council Meeting)*

**1. Union of British Columbia Municipalities**

*McLeman/Solda*

*That the following resolution be provided for consideration at this year's annual UBCM Convention:*

*WHEREAS resource communities are being impacted by extensive financial challenges to both business and local government, which is resulting in an increase in poorly maintained and run down commercial buildings that diminish the positive image and ability for a community to revitalize and improve its financial state;*

*WHEREAS the province has provided modest programs to local governments such as the revitalization tax exemption that are ineffective in fiscally challenged resource communities, that do not have a large enough tax base to assume the reallocation of the tax burden;*

*AND WHEREAS there needs to be a second look at ways for the province to partner with local governments to create effective incentives for property owners to work with government to revitalize resource communities:*

*THEREFORE BE IT RESOLVED THAT the UBCM request that the province meet to develop effective revitalization programs for the provinces resource communities, including an investigation into tax restructuring to eliminate disincentives to upgrade buildings and reintroduction of the Downtown Revitalization Program.*

*Carried*

**H. BYLAWS**

**1. "5 Year Financial Plan 2007-2011, Bylaw No. 4657"**

*Chopra/Mealey*

*That the report from the City Clerk dated March 22, 2007 regarding preparation of the Budget Bylaw, be received.*

*Carried*

*Chopra/Mealey*

*That "5 Year Financial Plan 2007-2011, Bylaw No. 4657", be now introduced and read a first time.*

*Carried*

*Chopra/Whiteman*

*That "5 Year Financial Plan 2007-2011, Bylaw No. 4657", be read a second time.*

*Carried*

*Chopra/McLeman*

*That "5 Year Financial Plan 2007-2011, Bylaw No. 4657", be read a third time.*

*Carried*

**I. REPORTS**

**1. Accounts**

*Chopra/Mealey*

*That the certification of the Director of Finance dated March 26, 2007 be received and the cheques numbered 94964 to 95155 inclusive, in payment of accounts totalling \$760,919.84 be approved.*

*Carried*

**2. Manager of Human Resources and Community Development**

*Chopra/Mealey*

*That the monthly report from the Manager of Human Resources and Community Development providing information about current departmental operations, be received.*

*Carried*

**3. RCMP**

*Solda/Mealey*

*That the monthly report from the OIC, Port Alberni providing information about current departmental operations, be received.*

*Carried*

**4. Alberni Valley Museum**

*Patterson/Mealey*

*That the monthly report from the Director of the Alberni Valley Museum providing information about current departmental operations and events, be received.*

*Carried*

**5. Bylaw Enforcement Officer/Business License Inspector**

*Solda/McLeman*

*That the report dated March 15, 2007 from the Bylaw Enforcement Officer/Business License Inspector advising that voluntary compliance is in process and is expected to continue until the work is completed to satisfaction at the nuisance premises at 5165 Golden Street, be received.*

*Carried*

**6. City Clerk**

*Chopra/Solda*

*That the report dated March 20, 2007 regarding the status of the Fisheries Legacy Trust, be received.*

*Carried*

**7. Alberni Valley Museum and Heritage Commission**

*Patterson/Mealey*

*That the minutes from the meeting held March 7, 2007 be received and filed.*

*Carried*

**8. Advisory Planning Commission**

*Mealey/Chopra*

*That the minutes from the meeting held March 19, 2007 be received and the following recommendations endorsed:*

- a) Vary section 6.1.4(a) Conditions of Use Side Yard Setback for the West Side Yard from 2.13 metres to 1.5 metres for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182); and*
- b) That Council give notice of intent to consider the issuance of a Development Variance Permit for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182)*

*Carried*

**9. Boundary Study Committee**

*Chopra/Mealey*

*That the report from the City Clerk dated March 22, 2007 and minutes for the March 12, 2007 meeting of the committee, be received and Council for the City of Port Alberni endorse the prepared letter to property owners within and adjacent to the City watershed as outlined on the map attached to the letter and direct the committee to consult the owners and report back to Council.*

*Carried*

**10. Mayor's Report**

The Mayor reported on recent activities and matters of current interest.

*Mealey/Patterson*

*That the Mayor's report be received.*

*Carried*

**11. Councillors' Reports**

The Councillors reported on recent activities related to their various portfolios.

*Mealey/McLeman*

*That the Councillors' reports be received.*

*Carried*

**J. QUESTION PERIOD**

There were no questions from the public or the press.

K. **OTHER COMPETENT BUSINESS**

NIL

L. **ADJOURNMENT**

*Mealey/Patterson  
That the meeting adjourn at 8:55 pm.*

\_\_\_\_\_  
Mayor

  
Clerk

L:\Council\RegularCouncilMeetings\Minutes\March262007f.doc

"Gareth Flostrand"  
<admindcac@alberni.net > To <Russell\_Dyson@city.port-alberni.bc.ca>  
> cc  
03/29/2007 03:16 PM Subje City Council Meeting  
ct

Russell:

The Community Arts Council of the Alberni Valley would like to appear at the City Council meeting on Tues. Apr. 10th to invite the mayor and council to participate in our Mosaic walk on Apr. 23rd. This walk is part of Arts & Culture Week & honours the Volunteer Spirit of Port Alberni.  
Thank you for your consideration of this request.

Mrs. Gareth Flostrand  
Arts Administrator  
Rollin Art Centre  
Port Alberni, B.C.



Russell Dyson/CPA/ca

04/03/2007 12:59 PM

To Mike Carter <manager@avcoc.com>@EMC

cc Scott Smith/CPA/ca@CPA, Davina Sparrow/CPA/ca@CPA

bcc

Subject RE: Sign Plan and Branding

That is great Mike, thanks for doing this, please be there for the start of the meeting at 7:00pm. Let me know if you have any slides to show / powerpoint or ??

Russell Dyson  
City Clerk  
City of Port Alberni  
Phone (250) 720-2810  
Mike Carter <manager@avcoc.com>



Mike Carter  
<manager@avcoc.com>

04/03/2007 12:56 PM

To Russell\_Dyson@city.port-alberni.bc.ca

cc

Subject RE: Sign Plan and Branding

Russell:

Don't know if Karen responded to this request, but there will be a delegation representing the Chamber of Commerce and Alberni Valley Tourism (Tourism Advisory Council) attending the Tuesday evening meeting. Karen Goldby will probably be the presenter, backed up by a cast of a dozen or so. We will be requesting that the "way finding" sign program await the rebranding of the Alberni Valley. We will have a timeline, some graphics to show Council and a lot of good reasons why all signage should support the new brand. If the new brand doesn't have the support of the City, RD, School Board, businesses and organizations - it simply won't work. We will also announce the company that will be contracted to take us through the process, along with the process timeline. What time do you want us there?

Questions?

mc

-----Original Message-----

From: Russell\_Dyson@city.port-alberni.bc.ca  
[mailto:Russell\_Dyson@city.port-alberni.bc.ca]  
Sent: Tuesday, March 27, 2007 3:15 PM  
To: k.goldby@hospitalityinnportalberni.com  
Cc: worklynx@shaw.ca; Scott\_Smith@city.port-alberni.bc.ca;  
Jean\_McIntosh@city.port-alberni.bc.ca; manager@avcoc.com;  
Dwayne.Parfitt@scotiabank.com; Guy\_Cicon@city.port-alberni.bc.ca;  
Ken\_Watson@city.port-alberni.bc.ca; ken\_mcrae@city.port-alberni.bc.ca;  
Davina\_Sparrow@city.port-alberni.bc.ca  
Subject: Sign Plan and Branding

As you know the City has been developing a comprehensive sign plan.  
This

ENTERED

has involved input from a consultant and extensive consultation with various community interests. The signs are a costly project and are intended to provide long term utility for tourists finding their way through our town to our great resources and attractions.

AV Tourism has embarked on a branding exercise and ideally this would be part of the sign plan. Council delayed implementation of the plan in order to accommodate the branding exercise of Alberni Valley Tourism. Council gave until the end of March to receive input from AV Tourism. Last night at the regular meeting of Council the question was asked when the City would be receiving the brand input.

I would very much appreciate AV Tourism and the Chamber of Commerce providing a status report at the next regular meeting of Council. Can you let them know when the input will be received and what they might expect in terms of changes to the design of the signs? Please let me know if this is possible. Our next regular meeting is Tuesday April 10, 2007.

Russell Dyson  
City Clerk  
City of Port Alberni  
Phone (250) 720-2810



Port Alberni SOS Committee  
c/o 4010 Rex Road  
Port Alberni, B.C.  
V9Y 1V5  
April 4, 2007

Mr. Russell Dyson  
City of Port Alberni

SENT BY FAX to 723-1003

Dear Mr. Dyson:

Re: SOS - Request to Address City Council on April 10<sup>th</sup>

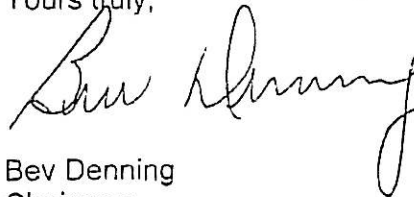
Would you please place the SOS on your agenda as a petitioner for the City Council meeting scheduled for Tuesday, April 10<sup>th</sup>, to speak regarding Howard Waldner's recent letter to City Council.

I will be speaking on behalf of SOS.

Issues that will be addressed are recent changes in the supplies department at WCGH and chronic overcrowding at our hospital.

Please phone if there is any problem with this (work 724-0111).

Yours truly,



Bev Denning  
Chairman  
Port Alberni SOS Committee

ENTERED

C.3

April 4/07

RECEIVED

APR 04 2007

CITY OF PORT ALBERTA

Dear Mayor & Council,

We are asking for an audience with you to discuss our concerns over the issue of recycling and 4th ave site, and the contracting out of services being provided locally, currently by private enterprise.

We also would like to address the issue of garbage services being provided in the Valley, which apparently are not being tendered out.

Sincerely,

Mita & Jennette Stoves  
Sunbird Disposal & Recycling.

RECEIVED

APR 01 2007

CITY OF PORT ALBERNI

Parkinson Society British Columbia  
Port Alberni Support Group  
2830 16<sup>th</sup> Avenue  
Port Alberni, B.C.  
V9Y 3A2

March 26, 2007

Mayor Ken McRae  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, B.C..  
V9Y 1V8

Dear Mayor McRae:

**April is Parkinson's Awareness Month** and I am hoping that the City of Port Alberni will once again join with other communities across Canada and issue a proclamation declaring April 2007, Parkinson's Awareness Month in Port Alberni.

Your proclamation would assist us with one of our major goals which is to increase public awareness regarding this devastating neurological disorder.

Parkinson's is the second most common chronic neurodegenerative disorder caused by a loss of dopamine in the brain. British physician Dr. James Parkinson was the first in modern medicine to identify the symptoms of Parkinson's which include tremor, rigidity, slowness of movement, impaired walking, difficulty with balance, sleep disturbance and mood disorders. There is currently no cure for this condition

Parkinson Society British Columbia was established 38 years ago in order to address the personal and social consequences of Parkinson's disease through advocacy, education, community outreach, scientific research and public awareness.

It is estimated that 7,000 in British Columbia, 100,000 in Canada and one million in the US live with PD and those numbers are expected to double by 2016. 40% of the new cases are diagnosed before the age of 60, many as young as 30.

I have taken the liberty of enclosing an outline for the proclamation and I thank you in advance for your consideration.

Sincerely,

Chris Hayhurst, Facilitator  
Port Alberni Support Group  
Parkinson Society British Columbia

Attachment

## **PARKINSON'S AWARENESS MONTH**

- WHEREAS Parkinson's disease, for which there is no known cause or cure, is a progressive, degenerative neurological disorder which causes tremor or trembling of the arms and legs, muscular rigidity, slowness of movement and difficulty with speaking and swallowing;
- AND WHEREAS Parkinson's affects approximately 7,000+ adults in the Province of British Columbia;
- AND WHEREAS Parkinson Society British Columbia is providing information, counselling, support services and educational seminars for people with Parkinson's and their families; and is promoting a better understanding of this disorder;
- AND WHEREAS it is desirable to increase the level of understanding of Parkinson's and the needs of persons suffering from Parkinson's:
- NOW, THEREFORE I, Ken McRae, Mayor of the City of Port Alberni, DO HEREBY PROCLAIM the month of April 2007 as

### **"PARKINSON'S AWARENESS MONTH"**

in the City of Port Alberni, British Columbia.

Heather Washburn  
<washburn@shaw.ca> To Russell\_Dyson@city.port-alberni.bc.ca  
04/03/2007 01:24 PM cc 'leslie wright' <lesliewright@telus.net>  
Subje RE: broom time  
ct

Hi Russell -

I received a message from Joanne Sales who as you know is broom busting in the Qualicum Beach area. She suggests that June 17 - 23 is a bit late as the broom seems to be blooming earlier every year (another global warming indicator??)

Her concern is that once the seeds have started to form they will continue to do so even after the plant is cut.

Would it create any problems for the City if we moved broom busting week to the first week in June (June 3-9)? My concern is that there would need to be motion to amend the first, another meeting, etc.

Thanks - Heather Washburn

ENTERED



RECEIVED  
MAR 28 2007  
CITY OF PORT ALBERNI

March 23, 2007

His Worship Ken McRae  
Mayor  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC  
V9Y 1V8

Your Worship:

I am writing to introduce the Vancouver Island Economic Alliance (VIEA) and to extend an invitation to your organization to participate in this exciting new initiative.

You recently received an invitation to attend the 2<sup>nd</sup> Vancouver Island Economic Summit in Nanaimo on April 3, 2007. This event has a very exciting agenda designed to provide you with insight into several of the most pressing business issues of the day. The Summit is just one example of the initiatives that the Alliance intends to undertake over the next year.

VIEA was conceived following the last Vancouver Island Economic Summit in response to the many comments from businesses and communities that identified the need for such an entity. During the past year we have established a Board of Directors, identified four priority initiatives, and completed a funding and operations plan for the next 12 months as outlined in the attached information circular.

The Vancouver Island Economic Summit on April 3<sup>rd</sup> will provide us with an opportunity to introduce our program and Board of Directors to a wider Vancouver Island business audience. It will also offer you, one of the business and economic development leaders on Vancouver Island, an opportunity to participate in our ongoing development efforts by joining the Alliance.

... 2

ENTERED

Page 2, March 23, 2007

I am enclosing a membership application form that you can fill out leave with our booth at the Summit. The Board of Directors will also be available at the Summit to address any questions you may have concerning the Alliance Organization.

I trust that you will find the Economic Summit to be informative and useful and I look forward to meeting with you in person during the day.

Yours truly,

A handwritten signature in black ink, appearing to read "Mike Hunter", with a stylized flourish at the end.

Mike Hunter  
Chairman,  
Vancouver Island Economic Alliance

MH/pg

Enclosures: (2)



## VANCOUVER ISLAND ECONOMIC ALLIANCE

The Vancouver Island Economic Alliance (VIEA), a new collaborative partnership that will spearhead regional economic development for the Vancouver Island region will provide a means for the multitude of communities, First Nations, businesses, and other key stakeholders to collaborate on a broad-based economic development program that improves the region's overall capacity for growth.

### **The Vancouver Island Economic Region**

The regional alliance includes all Island communities from Victoria to Port Hardy as well as the Northern and Southern Gulf Islands. The Vancouver Island Economic Alliance is one of three prototype economic development partnerships being developed with support from the Province's Ministry of Economic Development. The Alliance is premised on the following basic beliefs:

- **Shared economic issues that need more effective and informed leadership can be addressed through regional collaboration.**
- **The limited regional critical mass adds to the challenge of competing effectively in the global economy. We want to position Vancouver Island to be a serious contender for investment in BC.**
- **The considerable economic and social transition that is underway on Vancouver Island, from a mainly resource based extraction economy to more of an information and service based regional economy, presents challenges and opportunities that can best be addressed through collective action.**
- **Shared resources can increase access to the investment community and enhance our competitiveness and ability to attract skilled workers.**

Vancouver Island Economic Alliance  
PO Box 20055, Sidney, BC, V8L 5C9





## Why Become a Partner?

*The Vancouver Island Economic Alliance's collaborative approach to economic development offers many advantages to communities and businesses throughout the region:*

- ◆ Benefit from the shared vision and common economic development strategies and activities
- ◆ Region-wide investment profile
- ◆ Information exchanges and sharing
- ◆ Access to information and results
- ◆ Opportunity to network with public and private sector partners and project funders
- ◆ In-depth research and analysis on regional issues and opportunities
- ◆ Regional consolidation of business/ investment marketing and attraction activities
- ◆ Collaborative development of infrastructure and economic clusters in the region
- ◆ Opportunity to build critical mass, a stronger presence, and an organization that champions the region and its economy
- ◆ Collaborative approaches to more complex regional issues and larger scale projects
- ◆ Minimize overlap/duplication of economic development activities
- ◆ Business / investment retention and expansion program and activities
- ◆ Coordinated pooling and leveraging of resources (financial, human, physical)
- ◆ Leveraging of impacts of business / investment in the Alliance region
- ◆ Business / investment marketing of the region and the Alliance partners
- ◆ Strengthened individual community and organization economic development efforts
- ◆ Opportunity to participate and direct Alliance initiatives
- ◆ Significant leveraging of project funding
- ◆ Stronger, expanded regional economy and enhanced regional and community performance that benefits everyone

Vancouver Island Economic Alliance  
PO Box 20055, Sidney, BC, V8L 5C9



## **Our Partners Include Many Types of Organizations**

The Vancouver Island Economic Alliance includes a broad range of public sector, private sector and not-for-profit organizations as its partners. Our interim Board of directors includes representatives from the following businesses and organizations –

- **Vancouver Island Advanced Technology Centre**
- **Lafarge North America Ltd.**
- **Coast Capital Savings Credit Union**
- **Coastal Community Credit Union**
- **City of Nanaimo**
- **City of Parksville**
- **Alberni Clayoquot Community Futures Corporation**
- **Tourism Association of Vancouver Island**
- **Vancouver Island Real Estate Board**
- **University of Victoria Innovation and Development Corporation**
- **Nautsamawt Resources Group Inc.**

*We value the diversity of this multi-dimensional collaborative partnership.*

Vancouver Island Economic Alliance  
PO Box 20055, Sidney, BC, V8L 5C9



## Project Initiatives

*VIEA has identified four priorities that will form the basis of our work over the next 18 months.*

**Priority 1. - Develop a brand identity for Vancouver Island.** To compete effectively for investment and skills attraction in a global market we require a clear, positive and effective regional brand identity built upon core values and strengths found within the Vancouver Island/Coast region. The brand must be able to accommodate the independent visions of each community and would represent the long-term economic vision for Vancouver Island.

**Priority 2. – Establish a solid regional partnership committed to a collaborative and result focused approach to economic development for the Vancouver Island economic region.** A program to expand the regional Alliance network is key to promoting the region and achieving the business plan initiatives. Our initial major effort in this area, and one that we expect to become a semi-annual event, is the sponsorship and hosting of a Vancouver Island Economic summit which is scheduled for April 3, 2007.

**Priority 3. - Identify, promote, encourage, and support economic diversification and opportunity identification efforts in First Nations and remote communities in the region.** Working with local stakeholders, First Nation's leaders and program partners we will develop a program to assist with capacity and project development. As part of this effort we will undertake a review of strategic development sectors with particular focus on the marine tourism and aquaculture sectors.

**Priority 4. – The Alliance will undertake a program to actively promote Vancouver Island to investors and skilled employees.** We will develop an investment and skills attraction program that incorporates opportunities to participate in major investment attraction events (2008, 2010 & 2012 Olympics) and takes full advantage of the provincial investment attraction initiatives. In order to attract qualified employees we will likewise work with Provincial initiatives including the Provincial Nominee Program and the International Market Representatives program to promote the attractiveness of Vancouver Island for new investors and immigrants.

For further information about the Vancouver Island Economic Alliance please contact us at the following address by telephone or e-mail.

**Contact:** Mike Hunter, Chairman

**Phone:** 250-729-1208

**E-mail:** mike.hunter@shaw.ca

Vancouver Island Economic Alliance  
PO Box 20055, Sidney, BC, V8L 5C9



## 2007 Membership Application

Name \_\_\_\_\_  
Position \_\_\_\_\_  
Organization \_\_\_\_\_  
Business Address \_\_\_\_\_  
City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_  
E-Mail \_\_\_\_\_

### PAYMENT OF FEES:

\$500 (community under 10,000, small business, economic development organization, individual)

Or

\$1000 (community over 10,000 and Regional Districts, large businesses, industry associations, public institutions)

### PAYMENT OPTIONS

A cheque is enclosed (Please make all cheques payable to the Vancouver Island Economic Alliance)

Or

Please invoice \_\_\_\_\_ for the amount indicated above

Signature \_\_\_\_\_ Date \_\_\_\_\_

Vancouver Island Economic Alliance  
PO Box 20055, Sidney, BC, V8L 5C9



UNION OF  
BRITISH  
COLUMBIA  
MUNICIPALITIES

Suite 611  
10551 Shellbridge Way  
Richmond  
British Columbia  
Canada V6X 2W9  
604.270.6226  
Fax 604.270.9116  
ubcm@civinet.bc.ca

TO: Councils & Boards  
FROM: Brenda Binnie, UBCM President  
DATE: March 29, 2007  
RE: **OPPORTUNITY TO COMMENT ON CHANGES TO THE  
ULTIMATE LIMITATION PERIOD**

The Ministry of Attorney General has issued a Green Paper on Reforming BC's *Limitation Act* – accessible online at:

[www.ag.gov.bc.ca/legislation/pdf/GreenPaper.pdf](http://www.ag.gov.bc.ca/legislation/pdf/GreenPaper.pdf)

The Green Paper invites comments on a number of proposals/options but one of the most significant to UBCM members is the reduction in the ultimate limitation period. As explained in the Green Paper, "the *Limitation Act* sets limitation periods, that is, the maximum amount of time a person has to sue another. In other words, it sets deadlines for going to court to start a civil (non-criminal) lawsuit...Within the *Limitation Act*, there are two kinds of limitation periods: basic and ultimate. An ultimate limitation period is meant to mark the absolute outside time limit, beyond which a basic limitation period cannot extend."

UBCM has been advocating the reduction of the ultimate limitation period from 30 years to 10 years. This position is consistent with:

- 1990 BC Law Reform Commission paper on the ultimate limitation period;
- 2002 BC Law Institute paper on the same topic; and
- many other developments in Canada.

The most recent UBCM resolution on this topic was endorsed in 2006 and stated:

*WHEREAS joint and several liability can have a devastating financial impact on local governments;*

*AND WHEREAS local governments have no way of mitigating their chances of a joint and several liability occurrence happening;*

*THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to reduce the ultimate limitation period from 30 years to 10 years;*

*AND BE IT FURTHER RESOLVED that the provincial government require all participants in the building system to have insurance.*

ENTERED

We would urge you to support this position by contacting:

Limitation Act Review  
c/o Civil and Family Law Policy Office  
Justice Services Branch  
British Columbia Ministry of Attorney General  
PO Box 9222, STN PROV GOVT  
Victoria, BC V6W 9J1  
Email: CFLPO-Limitation@gov.bc.ca  
Fax: 250 387-1189

**Comments are invited until April 23, 2007, so I would ask you to act now.**

The UBCM Executive is meeting on April 20, 2007 and will respond to this and a number of the other questions posed. I urge you to take advantage of this opportunity to affect a significant aspect of local government liability exposure.

725:001:BB:Changes to Limitation Period Memo



1755 Two Bentall Centre, 555 Burrard Street, Box 206 Vancouver BC V7X1M9

**SHAPE**  
PROPERTIES

March 29, 2007

Mayor & Council  
c/o Mr. Russell Dyson, City Clerk  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC  
V9Y 2V8

**Re: Re-zoning Application for Post Office Use at Pacific Rim Shopping Centre**

We are writing with respect to the above noted re-zoning application. If council is to amend Pacific Rim's zoning to allow a "Post Office" use, the owners of Alberni Mall would like to be provided the same opportunity. In fact, in fairness to all property owners, if a "Post Office" use is to be allowable under a C2 zoning, we believe it should be allowable under all properties zoned C2 rather than being site specific which would provide an unfair advantage to one property owner over others.

Thank you in advance for taking our comments into consideration.

Yours truly,

**Shape Properties Corp.**  
**on behalf of Alberni Mall**

Per: *Brad Stokes*

ENTERED



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

RECEIVED

MAR 28 2007

CITY OF PORT ALBERNI

March 21, 2007

Mayor & Council  
City of Port Alberni  
4850 Argyle Street  
Port Alberni BC V9Y 1V8

Dear Mayor & Council:

On April 1, 2007, an agreement comes into force between Alberta and British Columbia that is going to have a major impact on the ability of both the province and local governments to serve their citizens.

TILMA, the Trade, Investment and Labour Mobility Agreement, is being characterized as a trade deal but it is much more than that. The agreement imposes enforceable provisions that will allow corporations to second-guess and challenge decisions municipalities take to protect and serve their citizens.

The Canadian Centre for Policy Alternatives has produced two excellent reports on TILMA: *Asking for Trouble*, by trade agreement analyst Ellen Gould, and *The Myth of Interprovincial Trade Barriers and TILMA's Alleged Economic Benefits*, by economists Marc Lee and Erin Weir. I am including a copy of the summary of Ellen Gould's paper with this letter. Both of these important reports can be found at:

<http://policyalternatives.ca/index.cfm?call=A2286B2A&act=main>

The key things for local governments to keep in mind are:

- The agreement guarantees that its "measures" will not operate to restrict or impair investment.
- The agreement covers all of BC's government entities (s. 2.1) and government entities include school boards and "regional, local, district or other forms of municipal government."
- Measures "includes any legislation, regulation, standard, directive, requirement, guideline, program, policy, administrative practice or other procedure." That includes bylaws.
- Local governments are exempt from TILMA for a two-year transition period (Section VI), however, during this period none of the "measures" can be "amended or renewed in a manner that would decrease consistency with this Agreement." (s. 9.4).
- Private companies can launch actions against local government measure under the agreement. However, it is the province that would pay penalties of up to \$5 million. Imagine how the provincial government would respond to a municipal policy that cost them that kind of money.

.../2

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

ENTERED

29

F.6



REGULAR COUNCIL AGENDA - APRIL 10 2007



RECEIVED  
MAR 28 2007  
CITY OF PORT ALBERT



CANADIAN UNION OF PUBLIC EMPLOYEES  
BRITISH COLUMBIA DIVISION  
210 - 4940 Canada Way, Burnaby British Columbia V2G 4T3  
www.cupe.bc.ca  
Tel: 604-291-9119 Fax: 604-291-9043

March 21, 2007

Mayor & Council  
City of Port Albert  
4550 Ayle Street  
Port Albert BC V8Y 1V8

Dear Mayor & Council:

On April 1, 2007, an agreement comes into force between Alberta and British Columbia that is going to have a major impact on the ability of both the province and local governments to serve their citizens.

TILMA, the Trade, Investment and Labour Mobility Agreement, is being characterized as a trade deal but it is much more than that. The agreement imposes enforceable provisions that will allow corporations to second-guess and challenge decisions municipalities take to protect and serve their citizens.

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<http://www.policyalternatives.ca/index.cfm?call=4338813&act=main>

The key things for local governments to keep in mind are:

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Benny O'Neil, President  
Mark Hancock, Secretary-Treasurer

Almost any local government bylaw, in one way or another, limits what business can do and in so doing, restricts investment. That covers everything from zoning for liquor stores to ethical purchasing policies and much, much more.

Local governments in BC are supposed to be autonomous. The Community Charter in its principles states: "Municipalities and their councils are recognized as an order of government within their jurisdiction." This agreement imposes enormous changes that completely deny that autonomy.

We believe there is room for public debate on many of the issues that might "restrict or impair" the rights of business in our communities. But we believe this must be a public policy debate that we hold in our communities. It must not be imposed by an agreement negotiated without discussion.

All of this was done with virtually no consultation outside of a few business organizations. Ask yourself: do you know anyone who had ever heard of TILMA before a few months ago?

We understand there may be disagreement over the interpretation of this agreement. But we hope you might consider a motion at your council that does two things. First we suggest that as an autonomous level of government you ask that this agreement not be imposed on municipalities. Your local government should have the right to decide if it chooses to be bound by this agreement. Second, we encourage you to ask for public hearings to permit all British Columbians to both have a chance to consider this agreement and to express their views. This agreement will impose major changes on our province. Letting our citizens have their say is the democratic thing to do.

Yours sincerely,



Barry O'Neill  
President  
CUPE BC Division

BON/LW  
COPE-15

P:\2007\Legislative mailings\all municipalities.frm.doc

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Yours sincerely,



Barry O'Neill  
President  
CUPE BC Division

BCUW  
COPE-12

17/07/07 - 10:00 AM - 10:00 AM

# SUMMARY



CCPA  
CANADIAN CENTRE  
for POLICY ALTERNATIVES  
BC Office



## Asking for Trouble

### The Trade, Investment and Labour Mobility Agreement

By Ellen Gould

In April 2006, the Alberta and BC governments signed a far-reaching agreement – the Trade, Investment and Labour Mobility Agreement (TILMA). Most of the agreement is scheduled to come into effect on April 1, 2007, with additional areas covered by April 1, 2009. TILMA's purpose, according to the BC government, is "breaking down all of the economic barriers between the two provinces."

TILMA raises some major questions about democratic governance, both in terms of how the deal was struck, and in potential impacts of the agreement itself on democratic decision-making. In addition to its clear constraints on public policy, TILMA contains many provisions that are open to interpretation. The true meaning of many of these clauses will not be fully understood until the limits are tested by a dispute panel process that enables the parties to the agreement, individuals, and corporations to launch complaints against governments, and to be awarded compensation for violations.

This paper compares the legal language of TILMA to the existing structure of regulations and public enterprises, and finds numerous troubling examples where democratic decision-making could be second-guessed, or over-ruled, by dispute panels. Based on the analysis in this paper, it is recommended that TILMA not be implemented in BC and Alberta, and that other provinces not sign onto the agreement.

#### **TILMA Privileges Private Sector Investment Over Public Interest Objectives**

The BC and Alberta governments have chosen to subject all areas within provincial and local government jurisdiction to TILMA and only allow exceptions that are explicitly listed. The "top-down" approach to negotiating an agreement is risky because it requires that governments anticipate the full legal jeopardy TILMA poses for all measures they might want to safeguard, now or in the future.

TILMA requires governments not to "restrict" or "impair" trade, investment or labour mobility. Yet, by their very nature, government programs and Crown corporations confine private investment within certain limits by providing some services that otherwise might profitably be provided by the private sector. Similarly, government regulations often place limitations on private investment.

TILMA goes beyond requiring that a province treat the goods, services, investors and investments of the other province the same as it normally treats its own. Even government measures that do not discriminate between investors from BC and Alberta can still violate TILMA. The agreement establishes absolute constraints on government, regardless of whether there is a level playing field for companies in either province.

All provincial governmental entities are covered by TILMA, including municipal governments, school and health boards, Crown corporations, and agencies.

TILMA restricts the use of subsidies and procurement policies that promote local economic development.

### **TILMA Creates a Deregulatory Framework for Public Interest Regulation**

One of TILMA's purposes is to "reconcile" existing and future standards and regulations. TILMA's provisions dealing with regulations are an example of an overall trend to cast regulatory differences as barriers to trade and investment. But TILMA goes beyond addressing "unnecessary paper burden." Once existing regulations are reconciled, no new ones can be established if they restrict or impair investment; consequently, BC and Alberta regulatory policies will tend to be permanently frozen unless a future government withdraws from the agreement.

TILMA can only result in pressures to deregulate. The requirement to reconcile regulations and standards is subject to enforcement by private investors, who are far more likely to launch complaints over regulations because they are too high rather than because they are too low.

### **TILMA's Exemptions and Allowances Are Very Narrow**

When it initially enters into force, TILMA will contain some exceptions, including for measures related to water, aboriginal peoples, energy, forestry, and mining. These exceptions are to be reviewed annually "with a view to reducing their scope." Health and education are not specifically exempted, and are among the areas – agriculture, tourism, parks, heritage conservation, consumer protection, land use planning – where the agreement could have major negative impacts.

In a limited number of areas, governments are allowed to adopt or maintain measures that deviate from TILMA rules, but only if they can pass a three-part test: the measure is to achieve a legitimate objective; the measure is not more restrictive to trade, investment or labour mobility than necessary to achieve that legitimate objective; and, the measure is not a disguised restriction to trade, investment or labour mobility.

The list of "legitimate objectives" has significant omissions, including protection of heritage sites, promotion of culture, provision of education, and expansion of the supply of affordable housing. It does not include most of the objectives municipalities pursue to enhance the lives of their residents – e.g., land use planning to keep noisy or high traffic uses out of residential neighbourhoods, green space requirements to provide recreational areas for residents, building height restrictions and sign bylaws to preserve scenic views. The consequences of opening health, education, and social services measures to TILMA challenges are significant.

Some examples of regulations that could be ruled to be TILMA violations if they "impair or restrict" investment:

- Penalties such as fines that provinces may impose to prevent hospitals from allowing individuals to pay in order to be put at the head of waiting lists for surgery or diagnostic tests;
- Restrictions the BC government may consider necessary to regulate the operation of private, for-profit surgery clinics;
- More stringent standards that the BC or Alberta government may impose on private care homes; and
- Differences in BC and Alberta regulation of private schools.

While some environmental measures are exempted from TILMA, significant areas are covered by the agreement:

- Designation and protection of ecological reserves;
- Environmental assessments of projects like ski resorts or chemical plants;
- Regulation of air pollution produced by manufacturing plants and automobiles, such as BC's Air Care program;
- Restrictions on particular products like ozone depleting substances or pesticides; and
- Regulation of recreation and tourism to protect ecologically sensitive areas.

### **TILMA's Dispute Process Will Impact Public Policy**

Private parties can receive up to \$5 million in compensation over any one violation of TILMA. But TILMA does not limit the number of complaints that can be brought forward against any specific government measure. Thus the potential cost to governments of violating TILMA is much higher than \$5 million.

TILMA's dispute process will have an impact on public policy development in two fundamental ways: through panel rulings that fine governments up to \$5 million if they are ruled to be in violation of the agreement, and through a "chill" effect whereby governments eliminate measures or decline to introduce new ones to avoid TILMA challenges.

Among the grounds TILMA provides for governments to have to pay monetary awards to private complainants are:

- Government measures that restrict or impair trade, investment or labour mobility;
- Lack of reconciliation of existing regulations and standards that restrict or impair trade, investment or labour mobility;
- Establishment of new regulations and standards that restrict or impair trade, investment or labour mobility;
- Business subsidies that distort investment decisions; and
- Treatment less favourable than the best treatment provided to a province's own persons, services, and investors or investments in like circumstances.

## TILMA Is an Obstacle to Addressing Real Concerns

TILMA is a radical solution to a problem Canadians have not identified, as inter-provincial barriers do not figure anywhere in the list of their concerns. This may be one reason why the public was not consulted in either Alberta or BC before TILMA was signed.

Within the federal system, provinces have very important powers to exercise on behalf of their citizens. TILMA constrains those powers by making commercial interests the paramount consideration in policy making. TILMA coerces governments to disregard demands for higher standards even if these are expressed by the majority of citizens. The agreement restricts the objectives that governments can pursue, and limits the means that can be used to achieve objectives. This erases not only borders, but also the powers of government.

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**ASKING FOR TROUBLE – The Trade, Investment and Labour Mobility Agreement**

The full report is available from CCPA-BC, and can be downloaded for free from [www.policyalternatives.ca](http://www.policyalternatives.ca).

By Ellen Gould

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**CCPA**  
CANADIAN CENTRE  
for POLICY ALTERNATIVES  
BC Office

[www.policyalternatives.ca](http://www.policyalternatives.ca)

## About the CCPA

The Canadian Centre for Policy Alternatives is an independent, non-partisan research institute concerned with issues of social and economic justice. Founded in 1980, it is one of Canada's leading progressive voices in public policy debates.

The CCPA works to enrich democratic dialogue and ensure Canadians know there are workable solutions to the issues we face. The Centre offers analysis and policy ideas to the media, general public, social justice and labour organizations, academia and government. It produces studies, policy briefs, books, editorials and commentary, and other publications, including *The Monitor*, a monthly magazine. Most of these resources are available free at [www.policyalternatives.ca](http://www.policyalternatives.ca).

Established in 1997, the CCPA's BC Office offers policy research and commentary on a wide range of provincial issues, such as: BC finances, taxation and spending; poverty and welfare policy; BC's resource economy; privatization and P3s; public education financing; health care; and more.

The CCPA is a registered non-profit charity and depends on the support of its more than 10,000 members across Canada.

---

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 CANADA

March 30, 2007

Mayor Ken McRae  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, B.C. V9Y 1V8

**RECEIVED**  
**APR 01 2007**  
**CITY OF PORT ALBERNI**

Dear Mayor McRae,

Did you know that if 25 office employees turned off their workstation task lighting during non-working hours they would save enough electricity to run an average residential home for one year. If 250,000 office workers in British Columbia did this everyday, it would save enough electricity to power 10,000 homes for one year. It is easy to see how simple change can add up to big energy savings – every little bit counts.

We would like to formally invite the City of Port Alberni to participate in the *Turn It Off Challenge*. This is part of a broader province wide Turn it Off campaign that BC Hydro will be leading in the coming months. The *Turn It Off Challenge* is an exciting opportunity for your local government staff to lead by example and demonstrate to the rest of the province of British Columbia that the City of Port Alberni is a conservation leader.

The challenge before Canada is a critical one. Together we need to expand our focus on conservation to take care of our communities, the province and the planet. We need your help to realize this significant change. As local leaders, you can make a difference and take a stand on energy conservation.

Local Governments that participate in this Challenge, will receive province-wide recognition, as well as be eligible to win valuable prizes.

The Challenge will run from June 1, 2007 to August 31, 2007. Over these three months local governments will be competing against one another to become the top conservation leader and for the grand prize – a Power Smart makeover for one of your facilities. Participants will be publicly recognized for their efforts during the course of the Challenge and the winner will be announced at the 2007 UBCM convention held September 24th – 28th in Vancouver.

To accept this exciting and important Challenge simply complete these five steps:

- Step 1. Name your designate that will lead your efforts in the Challenge
- Step 2. Call 1-866-706-1171 and register your organization's facilities (Registration deadline – April 30th)
- Step 3. Send your designate(s) to the Challenge workshop hosted by BC Hydro, on May 24<sup>th</sup> in Vancouver, to learn more about how you could save energy at your workplace (BC Hydro will cover workshop fees, travel and accommodation costs for 1 elected official and 1 Challenge administrator)

**ENTERED**



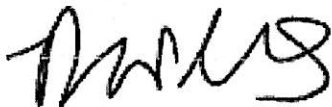
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CITY OF PORT ALBERTA

Step 4. Look for details in your *Turn It Off Challenge* tool kit that will be coming in the mail to you in approximately one week

Step 5. Launch the Challenge within your organization on June 1st

I hope you will participate in this exciting Challenge as each person can make a difference in meeting B.C.'s future electricity needs. Let's work together to improve the energy efficiency of communities across the province and conserve energy for future generations.

Sincerely,



Bob Elton  
President and CEO  
BC Hydro



Brenda Binnie,  
President  
UBCM

**VIA MAIL**

March 27, 2007

**City of Port Alberni**  
4850 Argyle Street  
Port Alberni, BC  
V9Y 1V8

**For the Attention of Ken Watson, City Manager**

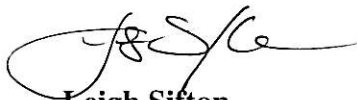
**Re: Rail Track License, Miles 33.25 to 37.9**

Please find enclosed two copies of the Rail Track License between the Island Corridor Foundation and the City of Port Alberni.

Could you please have both copies executed and return one copy of our records.

If you have any questions or comments in this regard, please do not hesitate to contact the undersigned at (250) 754-5651.

Respectfully yours,  
**ISLAND CORRIDOR FOUNDATION**



**Leigh Sifton**  
Administrator  
Island Corridor Foundation

**RECEIVED**

**MAR 28 2007**

**CITY OF PORT ALBERNI**

## RAIL TRACK LICENSE

THIS RAIL TRACK LICENSE made effective March 26, 2007, between:

**Island Corridor Foundation.** a foundation incorporated pursuant Part II of the *Canada Corporations Act*. (herein called "ICF")

**320 – 256 Wallace Street**  
Nanaimo, B.C.  
V9R 5B3

("ICF")

and

**CITY OF PORT ALBERNI**  
4850 Argyle Street  
Port Alberni, British Columbia  
V9Y 1V8

("the Operator").

### RECITALS:

- A. ICF owns certain lines of railway in the Province of British Columbia, including the railway right of way lands and trackage (and all appurtenant rails, ties, switches, ballast, bridges, culverts and signals) located between Mile 33.25 Port Alberni Subdivision (Smith Road Rail Crossing) and Mile 37.9 Port Alberni Subdivision (Stamp Avenue Rail Crossing) - (the "Licensed Track")
- B. The Operator desires to operate a rail passenger service on the Licensed Track.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party, the parties do hereby agree as follows:

### **ARTICLE 1** **GRANT OF LICENSE AND TERM**

- 1.1 ICF hereby grants the Operator the non-exclusive right, privilege and license to use the Licensed Track for the sole purpose of operating a rail passenger service thereon (the "License").

- 1.2 The term of the License shall commence, at December 31, 2006 (the "Effective Date") and shall continue until December 31, 2007 (the "Term"), unless earlier terminated pursuant to the provisions hereof.

## **ARTICLE 2**

### **RAIL PASSENGER SERVICE**

- 2.1 The Operator shall be entitled to the non-exclusive use of the Licensed Track throughout the Term solely for the purposes of placing, maintaining and operating thereon railcars, trains, locomotives and other equipment for the purposes of transporting passengers.
- 2.2 The use of the Licensed Track by the Operator hereunder shall be limited to the number and frequency of trains specified in a schedule to be presented by the Operator and approved by ICF prior to the first train being operated on the Licensed Track by the Operator. Any additions to said schedule are subject to the prior approval of the ICF, such approval not to be unreasonably withheld.
- 2.3 The Operator agrees to pay and shall be solely responsible for all necessary train dispatching, required inspections of the Licensed Track, and certification of the Operator's crew(s) subject to jurisdiction of all governing jurisdictions, including but not limited to the British Columbia Railway Safety Code.
- 2.4 The conduct of all on board services, including the operation, maintenance and staffing of all food service, gift shop, ticket collection crowd control, security, entertainment and the safety of passengers and any other parties on the Licensed Track or on, around and adjacent to any rail cars, are the sole responsibility of the Operator. Maintenance of and repairs to the Licensed Track shall also be the sole responsibility of the Operator. The Operator shall pay all costs associated with the operation of its rail passenger service and on necessary repairing and maintaining of the Licensed Track immediately when due.

## **ARTICLE 3**

### **COMPENSATION**

- 3.1 As consideration for the granting of the License and the rights and privileges hereunder, the Operator shall pay to ICF as a license fee:
- (a) \$5,000 (plus applicable taxes) in two equal installments of \$2,500 (plus applicable taxes), the first on or before May 1st, 2007 and the second on or before September 1, 2007; and
  - (b) Property taxes will be the subject of a separate agreement between the Operator and ICF.
- (collectively, the "License Fee").
- 3.2 In addition to the payment of the License Fee, the Operator will pay to ICF, for any and all other services that may be provided by ICF, within fifteen (15) days of the receipt of an invoice therefor.

- 3.3 The Operator shall pay all License Fee payments when due, and all other payments required by this Agreement, to ICF at #320 – 256 Wallace Street, Nanaimo, BC V9R 5B3 Attention: Executive Director, or at such other location or to such other individual as may be designated by ICF in writing.
- 3.4 The parties agree that the License Fee covers the use of the License Track by the Operator, and it's authorized employees and contractors only.

#### **ARTICLE 4** **CONDITIONS PRECEDENT**

- 4.1 As conditions precedent to either party's obligations hereunder:
- (a) the Operator shall have obtained any necessary judicial, administrative agency or other regulatory approvals, authorizations or exemptions as may be necessary to enable it to conduct rail passenger service over the Licensed Track pursuant to this Agreement;
  - (b) the Operator shall have obtained the liability insurance coverages and endorsements specified in Article 8, hereof, and furnished to ICF duplicate Certificates of Insurance evidencing all such coverages and endorsements, naming the Operator as the insured, and ICF as additional insured; and
  - (c) neither of the parties shall be prevented from fulfilling their respective obligations under this Agreement as a result of any legislative, judicial or administrative action.

#### **ARTICLE 5** **MAINTENANCE AND CAPITAL IMPROVEMENTS**

- 5.1 During the term hereof, the Operator shall be responsible for and shall pay the cost of all maintenance including but not limited to brushing, mowing, crossing and signal inspections. on the Licensed Track that is necessary for the use thereof by the Operator, or desired by the Operator, that have been first approved in writing by duly authorized officers of ICF and the Operator ("Maintenance").
- 5.2 During the term hereof, if it is required that the Operator undertake additions, betterments, improvements, upgrades or other changes constituting Capital Improvements to the Licensed Track that are in excess of the routine maintenance necessary for the use thereof by the Operator, and these Capital Improvements and costs have that been first approved in writing by duly authorized officers of ICF, then the costs for these capital improvements shall be deducted from the total of annual license fees payable by the Operator. ("Capital Improvements").

## **ARTICLE 6**

### **REPRESENTATIONS AND WARRANTIES**

6.1 ICF represents and warrants that:

- (a) it has full statutory power and authority to enter into this Agreement and to carry out its obligations hereunder;
- (b) its execution of, and performance under, this Agreement do not violate any statute, rule, regulation, order, writ, injunction or decree of any court, administrative agency or governmental body; and
- (c) no consents are required in connection with the granting of the License by ICF, which have not been obtained by ICF.

6.2 The Operator represents and warrants that:

- (a) it is a municipal corporation duly organized, validly existing, and in good standing under the laws of the Province of British Columbia and is qualified to do business in the Province of British Columbia; and
- (b) it has full power and authority to enter into this Agreement and, subject to necessary judicial and regulatory authority, to carry out its obligations hereunder.

## **ARTICLE 7**

### **OBLIGATIONS OF THE PARTIES**

7.1 During the Term, the Operator will comply with all applicable federal, provincial and municipal laws, ordinances, and regulations.

7.2 During the Term, the Operator will comply with all federal, provincial, and local laws, rules, regulations, and ordinances controlling air, water, noise, hazardous waste, solid waste, and other pollution or relating to the storage, transport, release, or disposal of hazardous materials, substances, waste, or other pollutants. Except to the extent that such activities are the responsibility of the ICF, the Operator at its own expense, will undertake all required annual maintenance to the Licensed Track.

During the Term, the Operator will not dispose of any wastes of any kind, whether hazardous or not, on the Licensed Track, and/or station facilities, and will ensure that no release of human or other waste takes place as a result of the Operator's operations under Article 2 of this Agreement or other services.

7.3 The Operator assumes the risk of and agrees to indemnify and hold ICF harmless, and to defend ICF against and from any claims, costs, liabilities, expenses (including, without limitation, court costs and attorneys' fees), or demands of whatsoever nature or source for any contamination or Environmental Problems (hereinafter defined), latent or obvious, discovered or undiscovered, in the real and chattel property; for personal injury to or death of persons whomsoever (including without limitation employees, agents or

contractors or ICF, the Operator, passengers, or any third party), or property damage or destruction of whatsoever nature (including, without limitation, property of ICF, or the Operator, or property in the Operator's care, custody, or control, and third party property), but only where such contamination, Environmental Problems, injury or damage arise out of acts, omissions or events occurring on the Licensed Track, Capital Improvements on or after the Effective Date, and resulting from the Operator's operations under Article 2 of this Agreement or other services and not from conditions existing at the Effective Date and except where caused by the sole gross negligence of ICF.

ICF assumes the risk of and agrees to indemnify and hold the Operator harmless, and to defend the Operator against and from any claims, costs, liabilities, expenses (including without limitation court costs and attorney fees), or demands of whatsoever nature or source for any contamination or Environmental Problems, latent or obvious, discovered or undiscovered, in the Licensed Track or Capital Improvements for personal injury to or death of persons whomsoever (including without limitation employees, agents or contractors of ICF, the Operator or any third party) or property damage or destruction of whatsoever nature, including, without limitation, property of ICF or the Operator, or property in its or their care, custody or control, and third party property, but only where such contamination or Environmental Problems, injury or damage arises out of acts, omissions or events existing on the Licensed Track prior to the Effective Date; provided, however, the Operator has the burden of proving such contamination, Environmental Problems, injury or damage was existing prior to the Effective Date.

"Environmental Problems" means any cause or action under any law, including the laws of Canada or British Columbia laws, and any cause or action arising from similar federal provincial or local legislation or other rules of law, and private cause or action of whatever nature which arise from environmental damage, contamination, toxic wastes or similar causes.

If ICF's indemnification of the Operator for such contamination or Environmental Problems becomes effective, ICF has the right to assume sole control of and/or implement any order, demand, plan or request, or defend against any cause of action of whatever nature using legal and technical counsel of its choosing.

- 7.4 The Operator will promptly furnish ICF written notice of any and all: (i) releases of hazardous wastes or substances of which it becomes aware, which occur during the term of this Agreement, whenever such releases are required to be reported to any federal, provincial, or local authority; (ii) alleged water or air permit condition violations; and (iii) any notification received by the Operator alleging any violation of any federal, provincial or local statute, ordinance, ruling, order or regulation pertaining to environmental protection and/or hazardous material, handling transportation or storage.

To the extent practicable, such written notice will identify the substance released, the amount released, and the measures undertaken to clean up and remove the released material and any contaminated soil or water, will identify the nature and extent of the alleged violation and the measures taken to eliminate the violation, and will certify that the Operator has complied with all applicable regulations, orders, judgments or decrees in connection therewith, or the date by which such compliance is expected. The Operator will also provide ICF with copies of any and all reports made to or received

from any governmental agency, which relate to such releases or such alleged violations on or after the Effective Date.

- 7.5 During the Term, if ICF detects any violation, including any contamination of the station facilities and/or Licensed Track, which it deems to be the responsibility of the Operator under this Article 7, ICF will notify the Operator of the violation. Upon receipt of such notice the Operator will take immediate steps to eliminate the violation or remove the contamination to the satisfaction of any governmental agency with jurisdiction over the subject matter of the violation if the responsibility of the Operator. Should the Operator inadequately remedy or fail to eliminate the violation, which is the responsibility of the Operator, ICF or its representative will have the right, but not the obligation, to take whatever corrective action ICF deems necessary to eliminate the violation, at the sole expense of the Operator.
- 7.6 Regardless of any acquiescence by ICF, the Operator will (i) indemnify, defend and hold harmless ICF and its officers, agents, employees, lessors, parent corporation, subsidiaries, affiliates, successors, and assigns from and against all liability, costs, expenses, fines, or penalties resulting from any violation of any federal, provincial, or local law, rule, regulation or ordinance controlling air, water, noise, hazardous waste, solid waste, or other pollution or relating to the storage, transport, release, or disposal of hazardous materials, substances, wastes, or other pollutants arising out of the Operator's operations under Article 2 of this Agreement or other services on the Licensed Track or Capital Improvements, except for condition existing prior to the Effective Date and except where caused by the sole gross negligence of ICF, and from any violations of this Article 7; (ii) reimburse ICF and its officers, agents, employees, lessors, parent corporation, subsidiaries, affiliates, successors, and assigns for all costs and expenses incurred by ICF or its officers, agents employees, lessors, parent corporation, subsidiaries, affiliates, successors, and assigns in eliminating or remedying such violations, pollution, or contamination; and (iii) reimburse and hold harmless ICF and its officers, agents, employees, lessors, parent corporation, subsidiaries, affiliates, successors, and assigns from any and all costs, expenses, solicitors' fees, and penalties, fines, or civil judgments sought or obtained against ICF or its officers, agents, employees, lessors, parent corporation, subsidiaries, affiliates, successors, and assigns as a result of the Operator's operations under Article 2 of this Agreement or other services on the Licensed Track or Capital Improvements, or any release or disposal of any hazardous material, substance, waste, or other pollutant onto or into the ground or into the water or air from or upon the Licensed Track or Capital Improvements on or after the Effective Date; PROVIDED, HOWEVER, that the Operator shall have no obligation or liability where such release or disposal is attributable to acts or omissions of ICF, its agents, employees or third parties acting under ICF's authority.

The Operator waives and will not assert as a defence against ICF any statute of limitations applicable to any controversy or dispute arising under this Article 7, and the Operator will not raise or plead a statute of limitations defense against ICF or its lessors in any action arising out of the Operator's failure to comply with this Article 7.



## **ARTICLE 8**

### **INSURANCE AND INDEMNIFICATION**

8.1 The Operator shall protect, defend, hold harmless and indemnify ICF from and against any all liability, expense, cost, claim or suit, including attorney's fees, incurred by or assessed against ICF, its agents, lessor, servants, affiliated companies, successors or assigns on account of injuries, death, or property loss or damage arising out of or in connection with any operation under this Agreement or the presence of the Operator's equipment, employees, vendors, or customers on or about the Licensed Track or Capital Improvements.

In addition to the indemnification provided above, the Operator shall indemnify and on request defend, and hold ICF harmless from any and all claims, demands, causes of action, suits, losses, damages, liabilities, fines, penalties, or expenses, of every kind of character, on account of or in connection with the personal injury or death of any person or physical damage to real or personal property owned by a third party arising, in whole or in part, out of or in connection with the Operator's usage of ICF's tracks, bridges, and/or structures. Indemnities provided in this section shall include, but are not limited to, indemnities arising out of or in connection with personal injury, death, and property damage claims by third parties caused by Operator's willful or intentional misconduct, or by its negligent acts and omissions.

Provided, however, as respects both parties, all liability, including liability for any injury, death, loss or damage arising in connection with toxic waste or environmental conditions shall be governed by the provisions of Article 7 hereof.

8.2 The Operator shall, at its own sole cost and expense, procure the following kinds of insurance for the Term commencing as of the Effective Date and promptly pay when due all premiums for that insurance. Upon the failure of the Operator to maintain insurance as provided herein, ICF shall have the right at its election to terminate this Agreement or, after giving the Operator ten (10) days written notice, to obtain such insurance and the Operator shall promptly reimburse ICF for that expense. The following minimum insurance coverage shall be kept in force during the Term:

- (a) a policy of Comprehensive General Liability Insurance in which the Operator is the named insured providing bodily injury, including death, personal injury and property damage coverage with a combined single limit of at least TEN MILLION DOLLARS (\$CDN10,000,000) each occurrence or claim and a general aggregate limit of at least TEN MILLION DOLLARS (\$CDN10,000,000). This insurance shall contain Broad Form Contractual Liability covering the indemnity provisions contained in this Agreement (ISO form GL 24 14 or equivalent), severability of interests, and name ICF, as an additional insured with respect to all liabilities arising out of operations under this Agreement; and

With respect to the above-referenced coverages, if coverage is purchased on a "claims made" basis it shall provide for at least three (3) year extended reporting or discovery period, which shall be invoked should insurance covering the time period of this Agreement be canceled unless replaced with a policy containing the same Retrospective Anniversary Date as the policy being replaced.

- 8.3 The Operator warrants that this Agreement has been reviewed with its insurance agents(s)/broker(s) and the agents(s)/broker(s) has been instructed to procure the insurance coverage required herein and name ICF as an additional insured with respect to all liabilities arising out of operations under this Agreement.
- 8.4 The Operator shall furnish to ICF certificate of insurance evidencing the required coverage and endorsements a certified duplicate original of all those policies. This insurance company(s) issuing each policy(s) shall notify ICF in writing of any material alteration including any change in the retroactive date in any "claims made" policies or reduction of aggregate limits, if such limits apply, or cancellation thereof at least thirty (30) days prior herein. The certificate of insurance with respect to the Operator's policy of Comprehensive General Liability Insurance shall specifically state that ICF is an additional insured under said policy of insurance. The certificate of insurance with respect to the "deductible buy-back policy" in which ICF is the named insured shall specifically state that coverage is provided for employee liability. Such certificate of insurance shall also specifically state that there are no exclusions regarding railroad and railroad passenger perils.
- 8.5 The insurance policy(s) shall be written by a reputable insurance company or companies acceptable to ICF. Such insurance company shall be authorized to transact business in the Province of British Columbia.
- 8.6 Insurance coverage provided in the amounts set forth herein shall not be construed to otherwise relieve the Operator from liability hereunder in excess of such coverage, nor shall it preclude ICF from taking such other action as is available to it under any other provision of this Agreement or otherwise in law.

## **ARTICLE 9**

### **TAXES**

- 9.1 It is understood and agreed that the Operator shall pay all new taxes and new assessments, general and special or otherwise which may be levied, assessed or imposed upon the Licensed Track or Capital Improvements during the Term. The Operator shall pay such taxes and assessments directly to ICF.
- 9.2 Any income taxes, franchise fees, liquor taxes, or other assessments resulting from the Operator's operations under Article 2 of this agreement will be the sole responsibility of the Operator, and ICF will have obligation for any such taxes or fees, and the Operator agrees to reimburse ICF for any payments made by ICF on the Operator's behalf.

## **ARTICLE 10**

### **TERMINATION**

- 10.1 This Agreement may be terminated by either the Operator or ICF at any time prior to the Effective Date if any substantive condition unacceptable to the Operator or to ICF is imposed in any of the regulatory approvals required in connection with the use of the Licensed Track or for the Operator's operations under Article 2 of this Agreement.

- 10.2 This Agreement may be terminated by ICF:
- (a) upon thirty (30) days notice to the Operator at the sole discretion of ICF; or
  - (b) immediately upon notice from ICF upon the Operator breaching any covenant, obligation, representation or promise contained herein.
- 10.3 This Agreement may be terminated by the Operator upon thirty (30) days notice to ICF, provided that no portion of the License Fee then paid or payable until the effective date of termination shall be rebated or refunded by ICF.
- 10.4 In the event of termination of this Agreement, the Operator shall vacate the Licensed Track and Capital Improvements in an orderly manner and all Capital Improvements shall become the absolute property of ICF. Upon any termination under Subsection 10.2 (b), ICF or its designee may immediately re-enter and take possession of the Licensed Track or Capital Improvements by providing written notice to the Operator that this Agreement has been terminated.
- 10.5 Termination of this Agreement pursuant to this Article 10 shall not prevent the injured party from pursuing any other remedy permitted under this Agreement or, subject to Article 7 hereof, any remedy available at law and/or equity, including seeking damages as shall be necessary to make the injured party whole.

#### **ARTICLE 11** **COMPLIANCE WITH LAW**

- 11.1 Subject to the provisions of Article 7, the Operator agrees to comply with all provisions of law, including but not limited to fire patrol, rail testing, bridge inspections, switch inspections, and signal maintenance; and the Operator will not knowingly do, or permit to be done, upon or about the Licensed Track, anything forbidden by law or ordinances. The Operator further agrees to use its best efforts to secure all necessary governmental authority for its operations under Article 2 of this Agreement.

#### **ARTICLE 12** **DEFEASANCE**

- 12.1 The Operator shall not make any use of the Licensed Track inconsistent with ICF and/or its lessor's right, title and interest therein and which may cause the right to use and occupy the Licensed Track to revert to any party other than ICF and/or its lessor. So long as the Licensed Track is sufficient to permit the Operator to operate a rail passenger service thereon, this Agreement shall not be affected by any determination, whether by judicial order, decree or otherwise, that ownership of any portion of the Licensed Track is vested in a person other than ICF and/or its lessor and there shall be no abatement of the License Fee on account of such determination. ICF shall make all

reasonable efforts to defend ICF and/or its lessor's title to the Licensed Track against any adverse claims.

### **ARTICLE 13** **MECHANICAL STANDARDS**

- 13.1 All rail cars, locomotives, and other equipment owned by the Operator and/or under the Operator's control will comply with all ICF mechanical and safety standards as amended from time to time, and any other laws, rules, or standards by any federal, provincial or local agency(s) exercising jurisdiction.

### **ARTICLE 15** **MISCELLANEOUS**

- 15.1 Entire Agreement. This Agreement expresses the entire agreement between the parties and supersedes all prior oral or written agreements, commitments, or understandings with respect to the matters provided for herein, and no modification of this Agreement shall be binding upon the party affected unless set forth in writing and duly executed by the affected party.

- 15.2 Notices. All notices, demands, requests or other communications which may be or are required to be given, served or sent by any party to the other pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or sent:

- (a) if intended for ICF, by mailing by registered or certified mail, return receipt requested, with postage prepaid, addressed to ICF at:

320-256 Wallace Street  
Nanaimo, British Columbia V9R 5B3

Attn: Executive Director

and

- (b) if intended for the Operator, by mailing by registered or certified mail, returned receipt requested, with postage prepaid, addressed to the Operator at:

City Hall  
4850 Argyle Street  
Port Alberni, British Columbia V9Y 1V8

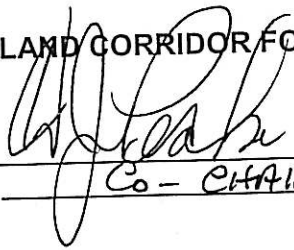
Attn: City Manager

- 15.3 Each notice, demand, request or communication which shall be mailed by registered or certified mail to any party in the manner aforesaid shall be deemed sufficiently given, served or sent for all purposes at the time such notice, demand, request or communication shall be either received by the addressee or refused by the addressee upon presentation. Any party may change the name of the recipient of any notice, or his or her address, at any time by complying with the foregoing procedure.

- 15.4 Binding Effect. This Agreement shall be binding upon and inure to the benefit of ICF and the Operator. The Operator may not assign its rights under this Agreement or any interest therein, or attempt to have any other person assume its obligations under this Agreement, without the prior written consent of ICF.
- 15.5 Severability. If fulfillment of any provision hereof shall involve transcending the limit of validity prescribed by law, then the obligation to be fulfilled shall be reduced to the limit of such validity; and if any clause or provision herein contained operates or would prospectively operate to invalidate this Agreement in whole or in part, then such clause or provision only shall be held ineffective, as though not herein contained, and the remainder of this Agreement shall remain operative and in full force and effect.
- 15.6 Headings. Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed to be a part of this Agreement for any purpose.
- 15.7 Governing Law. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.
- 15.8 Amendment. No modification, addition or amendments to this Agreement shall be effective unless and until such modification, addition or amendment is in writing and signed by the parties.
- 15.9 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.
- 15.10 Confidentiality. No party may disclose any of the terms of this Agreement to any non-party without the prior written consent of the other party except (1) as required by law; (2) to a corporate parent, subsidiary or affiliate; or (3) to auditors retained by a party for the purpose of assessing the accuracy of charges, if, and only if, the auditor agrees in a legally binding instrument that it will abide by this confidentiality clause as if auditor were a party to this Agreement. Each party agrees to indemnify the other from and against any damage suffered by a party as a result of any disclosure in violation of this confidentiality provision.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on their behalf, as of the date first herein written.

**ISLAND CORRIDOR FOUNDATION.**

By:   
Title: Co - CHAIR

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF PORT ALBERNI**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

L:\Agreements & Leases\Leases\Island Corridor Foundatin - rail track license.doc



Monday April 2, 2007

To Russell Dyson  
City of Port Alberni

I Clint Dow owner of Waters Edge Bistro have a buyer for the restaurant and will be financing a large amount of the sale price. This letter is to request permission to sub-lease said property to the new owner. His name is Thomas Geiger of 330 Albion Street, Nanaimo , B. C. V9R 1S3 . He is a Master Chef with about 27 years experience, most recently owned Manzavino Rest. in Nanaimo from 1996 to July 2006 when he sold it. Thomas can be reached at the following phone numbers : home (250) 741-0042 or his Cell at (250) 751-9230. He will also be back in Port Alberni on Wed. April 4 th. Please call me if you have any questions or concerns.

Thank you,

CLINT DOW

OWNER \ OPERATER  
623743 BC Ltd.

#2 5440 Argyle St. Port Alberni, B.C. V9Y 1T7  
Tel: (250) 723-8862 Fax: (250) 723-8836



**BALTIMORE COUNTY**  
M A R Y L A N D

RECEIVED

MAR 28 2007

CITY OF PORT ALBERNI

JAMES T. SMITH JR.  
*County Executive*

March 22, 2007

Honorable Mayor Ken McRae  
City Hall  
4850 Argyle Street  
Port Alberni, B.C. V9Y 1V8

Dear Mayor McRae,

Through the Martin Aviation Museum, I read your March 6<sup>th</sup> letter to Paul McElligott at TimberWest and wanted to communicate my personal interest, and that of my administration, in supporting our collaborative efforts for each of our communities to acquire one of the two remaining Martin Mars flying boats. While I recognize your near term employment concerns contrast with our heritage interests in immediately retiring the aircraft to assure their preservation, our objectives coincide around the longer term opportunities presented by tourism, education, and their value as a heritage resource.

As you know, Baltimore County is very proud to be the home of the Glenn L. Martin (now Lockheed Martin Corporation) facility that manufactured the Martin Mars flying boats in the mid-1940s. In 1929, Martin moved his company to Middle River, Maryland, opening his headquarters and a major factory complex where a large number of airplanes were manufactured over the decades. In the mid 1940's his company employed approximately 52,000 people at Middle River, building aircraft instrumental to the Allied victory in WWII. Martin's employees and aircraft created a lasting legacy for our community, whose rich aviation history is evidenced in the number of local schools, shops, neighborhoods and other entities with aviation names.

The Glenn L. Martin Maryland Aviation Museum, located on Martin's original factory grounds and airport, is partnering with the British Columbia Aviation Council and is working with your staff in its attempt to acquire these seaplanes and return one home to Middle River. Similar to Port Alberni's objectives, the plane would serve as an iconic landmark, a monument to our region's aviation heritage, that would recognize Maryland's contributions to our country. Should the Museum be successful in its bid for one of the aircraft, plans include exhibits on Dan McIvor and Canada's TimberWest and the Flying Tankers ingenuity and investment in preserving the aircraft and keeping them productive for half a century.

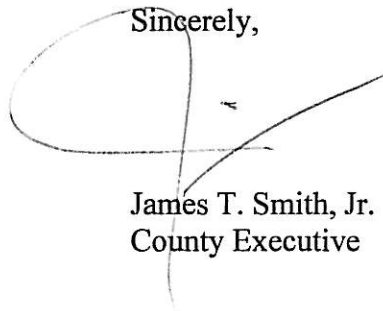
ENTERED



Honorable Mayor Ken McRae  
March 22, 2007  
Page 2

The County fully supports the Museum's acquisition of a Martin Mars, is assisting the Museum in that effort, and is interested in developing with Port Alberni community-to-community collaboration opportunities related to our common Mars heritage. We are excited at the prospect of an ongoing relationship. If you have any questions, or feel we can be of assistance, please contact me directly at 410-887-2450, or through William Jones, Department of Economic Development, at 410-887-8237.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Smith', written over a horizontal line. The signature is fluid and cursive.

James T. Smith, Jr.  
County Executive

c: Paul McElligott, TimberWest



March 6, 2007

Paul J. McElligott  
President and Chief Executive Officer  
Timberwest Forest Corp.  
Suite 2300 – 1055 W. Georgia Street  
PO Box 1101  
Vancouver, BC V6E 3P3

Dear Paul:

Thank you for your February 14<sup>th</sup>, 2007 letter updating me on the progress of the sale of the Martin Mars Waterbombers.

As you can see from the volume of letters we forwarded from other jurisdictions, there is broad support for keeping the water bombers functioning in Port Alberni and continuing to provide protection of our forests province wide, as they have done for many years. The value of these amazing machines has been proven over and over in fighting wildfires – in recent years in Kelowna, Penticton, Salmon Arm and even within the City of Port Alberni at our Paper Mill.

As we have discussed, it is City Council's preferred outcome that the bombers remain as operating fire fighting machines in the Alberni Valley. If this is not a viable option, then City Council would like to see one of the bombers retired in the Alberni Valley and donated to Port Alberni as a heritage attraction. Thank you for reaffirming in your letter this is Timberwest's intention upon retirement of the planes.

If the planes were to leave the area as operational aircraft, we are concerned that the cost of returning one to Port Alberni may become prohibitive, especially if the aircraft becomes inoperative after relocation. Should relocation be part of the proposal selected by Timberwest, we would be very interested in discussing how return of a plane will be guaranteed.

Should retirement of one of the bombers in Port Alberni be the selected proposal, I am pleased to inform you that the City of Port Alberni is indeed prepared to accept donation of one of the planes. The City is in ongoing discussions with the BC Aviation Council and should donation of a plane be offered, we intend to partner with them in the development of a facility in an appropriate location and format to showcase and conserve the heritage value of the aircraft. The BC Aviation Council is very enthusiastic about this development and have indicated that they will begin fundraising in earnest once the donation is ensured. Other community based groups may also be interested in partnering on this initiative.

Should retirement of both bombers be the option selected by Timberwest, the City suggests that the Glen L. Martin Maryland Aviation Museum, near the Mars' birthplace, would be an excellent home for the second plane.

Thank you for keeping us informed regarding the Martin Mars sale process.

Yours sincerely,  
CITY OF PORT ALBERNI

ORIGINAL SIGNED BY

Ken McRae  
Mayor

- c. Rollie Back, BC Aviation Council  
Gil Pascal, Glen L. Martin Maryland Aviation Museum  
Jean McIntosh, Director, Alberni Valley Museum

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Canadian  
Association  
of Home &  
Property  
Inspectors (BC)

RECEIVED

MAR 23 2007

CITY OF PORT ALBERNI

March 20<sup>th</sup>, 2007

Mayor Ken McRae and Members of Council  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC  
V9Y 1V8

Dear Mayor McRae and Members of Council:

It is my great pleasure to advise you that the National Certification Program for house and home inspectors is up and running in BC. Early indications from the first rounds of certification are that BC house and home inspectors are among the most enthusiastic in Canada in seeking certification under the National Certification Program.

Attached is the news release we issued on February 28<sup>th</sup> announcing this achievement in consumer protection in BC, and across the country. It provides additional information on this achievement, and lists website addresses where more detailed information can be viewed and downloaded.

The National Certification Program, whose standards have been judged as the highest standards for home inspectors in North America, ensures that BC consumers will have increasing access to BC house and home inspectors who have achieved rigorous inspection standards. The National Certification Program is administered in BC by the National Certification Authority. These national standards of competency were developed by the Canadian Association of Home and Property Inspectors (CAHPI), with support from Canada Mortgage and Housing Corporation, Human Resources and Skills Development Canada, and the Construction Sector Council.

As you know from our correspondence, the Canadian Association of Home and Property Inspectors of British Columbia — CAHPI(BC) — has been working to bring standards to the BC home and property inspection industry for many years. Without doubt, the efforts of BC's mayors and councils, who urged the BC government to act to ensure consumers are protected against charlatans masquerading as house and home inspectors, deserve great credit and recognition for raising the profile of the issue, and generating new protection for consumers.

.../2

#5 - 3304 Appaloosa Road  
Kelowna, British Columbia  
Canada V1V 2W5  
Tel: 1-800-610-5665  
Outside BC: (250) 491-3979  
Fax: 1-866-405-9232  
Outside BC: (250) 491-2285  
www.cahpi.bc.ca

REGULAR COUNCIL AGENDA - APRIL 10 2007

ENTERED

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F.2.

March 20, 2007

Page 2

On behalf of CAHPI(BC)'s 220 Registered Home Inspectors and individuals training to become CAHPI(BC) Registered Home Inspectors in 178 BC communities, I would like to say *thank you*. Thank you for being receptive to our updates on progress over the years, and for making your views known to the BC government on the need for these standards. Without the efforts of BC's mayors and councils, BC consumers would not have the level of protection they now have.

This journey has not been an easy one, and as a volunteer-based organization, we found it difficult to understand the BC government's behaviour. Twice last year the BC government announced it was acting to have standards in place by the end of the year. Minister Rich Coleman told the CBC on March 28<sup>th</sup> 2006 that plans were in motion to protect homebuyers by the end of the year. On July 27<sup>th</sup>, 2006 Minister John Les said the same thing on Vancouver, Prince George, and Kamloops radio. But by November, Mr. Les said he didn't see any need to act. Then, when the media turned up the pressure, he said he was looking at the issue. An odd way, indeed, to demonstrate concern for consumers in your community and across BC.

For our part, CAHPI(BC) told British Columbians that we would ensure that the National Certification Authority would be ready to certify inspectors by January 2007, and we have delivered on that promise.

Canada Mortgage and Housing Corporation (CMHC) now points to the National Certification Program as the first and most important designation a consumer should look for when considering hiring a home inspector. The CMHC recommends consumers check home inspector association websites, the Yellow Pages, and housing trade magazines to find a home inspector who meets the national certification standards. The CMHC also suggests consumers check with CAHPI to verify an inspector's standing as a National Certificate Holder in the National Certification Program.

Buying a house is the biggest investment people will ever make. If consumers use a house or home inspector to help them make an informed purchasing decision — or if their lending institution requires they use one — that inspector should be trained, qualified, and accountable. That's what the National Certification Program is all about, and the fact that British Columbians now enjoy this higher form of protection is in no small way due to the efforts of their mayors and councils.

.../3

March 20, 2007  
Page 3

So again, thank you for your community's leadership on this significant issue and great consumer achievement.

Sincerely,



Bill Sutherland, RHI, Kamloops  
President, CAHPI(BC)

On behalf of:

Vice President:	David Ferrero, RHI(R), Nanaimo
Treasurer:	Owen Dickie, RHI, Okanagan Valley
Secretary:	Vince Burnett, RHI, Langley
Director:	Wayne DeJong, RHI, Vancouver
Director:	Chris Stockdale, RHI, Richmond
Director:	Don Ruggles, RHI, Victoria
Director:	Craig Hostland, RHI, Kelowna
Director:	Gary Poirier, RHI, Surrey

Attachment

For information on the **Canadian Association of Home & Property Inspectors (BC)** please phone us toll-free at 1-800-610-5665 or visit our web site [www.cahpi.bc.ca](http://www.cahpi.bc.ca). Once there, you'll find important information about our Standards of Practice, Code of Ethics, and training, plus valuable recommendations on how to select an inspector — all designed to ensure that you get the most out of a home inspection. As well, you'll find a complete list of CAHPI (BC) Members, the men and women from across British Columbia who provide home inspections and who will work to ensure homebuyers have the information they need when making the decision to purchase a home.



Canadian  
Association  
of Home &  
Property  
Inspectors (BC)

RECEIVED  
MAR 23 2007  
CITY OF PORT ALBERNI

February 28, 2007  
For Immediate Release

### NEW STANDARDS IN PLACE FOR HOME INSPECTION INDUSTRY

KELOWNA — The National Certification Program for house and home inspectors is now up and running in British Columbia, CAHPI(BC) President Bill Sutherland announced today.

"The National Certification Program ensures that BC consumers will have increasing access to BC house and home inspectors who have achieved rigorous inspection standards," Sutherland said.

The National Certification Program, judged to be the highest standards for home inspectors in North America, is administered in BC by the National Certification Authority. These national standards of competency were developed by the Canadian Association of Home and Property Inspectors (CAHPI), with support from Canada Mortgage and Housing Corporation, Human Resources and Skills Development Canada, and the Construction Sector Council.

"The work to develop the National Certification Program began 10 years ago, and the members of CAHPI(BC) are tremendously proud of our work on the National Certification Program," Sutherland said. "The knowledge and awareness of CAHPI(BC) members of the unique nature and characteristics of housing markets in our province is a key contributor to the value of the National Certification Program in BC."

Canada Mortgage and Housing Corporation now points to the National Certification Program as the first and most important designation a consumer should look for when considering hiring a home inspector. The CMHC recommends consumers check home inspector association websites, the yellow pages, and housing trade magazines to find a home inspector who meets the national certification standards. The CMHC also suggests consumers check with CAHPI to verify an inspector's standing as a National Certificate Holder in the National Certification Program.

"Buying a house is the biggest investment people will ever make," said Sutherland. "If consumers use a house or home inspector to help them make an

(more)

Box 22010 Capri Centre PO  
Kelowna, British Columbia  
Canada V1Y 9N9  
Tel: 1-800-610-5665  
Outside BC: (250) 491-3979  
Fax: 1-866-405-9232  
Outside BC: (250) 491-2285  
www.cahpi.bc.ca

informed purchasing decision — or if their lending institution requires they use one — that inspector should be trained, qualified, and accountable. That's what the National Certification Program is all about."

"We've been asking the BC government to bring in standards for home inspectors for years," says Sutherland, a Registered Home Inspector and National Certificate Holder. "Twice last year, the BC government promised to have standards in place by the end of 2006. For our part, CAHPI(BC) said the National Certification Authority would be ready to certify inspectors by January 2007. CAHPI and CAHPI(BC) wrote to all BC mayors and councils, MLAs, MPs, and industry stakeholders last fall to let them know the heavy lifting had been done and the National Certification Program was coming.

"We delivered," said Sutherland. "The BC government didn't. Now time, and industry progress, have passed the BC government by."

According to Bill Mullen, project director of the National Certification Authority, the first home inspectors to achieve the national standards have received their certificates and can add 'National Certificate Holder' after their name. "We are still analysing data from our first rounds of certification under the National Certification Program," said Mullen. "It looks like British Columbia house and home inspectors are some of the most enthusiastic in Canada in seeking certification under the National Certification Program."

"For consumers, achievement by house and home inspectors of National Certificate Holder status is the mark they should increasingly look for to ensure the inspector they select is trained, tested, and accountable," said Sutherland.

"CAHPI(BC) should be very proud of its role in this 10-year-effort to bring standards to the BC and Canadian home and property inspection industry," said Mullen. "Consumers in BC and across the country are the winners."

-- 30 --

For interviews with CAHPI(BC) President Bill Sutherland, please contact CAHPI(BC) Registrar Loraine Traverence at 1-800-610-5665.

For more information on the **National Certification Program**, visit the CAHPI National website at [www.cahi.ca](http://www.cahi.ca)

For more information about **hiring a home inspector**, visit the Canada Mortgage and Housing Corporation website for "Hiring a Home Inspector" at [www.cmhc-schl.gc.ca/en/co/buho/buho\\_001.cfm](http://www.cmhc-schl.gc.ca/en/co/buho/buho_001.cfm)

For more information on the **Canadian Association of Home and Property Inspectors of BC**, visit the CAHPI(BC) website at [www.cahpi.bc.ca](http://www.cahpi.bc.ca)



RECEIVED

MAR 23 2007

CITY OF PORT ALBERNI

March 21, 2007

His Worship Ken McRae  
Mayor of the City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC V9Y 1V8

Dear Mayor McRae:

I am writing to bring you up to date on recent events within the Ministry of Energy, Mines and Petroleum Resources.

Effective November 13, 2006, the Offshore Oil and Gas Division was merged with the Titles Division to form the new Titles and Offshore Division. Mr. Patrick O'Rourke, formerly Assistant Deputy Minister of the Offshore Oil and Gas Division, heads the combined Division. Mr. O'Rourke has been appointed Chief Gold Commissioner pursuant to the *Mineral Tenure Act* and Director of Petroleum Lands under the *Petroleum and Natural Gas Act*.

As you may know, Mr. Gerald German, Executive Director of the former Titles Division, retired January 5, 2007, and Mr. Colin Magee, Director of the Oil and Gas Titles Branch, retired on February 28, 2007. Both Mr. German and Mr. Magee have been outstanding public servants, and contributed greatly to the success of the Division.

If you have any questions about the re-organization, please contact:

Mr. Patrick O'Rourke  
Assistant Deputy Minister  
Titles and Offshore Division  
Ministry of Energy, Mines and Petroleum Resources  
PO Box 9312, Stn Prov Gov  
Victoria, BC V8W 9N1  
Telephone: 250-356-2972  
Facsimile: 250-356-0582  
Email: [Patrick.Orourke@gov.bc.ca](mailto:Patrick.Orourke@gov.bc.ca).

.../2

Titles and Offshore Division staff look forward to working with you in the future.

Yours truly,



Greg Reimer  
Deputy Minister

pc: Mr. Patrick O'Rourke  
Assistant Deputy Minister  
Titles and Offshore Division  
Ministry of Energy, Mines and Petroleum Resources

Mr. Greg Wagner  
Acting Director  
Oil and Gas Titles Branch  
Titles and Offshore Division  
Ministry of Energy, Mines and Petroleum Resources

# CITY OF ABASHIRI

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CITY HALL, MINAMI6, HIGASHI4  
ABASHIRI 093, HOKKAIDO, JAPAN  
PHONE 0152-44-6111 FAX 0152-43-5404

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MAR 26 2007

CITY OF PORT ALBERNI

March 14, 2007

Mayor Ken McRae  
City of Port Alberni,  
4850 Argyle St., Port Alberni, B.C. CANADA

Dear Mayor McRae,

Thank you for your letter of February 27<sup>th</sup>, 2007.

We are very pleased to hear that the Twinning Society has appointed new directors and decided to continue on. It is very important for us to communicate with the Twinning Society, so we would like to express our appreciation to you & the new directors for their enthusiasm.

The discussion for our exchanges hereafter will start between the societies. I'm sure that our Sister City Society would like to discuss the Educational Exchanges, etc, with the Twinning Society. Many people have great ideas about what we can do, so I'm sure that we will be able to keep our relationship & friendship.

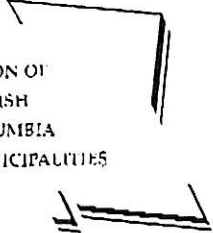
We too value our friendships with you and others in Port Alberni. I'm sure these friendships will continue and provide an ongoing connection between our communities.

Yours truly,  
CITY OF ABASHIRI

Osamu Oba, Mayor

TO: UBCM Members  
 FROM: UBCM Secretariat  
 DATE: March 28, 2007  
 RE: TRADE, INVESTMENT AND LABOUR MOBILITY AGREEMENT (TILMA)

UNION OF  
 BRITISH  
 COLUMBIA  
 MUNICIPALITIES



Suite 60  
 10551 Shellbridge Way  
 Richmond  
 British Columbia  
 Canada V6X 2W9  
 604 270 5226  
 Fax 604.270.9116  
 ubcm@civicnet.bc.ca

**INTRODUCTION**

On April 28, 2006 the Province of BC and the Province of Alberta signed the above referenced Agreement. The Agreement will take effect between the two provincial governments on April 1, 2007.

Over the past few months, UBCM has received a number of letters from members asking questions about the Agreement, its implications for local government and requesting that UBCM take action on behalf of the membership. The purpose of this memo is to provide you with a status report on UBCM's discussions and activities in regard to TILMA, our next steps, and how you as the membership can assist as we move ahead to prepare for discussions with the Province in the coming months.

**BACKGROUND**

In December 2005, UBCM was advised by provincial government staff that discussions were taking place between BC and Alberta on an enhanced trade agreement. At that time we were not privy to the details of the Agreement as negotiations were still underway between the two provincial governments. We were advised that local governments would be included in the transitional provisions of the agreement and as such, the Province would be seeking to engage UBCM and local governments in discussions once discussions between the two provinces were completed.

In early January 2007, staff met with Ministry of Economic Development staff and engaged in preliminary discussions about TILMA and local government issues. At that meeting Ministry staff confirmed that the Agreement provides for a transitional period, extending to April 1, 2009. Therefore, there is a two-year period for UBCM to engage the Province in discussions to "negotiate any required special provisions, exclusions and transitional provisions....".

At the February 1-2 Executive meeting, the following recommendation was endorsed with respect to TILMA:

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-2-

*That staff be directed to work with Ministry staff in developing an information piece to be circulated to UBCM members, solicit member issues and concerns and that staff be directed to undertake discussions/negotiations with the Province on TILMA.*

With this direction, further discussions were held with Ministry staff and on February 9, 2007 a memo was sent to all UBCM members with a copy of a joint letter from Minister of Economic Development Colin Hansen and his Alberta counterpart, Guy Boutilier on TILMA. The letter was addressed to UBCM and the two Alberta associations and was in response to specific local government issues that have been raised.

Minister Hansen has since issued a separate letter to UBCM members through the March 2007 *UBCM News* which speaks directly to the issue of consultation:

*During the two-year transitional period between now and then, we will consult with local government bodies in both provinces, including the Union of B.C. Municipalities and other interested local governments, and negotiate any required exclusions or special provisions.*

#### STATUS

The Minister's letter confirms that the Province is committed to meeting with UBCM to discuss the TILMA agreement, to identify areas of concern and negotiate any required exclusions or special provisions. While members have raised a variety of issues with respect to TILMA (eg. procurement thresholds, local government's powers, etc.), all have sought assurances that UBCM is addressing this matter on their behalf. We can assure you that this is the case. We have undertaken to have an overview of TILMA done in the context of local government. The overview has been prepared by Don Lidstone of Lidstone Young Anderson. A copy of Mr. Lidstone's overview can be found on the UBCM website, as noted below. The issues raised by Mr. Lidstone will provide the basis for our initial discussions with the Province about the impact of TILMA on local governments.

#### CONCLUDING REMARKS

We wish to assure the members that we are addressing TILMA on your behalf. We have also requested to meet with Minister Hansen as part of the upcoming April Executive meeting in Victoria. We thank the members for your input to date and encourage you to continue to advise us of your concerns in the coming months. We will keep you apprised as our discussions with the Province unfold.

*To review Mr. Lidstone's overview and the Ministers' letters referenced in this memo and for further information on TILMA please go to [www.civicnet.bc.ca](http://www.civicnet.bc.ca) and look under Featured Policy Topics - TILMA.*

720/002/T-mm



Berni Pearce  
<bernipearce@shaw.ca>  
04/03/2007 09:57 PM

To Berni Pearce <bernipearce@shaw.ca>  
cc  
bcc  
Subject Legal Advice on TILMA from Steven Shrybman

**To: Mayors, Councils, Regional District Boards**

Hi all,

We are providing local governments with the following in order to assist in expanding their understanding of The Trade, Investment and Labour Mobility Agreement between BC and Alberta which took effect a few days ago, April 1st.

The author, Steven Shrybman, is a partner in the law firm of Sack, Goldblatt and Mitchell and practices international trade and public interest law in Ottawa, Canada. Mr. Shrybman has practiced environmental law for over twenty years, and immediately before establishing practice in Ottawa, served as the executive director of the West Coast Environmental Law Association.

He has been retained to provide advice and representation to a diversity of civil society and labour groups, both nationally and internationally. A significant portion of his practice is devoted these days to the defence of public services, from water treatment facilities in Vancouver, health care institutions in several provinces, to Hydro One in Ontario.

Note: Reference is made below to a "longer legal opinion in development".

Regards,

Berni

P.S. TILMA's application to municipalities will begin in 2009. Most local and regional government leaders have not had much exposure to its broad implications.

(Ms.) Berni Pearce  
Publicity  
Oceanside Coalition for Strong Communities  
793 Temple Street  
Parksville, BC  
V9P 1B1  
Phone 250-248-8464  
Email [bernipearce@shaw.ca](mailto:bernipearce@shaw.ca)

*Relentlessly Progressive Economics*

Commentary on Canadian economics and public policy

<http://progecon.wordpress.com/2007/01/30/legal-advice-on-tilma/>

ENTERED

## **Legal advice on TILMA**

Posted by Marc Lee under topic TILMA

*Steven Shrybman, a lawyer at Sack Goldblatt Mitchell, offers a short summary of TILMA, drawing from a **longer legal opinion** in development:*

February, 2007 [Updated version]

### **Re: A Very Short Synopsis of TILMA**

In April, 2006, Alberta and British Columbia entered into a Trade, Investment and Labour Mobility Agreement (“TILMA”). Certain provisions of the scheme went into effect at that time, the others become operational on April 1st of this year. Other provinces may accede to TILMA at any time, and considerable pressure is being exerted by the Conference Board of Canada and others for them to do so.

This is a very short, and incomplete, overview of the TILMA regime. It is intended simply to persuade those who are unaware of this latest neo-liberal project that it deserves their attention.

1. TILMA imposes a blanket prohibition on all government measures that “operate to restrict or impair” trade, investment or labour mobility unless such measures are exempt under the scheme. It is difficult to conceive of a government action, whether legislative, regulatory or programmatic, that would not violate this broad constraint. In this regard, the net cast by TILMA is larger than that of NAFTA and the GATS combined.
2. TILMA defines “government” very broadly to include all aspects of provincial government, including its agencies and Crown corporations; but also to include municipalities, school boards and other publicly funded academic, health and social service entities. Therefore, unless exempt, all actions taken by these public bodies must comply with the sweeping restrictions imposed by the regime.
3. To ensure compliance by government and public entities, TILMA incorporates the most pernicious feature of NAFTA, which accords private parties the right to invoke arbitration to challenge measures that are alleged to offend TILMA constraints, including the right to claim up to \$5,000,000 in damages for any such violation. There is no limit on the number of such claims that may be asserted, and the damage awards made by TILMA tribunals are enforceable as if a judgment of the superior court.
4. Because private claims may be unilaterally asserted by countless individuals and corporations, they are likely to proliferate and exert enormous pressure on governments to abandon or weaken a broad and diverse array of public policies, laws, practices, and programs.
5. The overwhelming majority of government measures that are subject to TILMA have little if anything to do with inter-provincial trade, investment or labour mobility, per se. Rather, these

measures, which run the gamut from environmental controls to health care insurance plans, were established to serve broad public or societal purposes and apply equally to persons or companies whatever their respective province of origin. While such measures may impact investment, trade and labour mobility, these effects are indirect or tangential to their essential purpose. Nevertheless, because of these indirect effects, they may be challenged for offending TILMA prohibitions.

6. TILMA also expands the scope of foreign investor rights that can be asserted under NAFTA. Moreover, these rights are bestowed on US and Mexican investors without any reciprocal gains for BC or Alberta investors in the US or Mexico. TILMA establishes a new high-water mark of investor entitlement that can now also be claimed by US and Mexican investors in consequence of NAFTA guarantees of National Treatment.

Taken together, the likely impacts of TILMA represent a broad assault on the capacity of present and future governments in BC and Alberta to serve the public interest.

Furthermore, there appears to be no plausible rationale for TILMA. For as we know, Canada is a free society in which people may live, work and invest anywhere they choose. There are no customs stations along provincial borders and no tariffs on inter-provincial trade. Moreover, inter-provincial trade is a federal responsibility and provincial measures that interfere even indirectly with such trade have been consistently struck down by the courts.

Nevertheless the Conference Board of Canada has published several papers promoting the TILMA cause, and the Council of the Federation has congratulated British Columbia and Alberta on their initiative. There is an obvious and compelling case for informed public debate about TILMA before any further steps are taken to expand this regime..

Steven Shrybman





Pamela Day  
<pamela.day@shaw.ca>  
03/29/2007 10:22 PM

To davina\_sparrow@city.port-alberni.bc.ca,  
citypa@city.port-alberni.bc.ca  
cc wyton@sarita.net

bcc

Subject Watershed Planning

To Hira Chopra, Mayor McRae, ARCD Board and City Council

I was in attendance at last night's Regional District meeting. (March 28<sup>th</sup>).

It was a great disappointment to hear the board vote against funding the Watershed protection project proposal presented to ACRD by Rick Stuckenberg Manager of Planning. Two of the people speaking against and voting against the proposal were you Mayor McRae and you Hira Chopra. The reason you both gave for voting against the proposal was that "it is not our job – it is the job of the Provincial Government". You both said the Regional District's role must be one of "lobbying" the Provincial Government to do the right thing. Lobbying is a full time occupation for some. Lobbyists are experts in their field and have all the facts and information to support their issue. How will you do this lobbying without the facts? The Comox Strathcona Region certainly sees this differently and has commissioned a watershed protection project.

I urge you to reconsider, to fund the watershed project so that you can join with Comox Strathcona and have the facts to support your lobbying efforts with the Provincial Government.

If we leave only one gift for our children and their children let it be the protection of clean water sources. You can leave this legacy for your children!

Sincerely,  
Pamela Day

ENTERED

1  
COPY

## On Trash

- opinions requested by the regional district.
- cc. to The Mayor + Council of Port Alberni

I'm sorry this is such a hasty scrawl. Too many things happening simultaneously this week in the Valley.

I hope you can read it

Sincerely,

Jaroslava Anna Jelenc  
Jeni  
4313 Southgate Rd.  
Port Alberni, BC  
V9Y5L3

## V My Opinions on Trash

Thank you Jan asking our opinion ... I hope it actually will mean something to you

I will try to get another survey as I misaid the one I tried to fill out at Echo on Wed.

Frankly, the check boxes were too simple - I was reminded that for every complex question there is a simple answer... and it's wrong

#1

We are pensioners on a fixed income, as long as we can afford our truck and gas, we make regular + grateful use of the PA Landfill -

- There we recycle: newspaper, glass, plastic, + garden debris in the compost.

- If we were older + unable to drive our truck or afford the gas we would really appreciate strategically placed recycle bins - as they used to be at the Hibernia Mall.

- If recycle bins like boxes were provided we would be happy to put into bags as they do in Victoria Paper, glass,

At this time I don't think that is affordable here. We are doing just fine with what exists -

Many people are being squeezed by the harsh consequences of Soft Wood (Cave-In, Loss of Jobs), They may be hanging on to their lives by the skin of their teeth. We must not drive people out of house + home by significant increase in taxes.

- 3 #2 - As hikers + daily dog walkers  
in the forest around Post Hibernia  
we are appalled by the dumping  
of garbage + waste in the lush -  
ie on the rifle Range Rd.
- on the turn off to Loon Lake
  - at the base of the Cameron River  
logging road before it  
begins the ascent to lesser  
logging roads
  - at the turn off to Fossil Park
  - on the dump or property  
used by young people as  
a paint ball war zone -  
at the summit looking north

Why doesn't our landfill publicize  
better its acceptance of compost free  
and recycling free?

We often catch someone dumping  
& try to explain what is free - If they  
can drive to the rifle Range Rd, they can  
drive to our Landfill.

Even innocent grass cuttings +  
ledge trimmings, that people think will  
decay into the landscape ~~or~~ are  
harmful. They become a compost heap  
for bears, who do eat grubs.  
However, they seem to then give  
people permission to start dumping  
couches, appliances, even animal carcasses  
on the spot of those innocent garden  
dumps. And then of course there are  
the unscrupulous entrepreneurs who  
probably exact from their customers a  
tipping fee, but the old roof tiles,  
broken fences never actually make  
it to the dump.

4

When liquidation World packed up,  
We found large boxes of their hangers,  
in the creek just past the Pyle Rd. gate.  
We have carried old sofas out of the  
bush, sometimes we are charged,  
sometimes the staff is lenient.

When we walk the dogs, we  
look out for whirling ravens —  
We know something ghastly has been  
left to rot in the bush.

Is this good for Tourism?  
Why isn't the City leading in an  
outcry against this dumping + litter?

Why isn't the city pro-active  
in a general anti-litter —  
There can be anti-litter programs in  
schools. Service Clubs can adopt stretches  
of road. Fast Food outlets like  
McDonald's + Tim Horton's should be  
notified by Council to pick up their  
trash between the Shell Service +  
Post Office on Gortvude. Why can't  
some young persons, as part of their job  
pick up trash — can be done once a week.

From the Malls to the Airport  
turn off there is an unsightly, disturbing,  
highway littering. If we get crews of  
volunteers to pick-up, what a difference  
it would make.

New York City cleaned up much  
of its crime, by these kinds of efforts.  
People got the message: This is our home

And finally on centralizing the landfill around Port Alberni -

A defiant NO!

- Waste management, water sourcing, sewage should precede development.

Rampant development without prior solving of these problems should not be encouraged.

- We should not make other people's trash a source of income for our city. Let's not be another Jagan Lake or Ashcroft.

We have lots of surface + close to surface water table. Our soils are basically the gravels deposited by creeks + Rivers.

Government's are not exactly honest about the downstream trail of waste decomposition.

The bottom line is clean water. We have nothing if we don't have

that

One the resources we have had is fish. We have a moral obligation to future generations to protect fish habitat.

Fish are one of the main attractions to our community.

- If the possible world depression that's looming, does come, we may all be out on little boats with our fishing lines out.

Sadly, damage is often acknowledged long after nature + human health have been damaged.

If only we could trust, but, over + over we are promised safety, and it proves to be untrue!

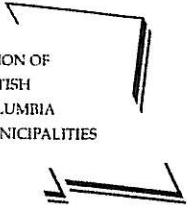
I would be very upset if we bail out "high end" communities like Uclulet + Tofino. Waste, sewage, water should have been resolved before any huge developments occurred. Many of the newcomers, business or residential are very wealthy. There are eco-friendly ways to solve these problems. Of course they become expensive after the fact. Many who settled there are very vocal environmentalists. Internationally outspoken. This little community has suffered greatly due to shut down like Franklin Division.

Let us NOT be their garbage dump. It is an abuse of our community which tried to grow in an orderly fashion.

Steep slopes — so what! Who let you build there? We need better regulation + not let developers rule as they do in Spain. Lavish houses on hill tops — water table exhausted by tourism + golf greens. Areas in Valencia + fighting to grow olives + oranges because old water courses have been undermined by development (unregulated) — Farmers actually banding to prevent a diversion of their co-operative stream (some which were established by the Arabs in the 10<sup>th</sup> century.)

Where did all the orderly planning go? Predictable problems solved before we hit the wall? Just contact Sooke to see how rampant development

UNION OF  
BRITISH  
COLUMBIA  
MUNICIPALITIES



Administration provided  
by UBCM

Funding provided by:  
Province of B.C.

LGPS Secretariate

Municipal House  
545 Superior St  
Victoria BC V8V 1X4

Phone: 250 356-5134  
Fax: 250 356-5119

Website:

[www.civicnet.bc.ca](http://www.civicnet.bc.ca)  
under  
Programs & Services

Local Government  
Program Services

# Local Government Program Services

*...programs to address provincial-local government shared priorities*

RECEIVED

MAR 23 2007

CITY OF PORT ALBERNI

March 20, 2007

His Worship Mayor Ken McRae and Council  
City of Port Alberni  
4850 Argyle St.  
Port Alberni, BC V9Y 1V8

Dear Mayor McRae and Council:

**RE: 2005 COMMUNITY TOURISM PROGRAM (PHASE 1)  
ALBERNI VALLEY TOURISM INITIATIVE**

I am pleased to advise that your application for funding through Phase 1 of the 2005 Community Tourism granting program is now approved in the amount of \$ 85,000.00. The Phase 1 entitlement for the City of Port Alberni totals \$124,531.23. With the amount set aside for this project, there are no further funds available for future projects.

A cheque for \$ 62,948.42, representing 75% of the approved grant amount, is enclosed. Acceptance of this grant indicates agreement to the terms and conditions of Program, as per section 6.4 of the Program and Application Guide.

The balance will be forwarded on receipt of a satisfactory final report. UBCM is administering this program, and funding has been provided by the Province of British Columbia.

Reporting must be completed before final payment is provided by UBCM, and the reporting must demonstrate that the funding was used to improve tourism activity in the community. This report may contain but not be limited to the following:

- A description of the completed project;
- Statistical data around number of visits or anticipated visitor traffic based on enhanced services or available activities;
- Projected revenues;
- Quantity of products produced; and
- Anecdotal information or media clippings.

.../2

ENTERED



In addition, a statement from the Chief Financial Officer, verifying the total cost of the project is also required. Where applicable, this statement should also identify other contributions such as "in-kind", matching funding, or other revenue sources required to complete this project. The balance of funding will be paid on receipt of a satisfactory reporting package.

If you have any questions or concerns, or wish to vary your project in any way, please contact Sue Clark, Program Officer, at 250 356-5134.

We wish you every success with your project.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Binnie".

Brenda Binnie  
President

Enclosure

pc: Mr. Scott Fraser, MLA Alberni-Qualicum

Jean McIntosh, Director, Alberni Valley Museum  
Russell Dyson, City Clerk

## UBCM BYLAW DISPUTE ADJUDICATION SURVEY

TO: Mayor and Council  
Chair and Regional District Board  
Administrator

FROM: Ken Vance, Senior Policy Advisor

DATE: March 23, 2007

RE: BYLAW DISPUTE ADJUDICATION SYSTEM

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### BACKGROUND

In 2003 the *Local Government Bylaw Enforcement Act* was passed, giving local government the ability to create a Bylaw Dispute Adjudication Process. The legislation created a new ticketing mechanism (a "Bylaw Notice") which does not require personal service, and also created a new forum for locally managing ticket disputes.

In 2004 the bylaw adjudication process was piloted by three local governments on the North Shore (West Vancouver District, North Vancouver District and North Vancouver City).

In 2005 the Attorney General announced the expansion of the program. The Ministry of Attorney General released two reports on the process entitled:

- "North Shore Bylaw Notice Adjudication Registry: Evaluation Report";
- "Local Government Bylaw Dispute Adjudication Toolkit" (which was prepared in cooperation with the Ministry of Community Services and the Local Government Management Association). Copies of the reports and/or links to these documents can be found on the UBCM website ([www.civicnet.bc.ca](http://www.civicnet.bc.ca)) under the "Featured Policy Topics" drop-down box in the bottom left area of any page.

The evaluation report highlighted benefits for both local governments and the court system. Specifically the new bylaw process:

- provided cost savings to both local government and the province;
- increased the fine revenue collected by the participating local governments;
- reduced the collection costs to local government;
- increased the productivity of enforcement officers who are no longer required to spend time waiting to attend the Court on traffic issues.

### SURVEY

This brief survey is intended to gather information on local government interest in, and awareness of, the Bylaw Dispute Adjudication System. Survey results will be used to assess interest in exploring how the system could work in your community.

To complete the survey, please go to [www.civicnet.bc.ca](http://www.civicnet.bc.ca) and click on the "UBCM Surveys" link under the "Programs & Services" tab. Click on the "Bylaw Dispute Adjudication Survey" link to begin.

ENTERED



Alberni Valley  
HOSPICE SOCIETY



## NEWS RELEASE

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For Immediate Release  
April 4, 2007

### AREA RESIDENTS TO BENEFIT FROM END-OF-LIFE CARE AT TY WATSON HOUSE

PORT ALBERNI – Patients in the Port Alberni area will have increased options available for end-of-life care as a result of a partnership agreement reached today between the Vancouver Island Health Authority and the Alberni Valley Hospice Society, the leaseholders of Ty Watson House.

“Expanding access to, and the choices available for, end-of life care is a top priority for our government,” said Health Minister George Abbott. “While the services that will be available through Ty Watson House differ from the organization’s original proposal, they will increase the range of end-of-life and palliative care services available in Port Alberni – and I am very pleased that a client-centred and sustainable solution has been found to support this important community resource.”

Under the agreement, the Alberni Valley Hospice Society will offer supportive housing and hospitality services for up to five clients at a time who require palliative, respite or general home care services and who, due to client or family need, are unable to live in their homes and choose to live in a supportive housing environment. It is expected the first clients will move into Ty Watson House in June or July.

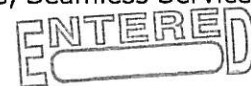
“The services that will be available at Ty Watson House will complement and expand the range of home and community care and end of life services VIHA provides in Port Alberni,” said Jac Kreut, VIHA Board Chair. “We recognize it took some time to reach this agreement, but it was important for VIHA to ensure Ty Watson’s services aligned with our recently developed end of life plan. We are grateful to the Ty Watson Home Foundation and the community of Port Alberni for their patience and for their commitment to this initiative.”

“This is wonderful news for the residents of Port Alberni,” said Lynn Turner, President, Ty Watson Home Foundation and Executive Director, Alberni Valley Hospice Society. “This project has been a top priority for our community, and we want to thank everyone who donated their time, money and effort to supporting our vision for quality end of life services at this wonderful heritage house.”

Find out more at [www.viha.ca/news](http://www.viha.ca/news)

Page 1 of 2

Our Vision: Healthy People, Healthy Island Communities, Seamless Service



"This project is a true reflection of the spirit of the Provincial Framework on End of Life Care that clearly encourages collaborative partnerships that provide new and innovative models of care to enhance the living and dying of people in our communities," said Wendy Pratt, President Elect of the B.C. Hospice Palliative Care Association and Executive Director of the Nanaimo Community Hospice Society. "We celebrate with the community of Port Alberni and commend VIHA for their willingness to partner with the Alberni Valley Hospice Society in this way."

The Alberni Valley Hospice Society staff and volunteers will provide meal services for Ty Watson House clients as well as programming for clients and their families.

VIHA will provide a one-time grant of \$200,000 for the purchase of new beds, surfaces, general medical equipment and to help to offset the costs of renovations. Services for palliative home care clients will be delivered by VIHA Home and Community Care staff and VIHA will increase physician end of life consultation services available to family physicians providing care to Ty Watson House clients.

Access to Ty Watson House will be through VIHA's standard home and community care intake system, and the level of support a client will receive will be based on a standardized need assessment carried out by a home and community care registered nurse. Clients will also have access to traditional home and community care services such as occupational therapy, physiotherapy, social work services and 24/7 on call nursing support, including for emergencies.

Port Alberni clients who require the high level of care typically available through a 24/7 hospice will continue to access this level of care through the hospital or through residential care.

Ty Watson House was built along with several other buildings in the community around 1910 by Ty Watson's father, a mining engineer from England. The home was passed on to Ty who lived there until his death in 1994. The building was donated to the Alberni Clayoquot Continuing Care Society along with a trust fund for the maintenance of the property. The home was turned over to the Ty Watson Home Foundation in 1995. Ty Watson House was renovated with the goal of providing end of life care.

- 30 -

Contact:  
Suzanne Germain  
VIHA Communications  
250-370-8270

Contact:  
Lynn Turner  
Ty Watson House  
250-723-4481

"Tofino Bus - Dylan  
Green" To <Russell\_Dyson@city.port-alberni.bc.ca>  
<dylan@tofinobus.com cc  
>  
03/08/2007 02:30 PM Subje RE: Re TofinoBus  
ct

Hello Russell Dyson, in response to the comment by Mr. Trevor Jackson that was forwarded to me, I would like to say that we have made the schedule change in response to comments from our riders. When you depart Vancouver at 5:45 pm the arrival in Port Alberni is not until 10:40 pm. We have had many complaints that 10:40 pm is too late. Furthermore, by moving our last run of the day forward by two hours our 6:50 pm departure from Port Alberni to Nanaimo will become 4:50 pm which will also promote use of the bus. We have had complaints that the current 6:50 pm departure is too late. If a passenger departs Port Alberni at 6:50 pm the arrival in Vancouver is not until 11:25 pm.

We have been operating the evening run since October 29th and have had very poor ridership compared to our other departures. We feel that the evening run has poor ridership because it is too late in the day. At current we have departures from Port Alberni at 8:15, 12:15 and 6:50 pm. Starting March 11 (a greyhound schedule change date) we will have a more attractive departure schedule 8:15, 12:15 and 4:50 pm (essentially every 4 hours). In the other direction we currently have departures from Vancouver (in partnership with Greyhound) at 7:30 am, 11:30 am and 5:45 pm. Starting March 11, the departure schedule will be 7:30 am, 11:30 am and 3:45 pm-arriving in Port Alberni at 8:40 pm. The new schedule is more in line with the travel needs of the general public.

We are a business that survives on ridership volumes. We have made the schedule change to support and promote ridership.

Thank you.  
Dylan Green  
Tofino Bus Services Inc.

PO Box 207, Tofino BC, V0R 2Z0  
w. (250) 725-2871 f. (250) 725-2876  
1-866-986-3466  
dylan@tofinobus.com  
www.tofinobus.com



## ENGINEERING DEPARTMENT HIGHLIGHTS OF DEPARTMENTAL ACTIVITIES MARCH 2007

- On Bute Street, between Anderson Avenue and 15<sup>th</sup> Avenue, we replaced 100 m of 150 mm cast iron watermain and 100 m of 100 mm cast iron watermain with a new 150 mm PVC main. We also replaced an old #2 hydrant with a new C71P hydrant.
- At 4503 Margaret Street, we installed a catch basin in the boulevard to correct a drainage concern at Lucky Printers.
- We received our annual water quality report from V.I.H.A. Out of a total of 250 samples we had zero positive counts for total coliform or e-coli.
- On 10<sup>th</sup> Avenue, Neill Street to Scott Street, we started the sewer and storm main capital project. We're replacing the mains prior to paving.
- Asphalt Grinding – Over the years, approximately 10,000 m<sup>3</sup> of waste asphalt has been stockpiled at the Anderson Avenue yard. We have hired a contractor to grind and crush this material for reuse in our capital projects. This material is 50% of the cost of ¾ " crush gravel and compacts better.
- Annual sidewalk inspections and repairs were conducted in March. Trip hazards are identified by residents and field inspections. When the surface change is greater than 20 mm it is repaired by filling or grinding.
- At the China Creek Intake, we had both Rotork valve motors serviced by Norpac Automation. These are two valves on the service gates at the China Creek Dam.

Distribution: G. Cicon, N. Meunier, R. Fraser, W. Cheveldave  
L. Scobbie  
R. Dyson – *digital for Reading File*

L:\Admin\Reports&Presentations\Monthly\Summary\Eng Summary March\_07.doc

ENTERED

**CITY OF PORT ALBERNI - BUILDING & PLUMBING INSPECTION**

**SUMMARY REPORT ON DEPARTMENT ACTIVITIES**

**TO THE END OF MARCH 2007**

\*\*\*\*\*

Residential construction comparison to 2006.

2007 - Single Family	- 11 units
- Duplex	- 2 units
- Multiple	- <u>3 units</u>
Total	- 16 units
2006 - Single Family	- 6 units
- Duplex	- 2 units
- Multiple	- <u>0 units</u>
Total	- 8 units

**Projects in the planning stage at present are:**

1. New Library at rear of Echo Centre.
2. Renovations and addition to front end of Multiplex.
3. Renovations to Alberni Mall.

**Projects in the permit issuing stage at present are:**

1. Storage room addition at Multiplex.

**Projects under construction at present are:**

1. Argyle Pier Development.
2. 6 new building shells at the Pacific Rim Centre.
3. 26 unit Assisted Living Apartment complex at 4200 – 10<sup>th</sup> Avenue.
4. Addition to Canadian Tire.
5. Mark's Work Wearhouse
6. Residential/Retail Complex of Argyle and Kingsway.
7. Renovation of the former Revelstoke building to the new Port Alberni Gaming Centre.

Distribution: Mail list  
G. Cicon, R. Dyson – *digital Reading File*  
File 16.02.00 and 08.00.30



## CITY OF PORT ALBERNI PLANNING DEPARTMENT

### MONTHLY REPORT FOR MARCH, 2007

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**For the month of March 2007 the Planning Department reports the following significant items:**

- The Approving Officer gave final approval for a 2-lot subdivision on the corner of 9<sup>th</sup> Avenue and Burde Street.
- The City Council gave 1<sup>st</sup> and 2<sup>nd</sup> reading to the new Official Community Plan Bylaw. The Public Hearing date was set for Wednesday, April 4, 2007 at 6:00 pm in the Dogwood Room at Echo Centre.
- The Planning Department 2007 Budget was presented as part of the overall City of Port Alberni budget process.
- A meeting of the Advisory Planning Commission was held on March 19, 2007 and considered one report from the City Planner as follows:
  - The report was regarding a Development Variance Permit application for 3596 Huff Drive. The application is to reduce a side yard setback regulation for a new single family house under construction.







## PORT ALBERNI FIRE DEPARTMENT

MONTHLY REPORT for March 2007

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### Emergency Calls

During the month of March 2007 the Fire Department responded to 70 calls. This number of incidents is below historical averages.

### Personnel

- Deputy Chief Pley has been appointed to a *British Columbia Fire Services Model Project* task group. The topic assigned to D/C Pley's task group is *interoperability*. This group will investigate the challenges and needs of municipal and regional fire departments in operating cooperatively. The objective of the *British Columbia Fire Services Model Project* is to develop and recommend a revised model for BC Fire Services that will appropriately address the needs of citizens and taxpayers as well as government at all levels.
- Firefighter Ron Miguez retired on March 31<sup>st</sup> after a 32 year career with the fire department.

### Facility and Equipment Maintenance

- Fire department staff began flow testing fire hydrants. In 2007 fire department staff will flow test approximately 260 City-owned and 100 privately owned hydrants.

### Planning

- Fire department staff began investigating the provision of fire protection coverage to Franklin River Road residents. Planning to date has included,
  - Meeting with an area resident representative and touring the area in question
  - Meeting with ACRD staff to reviewing mapping of the affected area
  - Liaising with the City's Waterworks department to explore costs for hydrant installation
  - Investigating levels of fire service provision and the resultant effect on insurance premiums for property owners
  - Development of an operational plan – initial stages
- Staff reviewed a confined space entry work plan at West Coast General Hospital and entered into an agreement to provide rescue services specific to that work. The provision of confined space and technical rope rescue services is partially funded by Worksafe BC. In 2007 the fire department will receive over \$2700 in compensation for that program.
- Staff reviewed a high angle work plan at Catalyst's Port Alberni site. Fire department and Catalyst staff were able to modify the work plan for that job so that technical rope rescue services would not be required.

**Fire Department Responses For the Month of March 2007**

<b>Type of Response</b>	<b>Mar-07</b>	<b>Y.T.D.</b>	<b>Mar-06</b>	<b>2006 Avg.</b>
Structure/ Contents Fire	0	1	1	2.3
Bush/Grass/Mulch/ Campfire	1	2	1	2.2
Chimney Fire	0	5	5	0.8
Appliance/Electrical Fire	0	2	0	3.0
HazMat/Flammable Substance Leak	3	7	2	3.2
Dumpster/Refuse Fire	0	1	2	1.6
Vehicle/Boat fire	0	0	1	1.7
Assistance	0	4	1	2.9
Rescue Inside City	9	28	6	8.6
Rescue Outside City	3	12	4	4.2
Building Alarms - No Fire Found	14	40	17	23.2
Medical First Responder	30	115	44	46.1
Misc. (i.e. Investigation of Smoke)	2	9	4	4.7
Burning Complaint Responses	8	17	1	8.2
<b>TOTAL RESPONSES</b>	<b>70</b>	<b>243</b>	<b>89</b>	<b>112.7</b>

<b>Fire Loss (estimated \$)</b>	\$ -	\$ 25,500	\$ -	\$ 152,271
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Fire Inspections - CFPO	54	201	35	47.8
Fire Inspections - fire crews	26	90	28	24.9
Third Party Inspections	12	22		
<b>TOTAL FIRE INSPECTIONS</b>	<b>92</b>	<b>313</b>	<b>63</b>	<b>72.7</b>



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FINANCE DEPARTMENT  
REPORT TO COUNCIL

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TO: Ken Watson, City Manager  
FROM: Ann Hopkins, Director of Finance  
COPIES TO: Mayor and Council  
DATE: March 26, 2007

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**SUBJECT: 2007/08 Port Alberni Annual Transit Operating Agreement**

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**Issue**

The 2006/07 Annual Operating Agreement for the Port Alberni transit system expires March 31, 2007. BC Transit has provided the 2007/08 renewal agreements requesting Council's approval.

**Discussion**

Attached is a copy of a letter from BC Transit requesting renewal of the Annual Operating Agreement (AOA) between the City of Port Alberni, BC Transit and Western Bus Lines for the fiscal year 2007/08. Also attached to this memorandum, are two reports from BC Transit. The first provides a summary of the financial statistics included in the AOA for the upcoming transit year. For the 2007/08 fiscal year the net municipal share of costs is forecast to increase by \$60,000. This increase is primarily due to vehicle maintenance. Ridership forecasts for 2007/08 are down 1.2% over the 2006/07 fiscal year with a decline in revenues estimated at \$8,000. The BC Transit share of the cost is forecast to increase by \$47,000. The second report is an Information and Performance Summary.

Three copies of the AOA have been enclosed by BC Transit for signature. The agreement may be approved by resolution of Council. All copies of the agreement must be returned to BC Transit by April 27, 2007 so that the April payment to the operating company Western Bus Lines can be processed.

**Recommendation**

The following resolution is proposed:

*That the report from the Director of Finance dated March 26, 2007 be received and Council for the City of Port Alberni approve the 2007/08 Annual Operating Agreement for transit services in Port Alberni.*

Respectfully submitted

A handwritten signature in black ink, appearing to read "A. Hopkins".

Director of Finance

ENTERED  
E

RECEIVED

MAR 26 2007

CITY OF PORT ALBERNI



520 Gorge Road East,  
P.O. Box 610  
Victoria, British Columbia  
Canada V8W 2P3  
Phone (250) 385-2551  
Fax (250) 995-5639  
www.bctransit.com

March 27, 2007  
File: PTA.23

Ann Hopkins  
Director of Finance  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC V9Y 1V8

Dear Ms. Hopkins:

**SUBJECT: Port Alberni 2007/08 Annual Operating Agreement**

Further to our discussions, please find enclosed the 2007/08 Annual Operating Agreement (AOA) for the Port Alberni transit system for approval. This AOA, and the previously approved Master Operating Agreement, constitute the operating agreements for the transit system. The AOA also reflects the current service plan for the Port Alberni transit system.

An AOA Summary and an Information & Performance Summary are attached.

Once the agreements have received signature/seal from Council, please forward to Western Bus Lines Ltd. for approval with a request to return all originals to the undersigned for execution by BC Transit. The agreements must be returned to BC Transit by April 27, 2007 so that the April payment can be processed. The budget is also subject to approval by the Board of Directors of BC Transit.

Please call if you have any questions on the attached material.

Yours truly,

Nick Marshall  
Transit Planner  
Municipal Systems Program

Copy: Western Bus Lines Ltd.  
Attachments: Annual Operating Agreements  
AOA Summary  
Information and Performance Summary

**SYSTEM:** PORT ALBERNI  
**TYPE OF SERVICE:** CONVENTIONAL  
**MUNICIPALITY:** CITY OF PORT ALBERNI  
**OPERATING COMPANY:** WESTERN BUS LINES (PORT ALBERNI) LTD.

**BACKGROUND**

The Port Alberni Transit System has operated since 1972, making it one of the oldest in the Municipal Systems Program. The system operates three buses from 7:00 a.m. to 10:00 p.m., Monday to Friday and 9:00 a.m. to 10:00 p.m. on Saturday, serving all residential areas of the City. The Port Alberni fleet is made up of five fully accessible, low-floor Dennis Dart buses.

2007/08 is the last of a two year contract extension with Western Bus Lines.

**FINANCIAL ANALYSIS**

Total cost for 2007/08 is budgeted at \$1,083,000, a \$100,000 (10.2%) increase from 2006/07. The increase in costs is primarily due to vehicle maintenance (\$70,000) and the following factors:

- Fixed costs increase by \$4,000.
- Variable Hourly costs increase by \$5,000.
- Variable Distance costs increase by \$10,000, reflecting higher fuel and tire prices
- Maintenance costs increase by \$53,000, reflecting current experience in running repairs and forecast major component replacements. The 5-bus fleet is nearing the mid-point of its life cycle when warranty has expired and repairs are more frequent and costly. A \$27,000 Contingency allocation is included in the budget to provide for action on deferred maintenance.

**PERFORMANCE ANALYSIS**

Ridership in 2006/07 is forecast at 245,000, down 1.2% from the current budget and in keeping with a recent trend. Revenue is forecast to decrease by \$8,000 (3.2%) to \$253,000, in keeping with current experience. Ridership performance is forecast at 22 rides per hour, unchanged from the current year.

**FUNDING**

The BC Transit share of costs is forecast to increase by \$47,000 to \$457,000. The net municipal share of costs is forecast to increase by \$60,000 to \$356,000 in 2007/08. Revenue declines by \$8,000.

## Information & Performance Summary

### Port Alberni Conventional Transit

	Official AOA 2006/2007	Official AOA 2007/2008	\$ / #	%
<b>ANNUAL OPERATING AGREEMENT</b>				
<hr/>				
<b>BUDGET SUMMARY</b>				
Total Costs	\$983,077	\$1,083,159	\$100,081	10.2%
Total Revenue	\$260,800	\$252,501	-\$8,299	-3.2%
BCT Share of Costs	\$409,985	\$456,586	\$46,601	11.4%
Net Municipal Share	\$296,134	\$355,948	\$59,814	20.2%
<hr/>				
<b>PERFORMANCE SUMMARY</b>				
<b>Level of Service</b>				
Population Served	18,700	18,700	0	0.0%
Number of Vehicles in Service	3	3	0	0.0%
Revenue Hours of Service	11,241	11,202	-39	-0.3%
<b>Effectiveness</b>				
Annual Revenue Passengers	248,000	245,000	-3,000	-1.2%
Conventional	248,000	245,000	-3,000	-1.2%
Total Revenue Passengers per Capita	13.3	13.1	-0.2	-1.2%
Total Passengers per Hour	22	22	0	-0.9%
Total Cost per Passenger	\$3.96	\$4.42	\$0.46	11.5%
Cost Recovery	26.53%	23.31%	-0.03	-12.1%
<b>Efficiency</b>				
Total Operating Cost of Service per Revenue Hour	\$78.12	\$87.30	\$9.18	11.8%
Total Cost of Service per Revenue Hour	\$87.46	\$96.69	\$9.24	10.6%



# CITY OF PORT ALBERNI

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## PARKS AND RECREATION DEPARTMENT REPORT

---

TO: Ken Watson, City Manager  
FROM: Scott Kenny, Director of Parks and Recreation  
COPIES TO: Roy Egger, Supervisor of Facility Operations  
DATE: April 2, 2007

---

**SUBJECT: Amendment to VIHA Lease (Govt. Agents Building)**

---

**Issue:**

The City of Port Alberni currently has a lease with VIHA for use of the main floor located in the south wing of the Government Agents building on Elizabeth Street. The growth and use of the building now requires the lease to be extended to the upper floor under the same terms and conditions as the original lease.

**Background:**

The lease between VIHA and the City of Port Alberni was established to create a temporary medical clinic with the hope of attracting additional Doctors to the community. There is no charge for the lease which has a two year term at which time there may be a new medical clinic near the West Coast General Hospital.

**Discussion:**

The west access to the upper floor is restricted by the Government Agent and the east access is only possible through the Medical Clinic. The new Doctors have found the upper floor to be useful for meeting and storage space and have an agreement in place for use of some of the rooms by members of the Alberni Safety Net Project of which the City is a partner. The latter is a project to study the root causes of crime in Port Alberni and find ways to prevent crime through social development.

**Options:**

With limited access the upper floor space at the medical clinic has very few alternative use options. The combination of the Doctors use and that by Alberni Safety Net is a good fit for the space.

**Recommendation:**

It is recommended that the upper floor space in the medical clinic be included in the VIHA lease.

The following resolution is proposed:

*That Council for the City of Port Alberni amend the lease with VIHA for the medical clinic to include the upper floor space under the same terms and conditions as the original lease and the Mayor and City Clerk be authorized to sign the amended lease agreement on behalf of the City.*

Respectfully submitted

L:\Memos\R D\2007\Clinic Lease April 2-2007.doc

ENTERED



# CITY OF PORT ALBERNI

City Hall  
4850 Argyle Street,  
Port Alberni, B.C. V9Y 1V8  
Telephone: (250) 723-2146  
www.portalberni.ca

Fax: (250) 723-1003

File: Agreement #761

March 29, 2007

Chris Sullivan  
Director of Capital Planning  
Vancouver Island Health Authority  
1952 Bay Street  
Victoria, BC V8R 1J8

**DRAFT**

Dear Mr. Sullivan:

**Re: Amendment to Lease – Portion of 4711 Elizabeth Street, Port Alberni**

Amendments to the above-noted lease are as follows:

- **Section 1-Demise** is amended as follows: "The Landlord hereby leases to the Tenant and the Tenant leases from the Landlord the Lands and Building (collectively, the "Premises") **to include both floors as identified in Schedule "D"**.
- **Schedule "D"** is added showing floor plans for upper and lower levels of the building.

Please sign both copies of this letter indicating your agreement to these changes and return one copy for our files. If you have any questions, please call (250) 720-2810.

On behalf of  
CITY OF PORT ALBERNI

On behalf of  
VANCOUVER ISLAND HEALTH AUTHORITY

Russell Dyson  
City Clerk

Chris Sullivan  
Capital Planner

Attachment

- c. Wayne Cooper, VIHA, Nanaimo  
Ken Watson, City Manager  
Scott Kenny, Director of Parks & Recreation  
Diane Sherlaw, Assistant Collector/Accountant  
BC Assessment Authority

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Vancouver Island Health Authority
LEASE AGREEMENT

BETWEEN

The Corporation of the City of Port Alberni

Vancouver Island Health Authority

AND

(the "Landlord")

(the "Tenant")

At the following address:
4850 Argyle Street
Port Alberni, B.C.
V9Y 1V8

At the following address:
1952 Bay Street
Victoria BC V8R 1J8

BACKGROUND:

- A. The Landlord is the registered owner of the lands ("Lands") and building located thereon ("Building") situate in the district of Port Alberni, civically described as the Government Agents building at 4711 Elizabeth Street, hereby referred to as the "Premises".
B. The Landlord has agreed to lease the Lands and Building to the Tenant to use the building as defined in Schedule "B" on the terms and conditions set out below.

AGREEMENTS:

For good and valuable consideration, the receipt and sufficiency of which each party acknowledges, the parties covenant and agree as follows:

- 1. Demise. The Landlord hereby leases to the Tenant and the Tenant leases from the Landlord the Lands and Building (collectively, the "Premises") to include both floors as identified in Schedule "D".
2. Term. The term of this Lease shall be two (2) years commencing on July 1, 2006 and expiring on July 1, 2008 (the Term).
3. Basic Rent. During the Term, the Tenant will pay to the Landlord, at the office of the Landlord or at such other place in Canada as the Landlord designates from time to time in writing, in lawful money of Canada, without any setoff, compensation or deductions whatsoever, basic rent ("Basic Rent") in the amount of one (1) dollar per year plus GST in advance of the first day of each calendar month during the Term.

GST will not be considered to be rent, but the Landlord will have the same rights and remedies for non-payment of GST as it has for non-payment of rent.

Vancouver Island Health Authority
29-Mar-07 Approved to Form

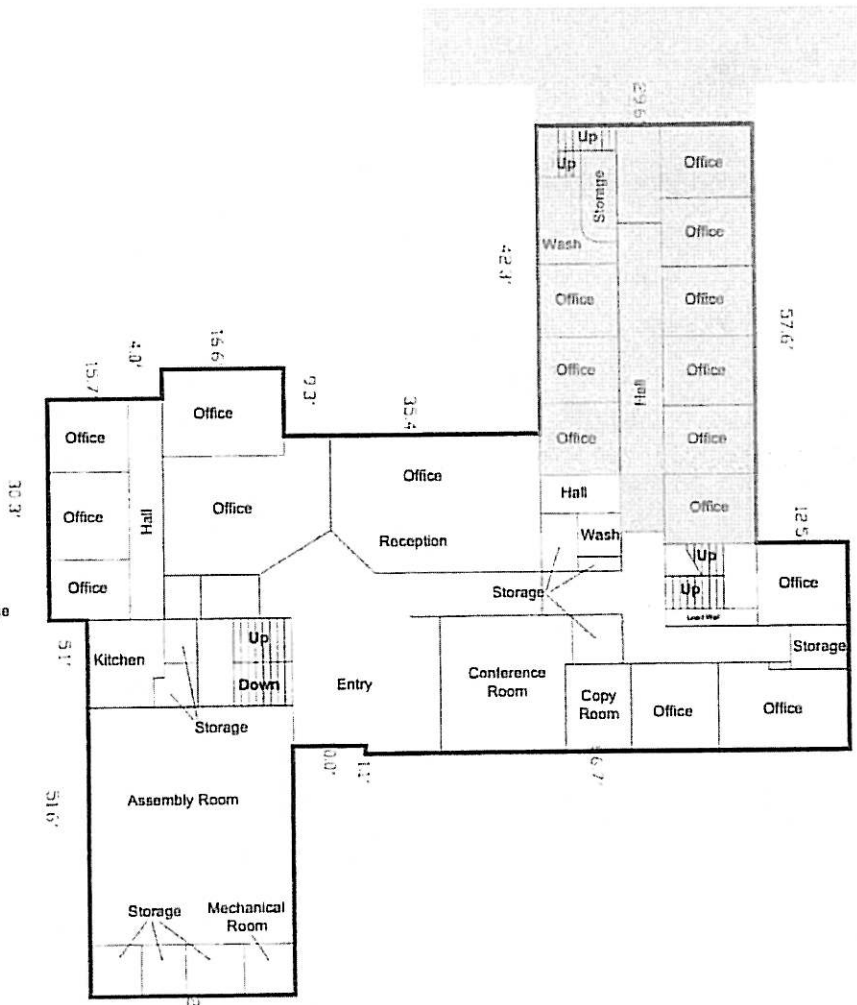
- Page 1 of 10 -
Revision 1.00

Table with 2 columns: Landlord, Tenant

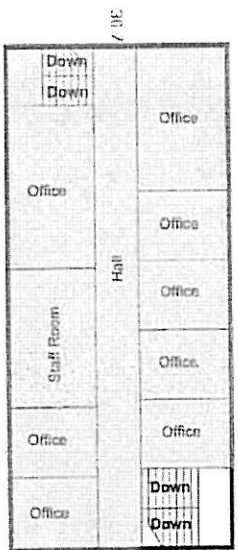
# SCHEDULE "D"

## Floor Plans

VIHA  
Lower Floor

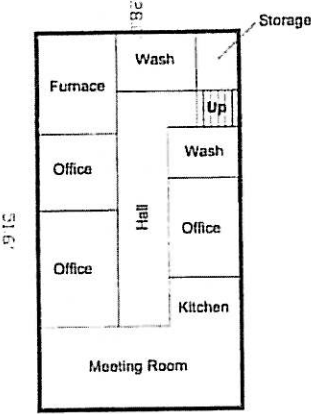


GROUND FLOOR



VIHA  
Upper Floor

SECOND FLOOR



BASEMENT



# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

---

TO: Ken Watson, City Manager  
FROM: Scott Smith, City Planner  
DATE: March 29, 2007

---

**SUBJECT: Development Variance Permit  
3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182)**

---

### Issue

To consider a Development Variance Permit application for 3596 Huff Drive.

### Background

The property at 3596 Huff Drive is 18.3 metres by 45.4 metres (60 ft by 149 ft) and a new house is in the early stages (foundation poured) of construction. Reduced copies of the house plans are attached.

The property is zoned R1 – Single Family Residential and has the following setback requirements.

#### Minimum Setbacks

Front Yard	7.5 metres (24.6 ft)
Rear Yard	9 metres (29.5 ft)
Side Yard	1.5 metres (4.9 ft)

Notwithstanding the above Minimum Setbacks, for dwellings greater than one storey or 5 metres (16.4 ft) in height, the sum of both side yards must equal not less than 20% of the lot width.

### Discussion

The proposed house is more than one storey with a lot width of 18.3 metres (60 ft). Therefore the side yard setbacks must total 3.66 metres (12 ft). The east side yard of the house has setback of 1.5 metres (5 ft), requiring a side yard on the west (lane side) of 2.13 metres (7 ft).

Construction of a new house is in the early stages and the owner has recently become aware that the layout of the house and the required side yard setbacks would only allow the deck on

ENTERED

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the west side of the house to be 1.8 metres (6 ft) wide. The owner would like to construct a 2.4 metres (8 ft) wide deck to make it more functional and has made application for a development variance permit. The applicant is therefore requesting a variance of the side yard setback requirement from 2.13 metres (7 ft) to 1.5 metres (5 ft), a variance of 0.63 metres (2 ft).

The west side of the property directly abuts a 6 metre (19.6 foot) lane. There is a small multi family strata development on the other side of the lane. Each of the units has access and small parking areas along the lane adjacent to 3596 Huff Drive. The strata project has some landscaping which provides screening.

### **Status of the Application**

The Advisory Planning Commission considered the variance application at a meeting on April 19, 2007 and made the following recommendations:

1. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw #4395 as follows:
  - a. Vary Section 6.1.4 (a) Conditions of Use Side Yard Setback for the West Side Yard from 2.13 metres to 1.5 metres for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182).
  - b. That City Council give notice of intent to consider the issuance of a Development Variance Permit for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182).

A copy of the notice for Development Variance Permit No. 61 is attached and was sent out as required by the Local Government Act.

### **Conclusions**

With the proposed 1.5 metre setback and the 6 metre lane the deck will be 7.5 metres (24.6 ft) away from the property line of the adjacent strata houses. The proposed variance is minor and will not adversely impact the neighbouring property and will allow for a more functional deck space. The Planning Department supports the requested variance.

Respectfully submitted

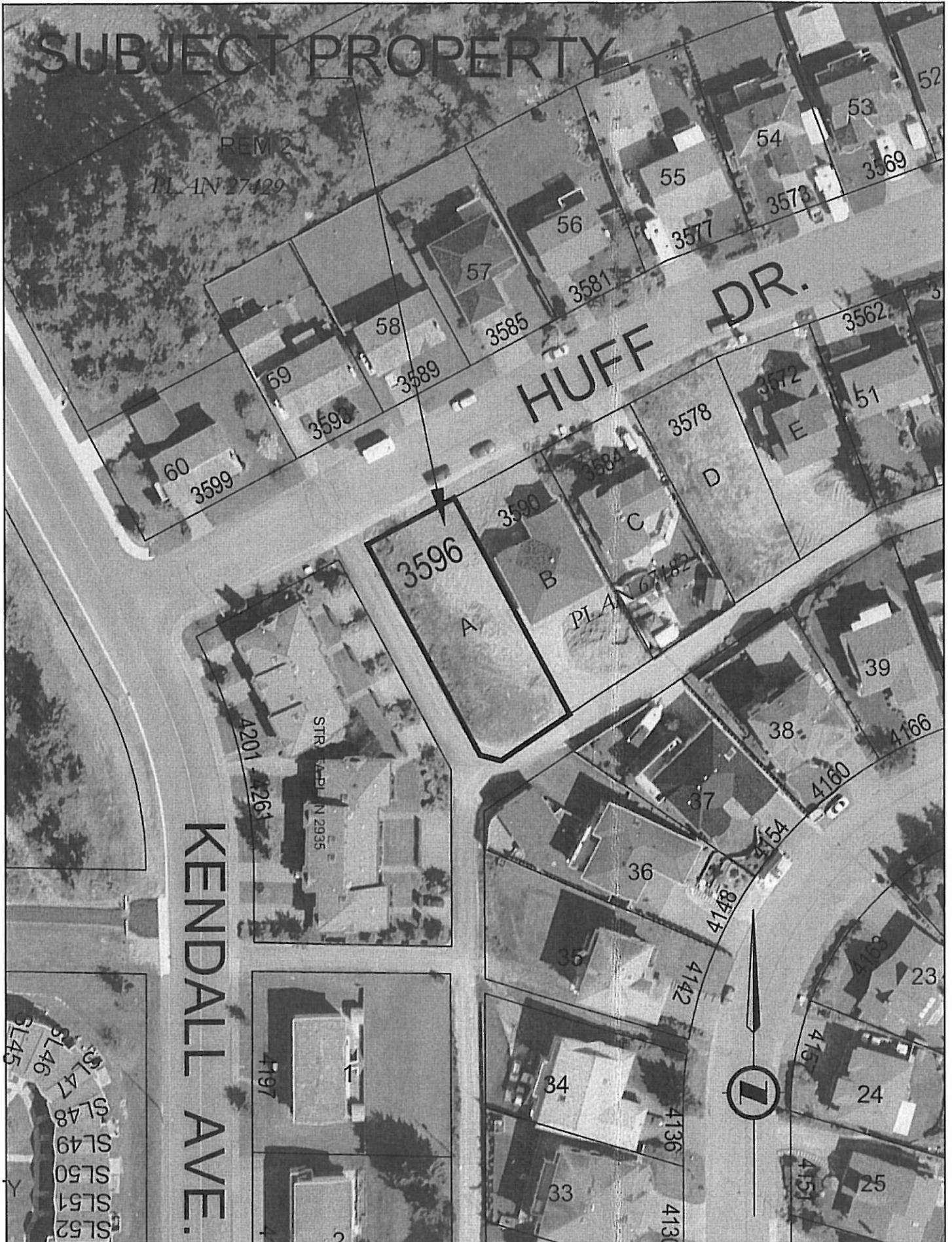


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Scott Smith, MCIP  
City Planner

\* \* \* \*

# SUBJECT PROPERTY



REM 2

PLAN 27429

## HUFF DR.

## KENDALL AVE.

3596

A

3590

B

C

PLAN 67182

3578

D

3572

E

3562

51

4201

261

STR. PLAN 2935

36

37

4154

38

4160

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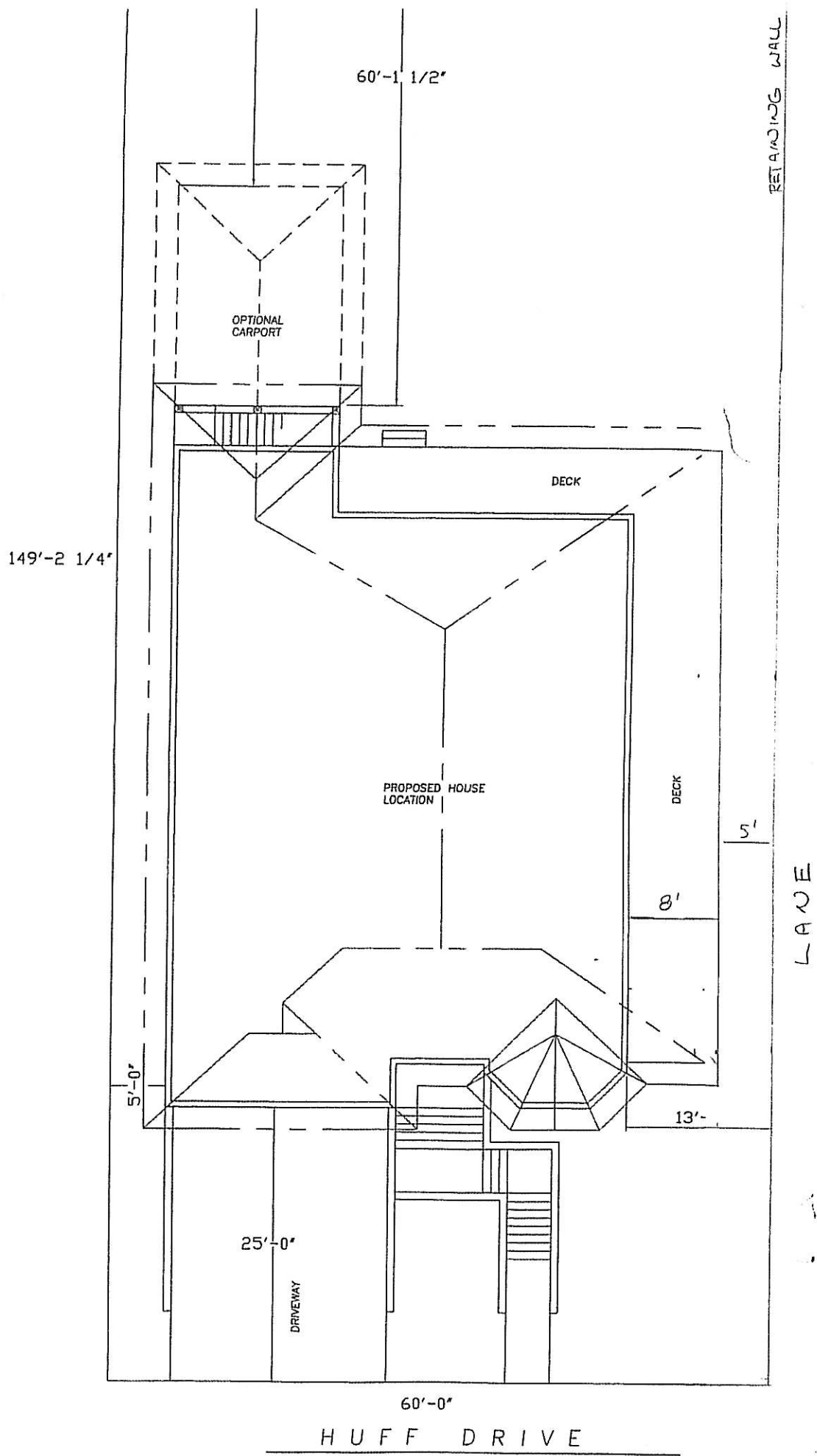
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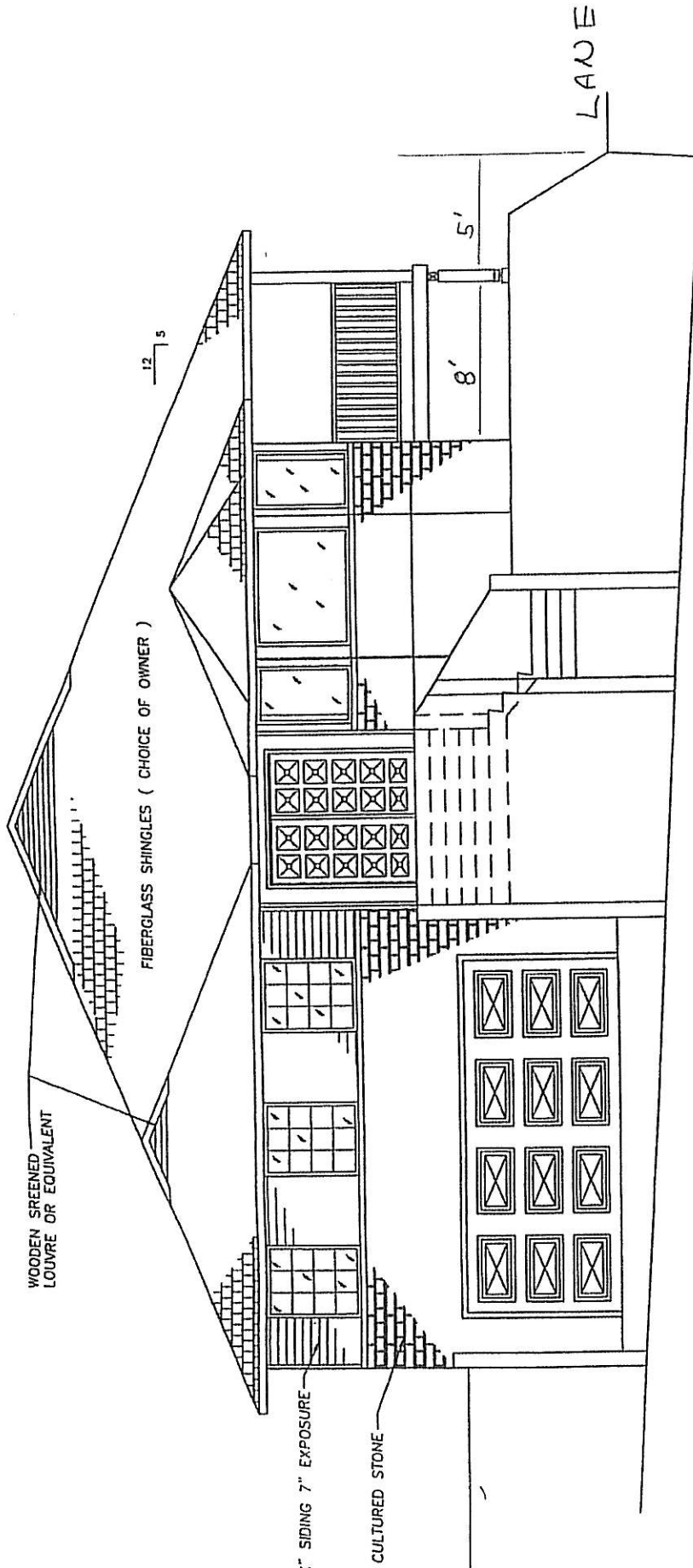
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SL51  
SL52

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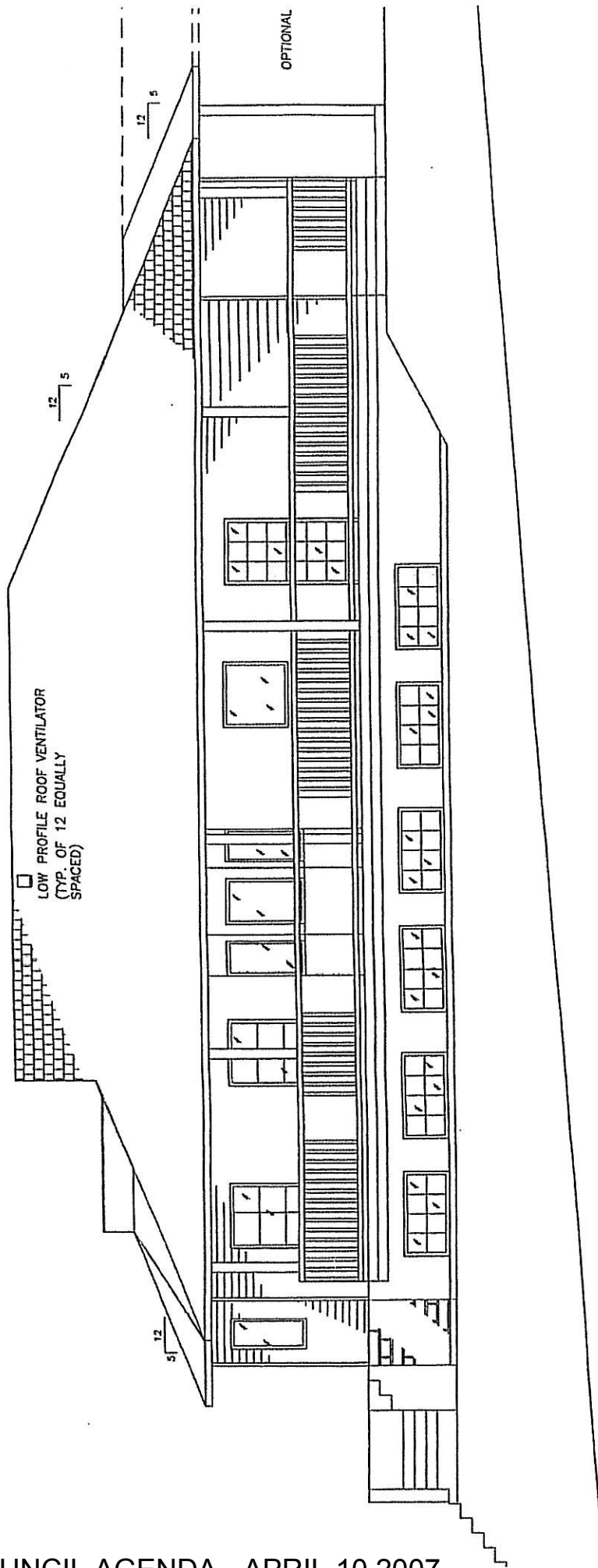
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FRONT ELEVATION  
SCALE = 3/16" = 1'-0"



RIGHT SIDE ELEVATION  
 SCALE = 3/16" = 1'-0"



1124



1120



1123



March 29, 2007

CITY OF PORT ALBERNI

## Notice of Development Variance Permit

To: Owners and Occupiers of Property

Re: Section 922 of the Local Government Act - Development Variance Permit No. 61 relating to the City of Port Alberni Zoning Bylaw, 1998, No. 4395

### **3596 Huff Drive**

(Lot A, District Lot 92, Alberni District, Plan VIP67182)

The applicants, (Norman and Barbara Bailey) have applied to the City of Port Alberni for a Development Variance Permit for the property at 3596 Huff Drive.

1) **Development Variance Permit No. 61** - To vary the Conditions of Use regulations as specified in Section 6.1.4 (a) of the Port Alberni Zoning Bylaw 1998, No. 4395 as follows:

**A)** Vary the Side Yard Setback on the West property line from 2.13 metres to 1.5 metres for 3596 Huff Drive (Lot A, District Lot 92, Alberni District, Plan VIP67182).

The applicant is proposing to build a single family residential home. The Development Variance is required to facilitate the construction of a covered deck on the west side of the building.

**The Council of the City of Port Alberni reviewed the Development Variance Permit application at its meeting held March 26, 2007 and will be considering a resolution to issue the Permit at a meeting on April 10, 2007.** Prior to issuing the Permit, Council is required to notify owners and occupiers of property in the vicinity of the subject property.

Copies of the proposed Permit may be inspected at the offices of the Planning Department, City Hall, between Monday and Friday (exclusive of statutory holidays) from March 29, 2007 to April 10, 2007 between the hours of 8:30 a.m. and 4:30 p.m.

Any person who deems their property affected by the above-described application may direct their comments, in writing, to Council by addressing a letter to the City Planner, 4850 Argyle Street, Port Alberni BC V9Y 1V8. **If preferred, representation may be made to Council at its regular meeting to be held on April 10, 2007 in the Council Chambers to commence at 7:00 pm.**

Scott Smith, MCIP  
City Planner

**MEMORANDUM**

---

Date: April 3, 2007 File 06.25.30  
To: Russell Dyson, Acting City Manager  
From: Guy Cicon, City Engineer  
Cc: Norm Meunier, Utilities Superintendent

---

**RE: Change in Terasen Gas Line Field Locate Policy**

---


Terasen Gas has advised Vancouver Island Municipalities that they will be no longer providing a line locator to identify where their underground gas lines are located. Vancouver Island Municipalities are resisting this move by Terasen and I am providing some background on this matter for Council because a resolution will be presented at the AVICC in April.

Since an operating agreement was reached with Terasen Gas some 14 years ago, Terasen Gas has been locating gas lines for Municipalities and Contractors when they were excavating in the vicinity of gas lines. Terasen has recently merged with BC Gas from the Mainland and BC Gas does not offer the same field locate services as Terasen Gas Vancouver Island. Consequently, Terasen began the process of advising Vancouver Island Municipality's that the service will no longer be supported.

Terasen does not believe they are contractually obligated to do this service. Vancouver Island Municipalities feel that they are obligated and they feel Terasen Gas is downloading the liability and cost of physically locating the gas utility.

The City of Nanaimo is acting as the lead Municipality on this issue and is taking a resolution to the AVICC to amend the Gas Safety Regulation to require the gas utility to locate their underground utility in the vicinity of excavation work. A City of Nanaimo Staff Report is attached for more information on this issue.

I recommend that City Council support the resolution that will be brought forward to the AVICC by the City of Nanaimo that requests to amend the Gas Safety Regulation to require the gas utility to locate their underground utility in the vicinity of excavation work.

Regards, 

ENTERED

## NANAIMO STAFF REPORT

REPORT TO: ANDY LAIDLAW, GENERAL MANAGER, COMMUNITY SERVICES

FROM: STEPHEN RICKETTS, MANAGER, ENGINEERING CONSTRUCTION

RE: TERASEN GAS LOCATE POLICY

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### RECOMMENDATION:

That Council pass the following resolution and bring it forward at the Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting:

### NATURAL GAS LINE LOCATION BY GAS UTILITIES

WHEREAS pursuant to the *Gas Safety Regulation*, BC Reg. 103/2004, under the *Safety Standards, Act*, SBC 2003 c.39, a gas utility company has the option of indicating the location of buried gas lines by way of a plan provided to the local government rather than marking out the location on site;

AND WHEREAS the installation methods for buried natural gas lines in many instances result in deflection from the intended alignment, with the result that plans provided by the major natural gas utility in the Province are not conducive to accurate location of gas lines in the field;

AND WHEREAS the consequences of a gas line rupture can be extremely serious for residents, businesses and local government employees;

THEREFORE BE IT RESOLVED THAT the Province be asked to amend the *Gas Safety Regulation* to require the gas utility company to attend on site to mark out buried gas line locations in connection with excavation work.

### EXECUTIVE SUMMARY

When working in the vicinity of gas mains, Vancouver Island municipalities and contractors have relied on Terasen Gas to physically locate their gas utility. Terasen has provided these field locate services on Vancouver Island since an Interim Operating Agreement was enacted in 1991. Terasen will discontinue this service to the municipalities as of April 2, 2007. Staff believe the removal of this service will jeopardize the safety of City employees and the general public, will increase the City's liability when working near Terasen's gas utility, and will download the costs to provide these locate services to the municipal taxpayers, many of whom are not Terasen customers or cannot be physically provided with natural gas.

In 1991, Staff believe Terasen committed to providing field locate services during the BC Utilities Commission hearings that established the current Interim Operating Agreement with Terasen. To quote from the hearing transcripts, Jac Kreut, President, Terasen said:

*"The responsibility for the location of that pipeline is squarely on the shoulders of the gas utility. We would not like to see someone else attempt, and I'm sure the municipalities don't want to take the responsibility for having to locate the pipelines and ensure that they're*

***absolutely in the right spot. We do take that responsibility. We take that responsibility very seriously”.***

Terasen has refused to recognize the municipal concerns of increased liability, safety of the worker and general public, and downloading of costs. Staff have developed an action plan to require Terasen to reinstate this service:

1. Request Council bring a resolution to AVICC Annual General Meeting asking the Province to change the legislation to require Terasen to provide field locates of their utility.
2. Staff, in conjunction with other Vancouver Island municipalities, will pursue the municipalities ability to enact a bylaw to require private utility companies to physically locate their utility.
3. If Council is unable to enact a bylaw, Staff, in conjunction with other Vancouver Island municipalities, will pursue an application to the BC Utilities Commission asking the BC Utilities Commission to amend the Interim Operating Agreement to require field locates.
4. Staff will continue to gather evidence to support Staff's position that Terasen's removal of field locate services poses an increased safety risk to the worker and general public.

#### DISCUSSION:

The BC Utilities Commission mandated an Interim Operating Agreement between Terasen, (formerly Centra Gas) and the Vancouver Island municipalities in 1991. Municipal concerns raised during the hearings leading up to this agreement included the accuracy of as-built drawings which record the installed location of the gas utility. It was during these hearings, Terasen represented they would provide field locate services for their gas mains to mitigate the Municipalities' concerns with the as-built drawings. Municipalities have received field locate services ever since.

Terasen stopped providing this valuable service to the contracting community last year, and in October 2006, advised Staff of their plan to no longer provide this service to all Vancouver Island Municipalities. Staff are of the opinion:

- The Terasen as-built drawings are not reliable. Design drawings approved for construction included the disclaimer, "*Terasen Gas does not guarantee the accuracy of this drawing, therefore, it should be used for reference purposes only. Companies or individuals should not rely on this documentation. All pipe locations must be verified in the field by Terasen Gas prior to excavation*".
- The removal of field locate services increases the potential for gas main hits and as a result increases the risk to workers and general public.
- Excavation companies, which include City crews, will inherit the liability associated with field locating gas mains.
- The City will incur additional costs of up to \$150K/year to hire a private locate company to replace this service.

Gas utility field locates are provided in every jurisdiction in North America, except British Columbia. Terasen advised Staff they do not provide field location services to any municipality in British Columbia except on Vancouver Island. This change is to standardize Terasen's operation in British Columbia. Staff see the differences on Vancouver Island being:

- Terasen's commitment to provide field locate services was a major factor in municipal approvals for gas utility installations.

- Vancouver Island operates under a different Operating Agreement.
- Other municipalities in the province receive franchise fees that could be used to offset the City costs to provide locates; Vancouver Island municipalities do not.

The requirements for locating gas utilities is regulated by the *Gas Safety Act* which falls under the BC Safety Authority. Terasen's removal of field locate services is interpreted by the BC Safety Authority as still complying with the *Gas Safety Act*, but are monitoring the change to ensure there are no increased safety concerns.

The BC Construction Association also share the same concerns and are actively lobbying the Province to make legislative changes. The BC Construction Association is a member of the BC Common Ground Alliance whose mandate is to ensure the highest possible standards of public safety, worker safety and damage prevention in connection with underground infrastructure. The City of Nanaimo has joined the BC Common Ground Alliance to ensure there is strong municipal representation.

Terasen's decision has unified Vancouver Island Municipalities to oppose this change. The Municipalities met with Terasen on Feb 7, 2007 to present our concerns with the hope Terasen would honour their President's commitment to the Vancouver Island Municipalities. Terasen advised the Municipalities they would not honour their commitment, and refused to recognize the concerns with increased liability, safety of the worker and general public, and downloading of costs. Following the meeting, Terasen gave notice they will no longer provide field locate services as of April 2, 2007.

In response to Terasen's position, Staff developed the action plan as outlined in the Executive Summary. Staff will not be able to resolve the issue before Terasen's April 2, 2007 deadline. To ensure the safety of our City employees and the general public when working around Terasen's gas utility, as an interim measure, Staff will hire a private contractor to provide the service.

Respectfully submitted,

---

Stephen Ricketts, Manager,  
Engineering Construction

---

K.M. MacKenzie, Director,  
Engineering & Public Works

---

Andy Laidlaw, General Manager  
Community Services



**Current Status Report  
April 10, 2007 Regular Council Meeting**

<b>Meeting and Date</b>	<b>Item</b>	<b>Responsibility</b>	<b>Status</b>
<b>Regular Jan 8/07</b>	Support recognition of web based news services for municipal public notices.	All Council	Support resolution at April 2007 AVICC Convention
Regular Jan 8/07	Statutory right of way to be provided to NETUNE Canada.	City Engineer City Clerk	NEPTUNE to prepare ROW document
<b>Regular Jan 22/07</b>	Prepare idling reduction procedures for City vehicles.	City Engineer	Report to be brought forward for Council's endorsement
Regular Jan 22/07	City's Way Finding Sign Plan - consult with AV Tourism Council and outline criteria for selecting consultant.	City Planner City Engineer	Consultant selected - AV Tourism to update Council April 10, 2007
<b>Regular Feb 12</b>	Organize meeting & tour of Argyle St Post Office with Canada Post employees and Public Works Canada regarding building needs.	City Manager	Conducted March 26, 2007
Regular Feb 12	Undertake a viability analysis of the proposed Community Forest – DRH Forest consulting.	City Manager	In progress - fieldwork delayed on account of snow pack
<b>SICC Feb 26</b>	Organize a meeting with Derek Sturko, Gaming Enforcement Policy Branch, in Port Alberni.	City Clerk	Conducted March 26, 2007
<b>Regular Feb 26</b>	Apply for UBCM tourism funds to implement Branding.	Museum Director	Application approved
Regular Feb 26	Implement Contract for Library Construction.	Director of Parks and Recreation	Work to commence after Easter Holiday
Regular Feb 26	Public Works undertake Improvements at Bute Street and Hilton Avenue.	City Engineer	Planning in progress
Regular Feb 26	Request VIHA restore the stores and 9 beds at West Coast General Hospital.	Mayor	Response received from Howard Waldner, Chief Administrative Officer
<b>SICC March 12</b>	Complete the sale of City owned property at 5265 River Road retaining necessary Right of Way.	City Clerk	Papers signed, instructions for Right of Way provided
<b>Regular March 12</b>	Prepare a list of City property used for Park purposes and identify status.	Director of Parks and Recreation City Planner City Clerk	In progress
Regular March 12	Councillor Solda to attend UBCM Community Safety Committee.	Councillor Solda	Met March 28, 2007
Regular March 12	Conduct Public Hearing for Comprehensive Revision to OCP – Bylaw 4602	City Planner City Clerk	Agenda out March 29 <sup>th</sup> Hearing April 4

**Current Status Report  
April 10, 2007 Regular Council Meeting**

<b>Meeting and Date</b>	<b>Item</b>	<b>Responsibility</b>	<b>Status</b>
<b>Special Budget March 13</b>	Compare the costs of the Finance Dept. with other municipalities.	Director of Finance	Inquiries made
Special Budget March 13	Reduce Museum expenditures by \$50,000 by the year 2011.	Museum Director	Amendments provided to budget included in bylaw
Special Budget March 13	Implement Development Cost Charges for City Infrastructure.	City Engineer City Planner	Report with estimates and process to be submitted to Council
Special Budget March 13	Provide a report for Council to schedule implementation of changes to fees and charges.	City Clerk	In progress
<b>Special Budget March 14</b>	Review the option to lease City vehicles.	City Engineer	Option to be costed for consideration at next vehicle purchase
Special Budget March 14	Raise Commercial Garbage Collection costs to cover expenses.	City Engineer	Bylaw forthcoming
Special Budget March 14	Evaluate the alternative of purchasing hybrid vehicles where practical.	City Engineer	Next vehicle purchase to include hybrid option
Special Budget March 14	Arrange tour of new RCMP building.	Gord Wellar OIC	Proposed in May, 2007
Special Budget March 14	Provide information for local papers to regularly publish a map of the locations of recent crime.	Gord Wellar OIC	In progress
Special Budget March 14	Review the Equipment Replacement Reserve Fund to identify possible reductions and itemize the implications.	City Manager	In progress
<b>Special Budget March 15</b>	Schedule the 2008-2012 Financial Plan Public process for Sept 2007.	City Manager	Done. Echo Booked for September
Special Budget March 15	Develop options to reduce the potential tax burden to the residential class for the year 2008.	City Manager	Report to be submitted in September, 2007
Special Budget March 15	Prepare the necessary bylaw to submit to Council for implementing the 5 Year Financial Plan.	City Clerk	Done. Tax Rates Bylaw waiting other agencies for final figures
<b>Regular March 26</b>	City to accommodate disposal of broom during Broom Busting Week	Director of Parks & Recreation	Anderson Road arranged
Regular March 26	Endorse Uptown Merchants Cleanup and Sidewalk Sale	City Clerk	Details requested for specific City support

**Current Status Report  
April 10, 2007 Regular Council Meeting**

<b>Meeting and Date</b>	<b>Item</b>	<b>Responsibility</b>	<b>Status</b>
Regular March 26	Provide report for election transportation alternatives	City Clerk	In progress
Regular March 26	Provide a report of analyzing provision of fire protection to properties along Franklin River Road	Fire Chief City Clerk	Logistics evaluated. Assessing contract options
Regular March 26	Prepare 2007 tax rates in response to Five Year Plan	Director of Finance City Clerk	Waiting other government tax rates
Regular March 26	Invite Watershed/Franklin River Road property owners to Boundary Study Committee	City Clerk	Done

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