



Agenda No: 6.1

Mtg Date: April 8, 2010

Governance & Services Committee Report

TO: Governance & Services Committee
FROM: Rhoda Mueller, Chief Bylaw Enforcement Officer
DATE: March 30, 2010
SUBJECT: Bylaw Dispute Adjudication Program

RECOMMENDATION:

That the Regional Board not participate in the Okanagan Valley Bylaw Dispute Adjudication Program and that staff investigate the Okanagan Valley Program for actual costs and results in the year after it's implementation.

BACKGROUND:

On November 12, 2009, staff reported on the Okanagan Valley Bylaw Adjudication Program with a recommendation not to participate in the program as it is intended as an alternative approach for processing and resolving minor bylaw infractions.

The Board requested that the Regional District of Central Okanagan defer the decision to not participate in the Okanagan Valley Bylaw Dispute Adjudication Program; and that staff attend the information meetings, reconfirm costs for setup and participation in the program and confirm whether it makes sense for the Regional District to participate in the program.

The Regional Board raised the question again at the March 11, 2010 meeting for a report back on the bylaw adjudication system.

Staff participated in a meeting by the Okanagan Valley Adjudication Group on December 4, 2009 and took opportunity to address the group about why the RDCO was not participating at this time. Input from the group was that their Councils were requesting higher fine amounts and participants confirmed that the program was intended for minor issues such as parking violations.

Since this meeting, the Okanagan Valley Bylaw Adjudication Group is proceeding with an implementation schedule of September 2010. In their attempt to keep the process moving they have frozen the participants to the existing partners and any additional organizations will have to wait a year to be included.

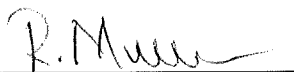
The Group has estimated annual costs of \$50,000 which is shared by the group based on population for each area. Kelowna will administer the registry and the adjudication hearing process. The Group estimated the Regional District of Central Okanagan's portion of the shared costs at \$5,300. Each participant is responsible for their own setup for screening and administration leading to adjudication hearings. The Adjudication System has been adopted in other BC municipalities, and has proven to be successful as an alternative approach for processing and resolving minor bylaw infractions.

The Regional District of Central Okanagan does not have a traffic bylaw and tickets are issued primarily under the dog control function. Two tickets were issued for all other bylaws in 2009. The weed program and unsightly premises bylaws are direct enforcement programs where work is carried out and no tickets are issued. Because of the complexities in dog control services, these tickets are not suitable for the adjudication program. Most tickets involve witnesses and exhibits. Costs of the program administration and adjudication process are additional to the budgets set for 2010.

As service levels within the bylaw department evolve, the adjudication program may become a required tool. An example of this might be issuing more tickets for no dog licenses as public compliance drops off due to increased late penalties. Current limits to staff resource time for setting up the program and ongoing administration and housekeeping would be a challenge at this time.

Staff recommend that the Regional Board not participate in the Okanagan Valley Bylaw Dispute Adjudication Program. However, the Regional Board may decide to participate in the Program without expectations until such time that applicable or appropriate cases dictate the suitability to the program. Additional costs would be easier to estimate for the setup, screening and administration after the Group's first year's activities.

Respectfully submitted,

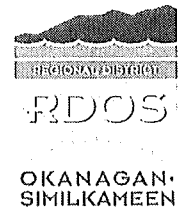
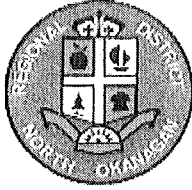


Rhoda Mueller
Chief Bylaw Enforcement Officer



Dan Plamondon, Director of Development Services

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**Okanagan Similkameen Airshed Coalition (OSAC)
Minutes of November 17, 2009 held in the Woodhaven Room
Regional District of Central Okanagan**

Present:

Voting Members

Chair Allan Patton, RDOS, Electoral C Director
Jim Edgson, RDCO, Electoral Director
Vice Chair Sharon Shepherd, RDCO, Mayor of Kelowna
Buffy Baumbrough, RDNO, City of Vernon Councillor

Staff:

Janice Johnson, RDOS, Air Quality Coordinator
Nicole Marzinzik, RDCO, Air Quality Coordinator
Ronda Wilkins, RDCO, Recording Secretary,
Jerry Dombowsky, City of Kelowna Regional Programs Manager (RDCO)

Technical Advisor:

Regrets:

Eugene Foisy, RDNO Electoral Director
Garry Litke, RDOS, City of Penticton Councillor
Ralph Adams, Ministry of Environment Air Quality Meteorologist
Ron Westlake, City of Kelowna, Director of Regional Service (RDCO)

The meeting was called to order at 3:04 p.m.

1. ADOPTION OF AGENDA

MOTION: That the agenda be adopted with the addition of 3.6 - BC Transit Meeting

MOVED BY: Jim Edgson **SECONDED BY:** Buffy Baumbrough **CARRIED**

2. MINUTES

2.1. Receive minutes of Okanagan Similkameen Airshed Coalition September 23, 2009.
(Schedule A)

MOTION: That the September 23, 2009 minutes of the Okanagan Similkameen Airshed Coalition (OSAC) be adopted as submitted.

MOVED BY: Sharon Shepherd **SECONDED BY:** Jim Edgson **CARRIED**

3. BUSINESS ARISING

3.1. UBCM update

Discussion:

- Chair Patton updated the committee on the meeting with the Minister of Environment, Mr. Penner at UBCM Convention.
- The Minister confirmed that the three Regional Districts should work collectively when applying for grants or presenting policy direction in regards to air quality.
- Staff will follow-up with a letter to the Minister, thanking him for the meeting.

3.2. Memorandum of Understanding for 2010

3.2.1. Schedule B – copy of letter from Regional District of Central Okanagan to RDOS and RDNO.

Discussion:

- The letter from the Regional District of Central Okanagan will be on the RDOS agenda December 10, 2009 and on RDNO agenda November 25, 2009
- Coalition suggested that the MOU be signed by RDCO and forwarded to RDOS, then to RDNO.

3.3. Tree Fruit and Grape Removal Program (Tree Removal Funding)

Discussion:

- It is understood that the BC Fruit Growers Association wants to form a committee to discuss best management practices.
- Tree removal funding program needs more accountability.
- It is understood that the criteria for funding is based on acreage in production.
- Discussion on a disposal plan/checklist for orchard/vineyard infrastructure is not a criteria and would be beneficial if there was accountability through this program to ensure these materials (treated posts, wire, irrigation tubing) are disposed of correctly and not burned.
- Encourage chipping – maybe another criteria for this funding is one third of the funding is put aside for local government chipping programs or provided to growers if they are chipping themselves (chips help build carbon rich soils – while synthetic nitrogen is a GHG).

ACTION: That the staff find out the following:

- Who is responsible for the Tree Fruit and Grape Removal Program
- What is the criteria for the grant funding?

MOTION:

THAT the Okanagan Similkameen Airshed Coalition write a letter to the Tree Fruit and Grapevine Removal Program and forward a copy to the three regional districts and the BC Fruit Growers Association regarding the funding criteria for the program, requesting that an applicant submit a disposal plan as part of the criteria under the Tree Fruit and Grapevine Removal Program;

FURTHER THAT the disposal plan include best practices for disposal of orchard and vineyard materials including plastics, wires and treated posts.

MOVED BY Sharon Shepherd SECONDED BY Jim Edgson **CARRIED**

3:31 p.m. Jerry Dombowsky, City of Kelowna Regional Programs Manager (RDCO) arrived at the meeting

3.4. October 29th Conference (Schedule C)

3.4.1. Schedule C – Conference notes and summary of evaluation sheets

A summary of the conference discussion was presented to the committee

Discussion:

- 50 people in attendance at conference
- Some comments: Would like more discussion on the issues instead of filling the conference with speakers.
- For next years conference encourage more elected officials to attend, all were invited to the conference.
- Ask Regional Districts Boards what topics they would like to see on the conference agenda.
- Forward the outcome of the conference to the three Regional Districts.
- Use next year's conference as more of a workshop. Take the opportunity to discuss the future topic and highest air quality priorities that came out of the 2009 conference and use it to fulfill the commitment the OSAC has to flesh out the Valley Wide Air Quality management plan.
- Send an email to Ministry of Environment via Ralph Adams on the findings of the conference, request for funding for work plan and 2010 OSAC Conference/workshop.
- Make sure that the "Working Towards a Valley Wide Plan" is on the web site of all three Regional Districts.

MOTION:

THAT the Okanagan Similkameen Airshed Coalition forward a request to the Ministry of Environment for funding in the amount of \$20,000 to hire a consultant to work on the recommendations identified in the Valley Wide Air Quality Management Plan and to provide funding for a conference in 2010.

MOVED BY Jim Edgson SECONDED BY Sharon Shepherd **CARRIED**

MOTION:

That the Okanagan Similkameen Airshed Coalition forward the outcomes of the 2009 Okanagan Similkameen Conference to the Regional District Boards with a letter as to the Coalition goals for next year and request the information on the conference be placed on their website.

MOVED BY: Sharon Shepherd SECONDED BY: Buffy Baumbrough **CARRIED**

3.5. OSAC future meeting dates at the RDCO Woodhaven meeting room

3.5.1. (Schedule D) Tentative meeting dates: Feb 24, June 23, Sept 22, Nov. 24, 2010

The committee received the tentative schedule for 2010 and staff will book these dates.

3.6. BC Transit strategic Planning Session held November 17, 2009

Discussion:

- It was noted that not one of the top five priorities of the Transit Plan dealt with greenhouse gas reductions. As this is a provincially mandated requirement for local governments discussion ensued as to why this is not a priority.

MOTION:

Whereas the average British Columbia community has 2.5% of its citizens using public transportation and that the current BC Transit objective is to double ridership to 5% and

Whereas the BC Transit Strategic Plan is being developed to the year 2030, and the Province has set the green house gas emission reduction targets to be reduced by 80% to the year 2050;

AND Whereas not one of the top five priorities of BC Transits draft strategic transit plan deals with greenhouse gas reductions,

THEREFORE, the Okanagan Similkameen Airshed Coalition recommends that the BC Transit Strategic Plan include in their strategic plan a higher objective than doubling ridership in order to reduce greenhouse gases;

AND FURTHER THAT BC Transit should consider green house gas reduction and improving air quality as part of their list of major priorities to address Provincial climate change and air quality mandates.

AND FURTHER THAT this resolution be forwarded to the three Regional Districts Boards for support of the resolution prior to a letter being forwarded to BC Transit.

MOVED BY: Sharon Shepherd SECONDED BY: Buffy Baumbrough **CARRIED**

MOTION:

To adjourn the Okanagan Similkameen Airshed Coalition meeting at 4:08 p.m.

MOVED BY Jim Edgson SECONDED BY: Buffy Baumbrough **CARRIED**

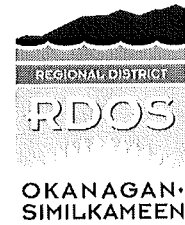
CERTIFIED TRUE AND CORRECT



Chair

or

Committee Member



**Okanagan Similkameen Airshed Coalition (OSAC)
Minutes of February 24, 2010 held in the Woodhaven Room
Regional District of Central Okanagan**

Present:

Voting Members

Allan Patton
Jim Edgson
Sharon Shepherd
Buffy Baumbrough
Garry Litke

RDOS, Electoral C Director - **Chair**
RDCO, Electoral Director
RDCO, Mayor City of Kelowna – **Vice Chair**
RDNO, City of Vernon Councillor
RDOS, City of Penticton Councillor

Staff:

Janice Johnson
Nicole Marzinik
Ronda Wilkins
Jerry Dombowsky

RDOS, Air Quality Coordinator
RDCO, Air Quality Coordinator
RDCO, Recording Secretary,
(RDCO) /City of Kelowna Regional Programs Mgr.

Technical Advisor:

Ralph Adams

Ministry of Environment Air Quality Meteorologist

Regrets:

Ron Westlake

(RDCO) City of Kelowna, Dir. of Regional Services

Guests:

Greg Baytalan

Interior Health

The meeting was called to order at 9:15 a.m.

1. ELECTION OF OSAC CHAIR AND VICE CHAIR

Election of Chair

Nominations for the position of the Chair for the Okanagan Similkameen Airshed Coalition

MOTION: EDGSON/LITKE

That Director Allan Patton be nominated as Chair for the Okanagan Similkameen Airshed Coalition.

Director Patton was not in attendance to accept the nomination; however he had earlier indicated that he wished to resume the role of Chair.

There were no further nominations.

Director Allan Patton was acclaimed Chair of the Okanagan Similkameen Airshed Coalition.

Election of Vice Chair

Nominations for the position of the Vice Chair for the Okanagan Similkameen Airshed Coalition

MOTION: EDGSON/LITKE

That Mayor Sharon Shepherd be nominated as Vice Chair for the Okanagan Similkameen Airshed Coalition.

Mayor Shepherd accepted the nomination.

There were no further nominations

Mayor Sharon Shepherd was declared acclaimed, Vice Chair of the Okanagan Similkameen Airshed Coalition.

Vice Chair Shepherd assumed the Chair

2. ADOPTION OF AGENDA

MOTION: BAUMBROUGH/EDGSON

That the February 24, 2010 Okanagan Similkameen Airshed Coalition agenda be adopted.

CARRIED

3. MINUTES

3.1. Receive November 17, 2009 minutes of Okanagan Similkameen Airshed Coalition.

MOTION: EDGSON/LITKE

That the November 17, 2009 minutes of the Okanagan Similkameen Airshed Coalition be adopted as submitted.

CARRIED

4. BUSINESS ARISING

4.1. OSAC Meeting Dates for 2010 (February 24, June 23, September 22, November 24, 2010)

MOTION: EDGSON/LITKE

That the Okanagan Similkameen Airshed Coalition approves February 24, June 23, September 22 and November 24 as scheduled meetings dates for 2010.

CARRIED

4.2. Memorandum of Understanding for 2010

MOTION: LITKE/BAUMBROUGH

That the OSAC receive the signed 2010 Memorandum of Understanding for one year from the participating Regional Districts.

CARRIED

4.3. Towards an Okanagan & Similkameen Valley Air Quality Management Plan – Funding Update – Ralph Adams

Discussion:

Ralph Adams provided an update on OSAC's request for funding for the Okanagan Similkameen Valley Air Quality Management Plan and 2010 conference. He noted that the Okanagan Similkameen Valley Wide Air Quality Management Plan has the highest priority in regards to Air Action Plans in the Province, however funding has been frozen and will not be released this fiscal year. A decision for funding will have to wait until next fiscal year (March 31, 2010-2011). The OSAC does not have to submit another application for funding as the current one will remain on file.

4.4. Discussion on tasks of OSAC committee for 2010 (AQMP, conference)

Agenda item 4.4 postponed until the June 23, 2010 meeting.

4.5. Anti-idling – Mayor Shepherd, Nicole Marzinik

Staff provided information to guide the Coalition in a discussion on how to reduce greenhouse gas emissions from idling vehicles and provide recommendations to the participating Regional Districts.

Ideas:

- Educating and modeling should be the priority, target schools and corporations.
- Develop broad based campaigns (plans) working on behavioral changes using social marketing (resources may be available from Fraser Basin).
- Have sectors set up their own clear objectives on how to reduce emissions.
- Participating Regional Districts should lead by example regarding anti-idling awareness.
- Need to determine where the resources of the emissions are (traffic patterns, talking on cell phone, drive thrus) and who can look at this through their portfolios and promote the reduction of idling.
- Inquire if the Federal Government has funding and if they are providing anti-idling ambassadors again this year.

It was agreed that the Coalition should raise awareness and show leadership in the reduction of greenhouse gas emissions, before recommending an anti-idling Bylaw to their Regional Districts. The marketing could be done by one Regional District and then share the message throughout the valley. It was noted that it would be a challenge for the RDNO, as there is no dedicated staff person for Air Quality.

MOTION: SHEPHERD/EDGSON

WHEREAS the UBCM Climate Action Charter, requires each Municipality to become carbon neutral by 2012 and reduce greenhouse gas emissions by 33% by 2020 to meet the BC Climate targets,

THEREFORE the Okanagan Similkameen Airshed Coalition recommends to the three Regional District Boards that they receive the anti-idling discussion and the *Cracking Down on Idling* papers and request that they consider a social marketing program for anti-idling,

AND FURTHER THAT the Okanagan Similkameen Airshed Coalition request regional and municipal governments forward any anti-idling policies to the Okanagan Similkameen Airshed Coalition for their review.

CARRIED

Director Patton arrived at 9:45 a.m. and assumed the Chair.

Discussion on the motion:

The Coalition discussed whether the following motion should go forward to the corporate sector. It was decided that in order to receive information from the corporate sector a positive message be sent out and that the Coalition inquire on the successes, (how they are measured and celebrated) in regards to anti-idling. It was noted that many corporations already have anti-idling policies.

MOTION: LITKE/SHEPHERD

THAT the Okanagan Similkameen Airshed Coalition request that the participating Regional Districts consider forwarding a letter to agencies and corporate partners, who operate fleet vehicles and/or transit in their communities, asking if they have an anti-idling policy and that they share information on the successes of that policy;

AND THAT if they do not have an anti-idling policy in place they be encouraged to adopt a policy;

AND FURTHER THAT the Regional Districts inform the agencies and corporations that this information will be shared with the Okanagan Similkameen Airshed Coalition.

CARRIED

ACTION: Staff to inquire if the Fraser Basin Council still provides a presentation on their fleet program to communities.

ACTION: Staff to inquire if there is any data from Environment Canada on remote car starters and its effects on air quality.

ACTION: Staff to report to the Coalition on signage (samples, costs). The Coalition is looking for consistency throughout the Valley.

4.6. Provincial Open Burning Smoke Control Regulation Intention Paper

Ralph Adams provided background information on the Provincial Open Burning Smoke Control Regulation Intention paper and informed the Committee that the process has started again with a stakeholder group in place. He noted that there might be a delay on the Intention Paper as the decision as to whether there should be high sensitive smoke areas seems to be an obstacle. He noted that there is agreement that the Intention Paper will have mechanisms for burning plans that could be developed in conjunction with the Ministry of Forests and Range, Local Governments and Fire departments, which would allow for interface and fuel reduction burning.

It was brought to the Coalition's attention that there was a legal opinion from Crown Counsel that the Ministry of Environment does not have the authority to enforce open burning on Federal Land however; the Canada *Health Act* may provide a mechanism to improve burning practices.

ACTION: Ralph Adams to obtain relevant *Health Act* information in regards to open burning practices.

It was noted that calls have been received inquiring if the Agriculture Chipping Program also covers Band Land.

RDOS have noticed more growers are participating in the alternative to burning programs.

ACTION: Staff to inquire if the First Nation Health officer in Kelowna would like to attend the OSAC meetings.

4.7. Agriculture Update:

1. The BCFGA Convention

It was noted that the wood chipping program was discussed at the BCFGA convention. The BCFGA looked into the Federal Tree and Vine Removal Program and were concerned that they were unable to provide any feedback in regards to criteria, however in the future hand outs with information on alternatives to burning and the chipping programs will be provided to growers who apply for the program with information

2. On-Farm Safety Program – Allan Patton

The Chair had discussions with a Certifier from the Okanagan Tree Fruit Co-op, On Farm Food Safe (On-Farm) regarding the Coalition's trouble in communicating with farmers on alternative methods, such as chipping in order to reduce air quality concerns within the valley. On-Farm was asked for assistance (as they go to every farm) in providing an information package regarding chipping programs and alternatives to burning to the farming community. The Certifier (Diane Goltz) communicated that they would be in favor of providing support to the Coalition.

MOTION: LITKE/EDGSON

That the Okanagan Similkameen Airshed Coalition write a letter to the Okanagan Tree Fruit Co-op, On Farm Food Safe asking them to provide information on the chipping programs and alternatives to burning (provided by OSAC) to each farmer during their site visits.

CARRIED**3. Tree & Vine Removal Program – Janice Johnston**

It was noted that Staff from the Ministry of Agriculture, BCFGA and the Region meet at the RDOS on Feb 1, 2010. One of the outcomes was that with future funding criteria they would like to include a Waste Disposal Plan checklist that growers would have to fill out prior to funding. The Ministry also wanted RDOS to expand on their guide to include a checklist on best management practices. RDOS will be applying for funding and asking Interior Health Authority to come on board. This will be a valley wide initiative and copies will be provided to the regional districts in the valley.

4.8. Communication Strategy to Growers – Valley-wide

The Coalition discussed ideas to ensure that communities in the valley receive a consistent communication message and that information is available in different languages.

MOTION: SHEPHERD/PATTON

That Okanagan Similkameen Airshed Coalition recommend to the participating Regional Districts to support a valley wide communication strategy for raising awareness about chipping programs and air quality issues to all growers throughout the Valley and that the information provided be translated into other languages.

CARRIED**4.9. Highway Expansion**

Chair Patton noted that expansion to a four-lane highway north of Osoyoos is occurring and businesses along the highway are going to be negatively impacted. It was felt that this will become the corridor for Highway 97.

MOTION: LITKE/SHEPHERD

That the Okanagan Similkameen Airshed Coalition recommend to the Regional Boards that a letter be sent to the Ministry of Transportation and Infrastructure asking that they support public transportation as an economical and environmental alternative to Highway expansion.

CARRIED**MOTION: LITKE/SHEPHERD**

To adjourn the Okanagan Similkameen Airshed Coalition meeting at 11:15 a.m.

CARRIED

CERTIFIED TRUE AND CORRECT

Chair

or

Committee Member