

Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held in the Woodhaven Board Room, Regional District Offices on Monday, June 21, 2004

Directors: R. Cannan (City of Kelowna)
C. Day (City of Kelowna)
A. Dinwoodie (Westside Elect. Area)
B. Given, alternate for W. Gray (City of Kelowna)
P. Hanson (Ellison/Joe Rich Elect. Area)
B. Harriman (District of Peachland)
R. Hobson (City of Kelowna)
R. Hein (District of Lake Country)
D. Knowles (Westside Elect. Area)
L. Novakowski (Westside Elect. Area)
S. Shepherd (City of Kelowna)

Staff: W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
H. Hettinga, Director of Engineering Services
J. Johnson, Manager of Current Planning
K. Kopp, Assistant Director, Parks and Recreation
H. Reay, Director of Financial Services
B. Vos, Director of Parks and Recreation
M. Drouin, Administrative Assistant (recording secretary)

R. Hobson, Chair brought the meeting to order at 7:30 p.m. following a Public Hearing.

Chair Hobson noted that this is the last meeting for Jason Johnson, manager of current planning, and on behalf of the Regional Board thanked him for the service provided to the Regional District.

#250/04 DINWOODIE/KNOWLES

THAT Item 8.4 be moved forward in the agenda.

CARRIED

8.4 Design Option for Mount Boucherie Multiplex Phase II (*All Directors - Unweighted Vote*)

Chair Hobson commended the Mount Boucherie Expansion Society and the Westside Directors for their efforts to reach consensus on the design option for Mount Boucherie Multiplex.

Staff confirmed the timelines for the Multiplex. Construction is planned to begin in February/March 2005 with completion by the spring of 2006.

#251/04 DINWOODIE/KNOWLES

THAT the Regional Board approve concept design Option 3 (see attachment) for the Mount Boucherie Multiplex Phase II.

AND THAT the Regional Board agrees to proceed to the design development stage and tendering of this project.

AND FURTHER THAT a cost analysis be done at the 50% and 90% levels of this design development to ensure this project can be completed on budget.

CARRIED

1. MINUTES

1.1 Regular Board Meeting – June 7, 2004

#252/04 DINWOODIE/HARRIMAN

THAT the Regular Board Meeting minutes of June 7, 2004 be adopted as circulated.

CARRIED

It was noted that a report on reduction in Development Cost Charges for affordable housing sponsored by non-profit organizations will be brought forward for review by the Planning & Environment Committee.

2. DELEGATION

No delegation

3. CORRESPONDENCE

3.1 R.J. Bugslag, Director, Ministry of Public Safety and Solicitor General – Provincial Emergency Plan re: Emergency Preparedness

Staff have requested Assistant Fire Chief Sid Lebeau to review and comment on the initiative and funding options for the Regional District's emergency preparedness plan.

#253/04 HEIN/GIVEN

THAT the June 3, 2004 letter from R.J. Bugslag, Director, Ministry of Public Safety and Solicitor General – Provincial Emergency Plan re: Emergency Preparedness be received.

CARRIED

- 3.2 Mary Marcotte, Chair-Cowichan Valley Regional District re: Acquisition of Regional Park Land by Lease, Statutory Right-of-way, License and Permit

Staff confirmed that the Province is working on correcting the error in wording in the Community Charter where Regional District's lost the authority to acquire and hold regional park land by any means other than fee simple ownership. Staff will keep the Board advised of any changes.

#254/04 NOVAKOWSKI/CANNAN

THAT the June 9, 2004 letter from Mary Marcotte, Chair-Cowichan Valley Regional District re: Acquisition of Regional Park Land by Lease, Statutory Right-of-way, License and Permit be received.

CARRIED

4. UNFINISHED BUSINESS

- 4.1 Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004, **Rescind 3rd reading, reconsider and give 3rd reading** (All Directors - Unweighted Vote)

#255/04 DINWOODIE/KNOWLES

THAT third reading of Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004 be **RESCINDED**;

AND FURTHER THAT Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004 be reconsidered and given 3rd reading this 21st day of June 2004.

CARRIED

5. FINANCE DEPARTMENT

- 5.1 Financial Statements for the year ended December 31, 2003 (All Directors - Unweighted Vote)

The external auditors, BDO Dunwoody, conducted an independent examination, in accordance with generally accepted auditing standards, and expressed their opinion on the financial statements. H. Reay, Director of Financial Services, submitted a management report as well as a statement of financial information approval for the fiscal year 2003.

The auditors commented that reserve fund monies are temporarily loaned to other funds. Staff noted that this is common practice in local government in order

to save taxpayers monies. UBCM is currently reviewing the issues around internal borrowing.

#256/04 KNOWLES/DAY

THAT the Financial Statements for the year ended December 31, 2002 be adopted.

CARRIED

- 5.2 Financial Information Reports - Schedule of remuneration and expenses & Schedule of payments made for the provision of Goods or Services (*All Directors - Unweighted Vote*)

It was noted that the staff salaries in the report are inflated because of the cost associated with overtime for the operation of the Emergency Operation Centre during the Okanagan Mountain Park Fire. These additional funds were recovered from PEP (Provincial Emergency Plan).

#257/04 GIVEN/DINWOODIE

THAT the schedule of remuneration and expenses paid to or on behalf of elected officials and employees exceeding \$75,000 in remuneration and the schedule of payments made for the provision of goods or services for 2003 be received.

CARRIED

6. PLANNING DEPARTMENT

6.1 Bylaws: (First Reading) (*Unweighted Vote*)

- a) Zoning Amendment Bylaw No. 871-85 for First Island Financial Services Ltd. (owner) and Gary Gilchrist (agent) located adjacent to Gellatly Road. (Z04/09) Westside Electoral Area (*Electoral Areas Only*)

#258/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-85 for First Island Financial Services Ltd. (owner) located adjacent to Gellatly Road application (Z04/09) be given first reading this 21st day of June 2004;

AND THAT the scheduling for a Public Hearing be withheld pending receipt of comments from the Ministry of Transportation;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation.

CARRIED

6.2 Bylaws: (Second and Third Readings) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-80 for Stephen McCann (owner) and D.E. Pilling & Associates Ltd. (agent) to amend the zoning from RU5 Small Lot Country Residential to R1 Single Detached Housing located adjacent to Glenrosa Road and Glen Abbey Place. (Z04/04) Westside Electoral Area (*Electoral Areas Only*)

It was noted that any limitation on building height and setbacks should have been dealt with at the Public Hearing.

#259/04 NOVAKOWSKI/KNOWLES

THAT Zoning Amendment Bylaw No. 871-80 for Stephen McCann (owner) located adjacent to Glenrosa Road and Glen Abbey Place application (Z04/04) be given second and third readings;

AND FURTHER THAT consideration of fourth and final readings be withheld pending receipt of Preliminary Layout Approval for subdivision from the Ministry of Transportation, and receipt of approval from the Agricultural Land Commission to exclude the property from the ALR.

CARRIED

6.3 Bylaws: (Reconsideration and Adoption) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-76 for Bert and Wenda Babb (owners) and D.E. Pilling & Associates Ltd. (agent) to amend the zoning from RU5 Small Lot Country Residential to R1 Single Detached Housing located adjacent to Smith Creek Road. (Z03/24) Westside Electoral Area (*Electoral Areas Only*)

#260/04 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-76 application (Z03/24) be reconsidered and adopted by the Regional Board.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

No Board action required/requested

8. PARKS AND RECREATION DEPARTMENT

- 8.1 Westside Parks & Recreation Commission – Member Appointment (*All Directors - Unweighted Vote*)

#261/04 KNOWLES/NOVAKOWSKI

THAT the Regional Board approve, in accordance with RDCO Bylaw No. 915 (Westside Parks & Recreation Commission), the appointment of Daniel Hill as a member of the Westside Parks & Recreation Commission for the balance of a 2-year term, beginning July 2004 and ending December 2005, with eligibility for a second 2-year term to December 2007.

CARRIED

- 8.2 Westbank Yacht Club – Parking Lot Paving Contract Tender and Reallocation of 2004 Westside Parks Capital Development Funding (*All Directors - Weighted Vote*)

#262/04 DINWOODIE/NOVAKOWSKI

THAT the Regional Board approve the completion of a paving contract of \$38,434.79 in conjunction with the lowest tender submitted by Westlake Paving and Aggregates Ltd. for the Westbank Yacht Club Parking Lot Paving project;

AND FURTHER THAT in conjunction with \$20,000 already approved in the 2004 budget, an additional \$12,028.99 be reallocated from the Webber Road Roof Repair Capital Development project to provide for the completion of this project in 2004;

AND FURTHER THAT in accordance with a 50:50 cost-share agreement between the RDCO and Westbank Yacht Club, each partner allocate a total of \$32,028.99 for the completion of the project.

CARRIED

- 8.3 Active Living Entreprises – Operation Contract Renewal – Johnson Bentley Memorial Aquatic Centre (*All Directors - Weighted Vote*)

#263/04 NOVAKOWSKI/DINWOODIE

THAT the Regional Board approve the completion of a two year operational contract for the Johnson Bentley Aquatic Centre with Active Living Entreprises, as amended;

AND FURTHER THAT the term of the contract will commence on January 1, 2005 and expire December 31, 2006.

CARRIED

- 8.4 Design Option for Mount Boucherie Multiplex Phase II (*All Directors - Unweighted Vote*)

Discussed as first agenda item

8.5 Operating Agreement for Gellatly Nut Farm Regional Park (*All Directors - Weighted Vote*)

It was noted that construction of facilities to bring the farm up to regional park status will begin next spring with completion by the fall of 2005. To date, there has been no decision from the Federal government regarding the application for heritage status.

#264/04 KNOWLES/DINWOODIE

THAT the Regional Board approve the operating agreement between the Regional District and the Gellatly Nut Farm Society for Gellatly Nut Farm Regional Park;

AND THAT the Regional Parks Department contract the operation of the park to the Gellatly Nut Farm Society in the amount of \$11,700 in 2004, \$28,000 in 2005 and \$69,600 in 2006.

AND FURTHER THAT operating contracts be negotiated on an annual basis after 2006.

CARRIED

9. NEW BUSINESS

9.1 Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004, **1st, 2nd and 3rd readings** (*All Directors - Unweighted Vote*)

Staff reviewed the consultation process in developing the bylaw. The bylaw is a result of a three year review of DCCs. The bylaw includes a new parks DCC of \$1144 per residential unit for development of athletic, community and waterfront parks as well as for neighborhood park improvements, a new east trunk sewer DCC of \$564 per residential unit and Westside Regional Treatment Plant DCC remains unchanged.

The Board reviewed the need for a grace period in order to inform developers of the impending changes to DCCs. It was agreed that pending approval from the Province, final reading of the bylaw will not be done until September 27th.

ACTION: Staff to post a notice in the Engineering, Planning and Inspection Departments noting the impending changes to DCCs.

#265/04 DINWOODIE/KNOWLES

THAT Regional District of Central Okanagan Development Cost Charge Bylaw No.1068, 2004 be given first, second and third readings this 21st day of June 2004.

CARRIED

9.2 Westlake Road Upgrade (*All Directors - Unweighted Vote*)

#266/04 DINWOODIE/KNOWLES

THAT the Regional Board approve the Engineering Services Department entering into an agreement with the developers of The Gables development, Panorama Peaks subdivision, and Rose Valley subdivision to upgrade approximately 1.0 kilometre of Westlake Road;

AND FURTHER THAT the Regional District's maximum contribution to the project will be \$300,000.00 plus GST;

AND FURTHER THAT the costs be paid out of Westlake Road Upgrade account.

CARRIED

9.3 Okanagan Valley Transportation Corridor Report (*All Directors - Unweighted Vote*)

The Board discussed the implications of the report:

- The report does not include First Nations as partners—when do they become involved in the process?
- A rep from the Transportation Corridor Steering Committee, from the Okanagan Nations Alliance, has been tasked with forwarding the report to the valley's First Nations for review and comment.
- The three regional districts and the Federal government were the funding partners.
- Are there funding implications in endorsing the report?
- The Steering Committee requests that the regional districts endorse the report in order to further explore the options.

#267/04 DINWOODIE/HARRIMAN

THAT the Regional Board support in principle the 2004 Okanagan Valley Transportation Corridor recommendations.

CARRIED (Hein opposed)

#268/04 HEIN/NOVAKOWSKI

THAT the Regional Board recommends to the Okanagan Valley Transportation Corridor Steering Committee that references in the report include First Nations;

AND FURTHER THAT First Nations be included in the planning of the recommendations.

CARRIED

9.4 Westside Regional Sanitary Landfill Tender

Staff reviewed the background for tender submissions for the operation contract for the Westside Sanitary Landfill. Five bids were received. It was noted that the low bidder had incorrectly completed the bid submission and a legal opinion was sought. The annual contract cost to operate the landfill, based on the next lowest bid, is approximately \$135,000 per year more than budgeted in 2004.

The Board discussed and expressed concern regarding:

- Accepting a bid which is more than budgeted
- What additional items were added to the current level of service
- Neighborhood concerns which staff are trying to address—noise, dust, odours from chipping piles
- Whether bidders should speak to elected officials during the tender process
- What qualifies or disqualifies a tender – different lawyers have varying opinions
- Length of time it would take to restructure and reissue the tender

At 9:20 p.m. the Board adjourned In Camera to discuss the legal issues surrounding the Westside Landfill tender.

#269/04 HEIN/GIVEN

THAT pursuant to Section 242.2 of the Local Government Act, the Board adjourn and convene to an in camera session to discuss legal advice.

CARRIED

The Regional Board reconvened at 9:45 p.m. and was reminded there is a motion on the table.

The Board continued the discussion:

- Concern the tenders exceed the budget for the contract
- Suggest the tender be rewritten and that the Engineering Committee review
- Ensure the process is fair to everyone but also fair to the budgets established
- Landfill operates in compliance although complaints have been received by neighbours and solutions need to be considered in the tendering process

#270/04 DINWOODIE/GIVEN

THAT the Regional Board award the operation contract for the Westside Regional Sanitary Landfill to Valley Maintenance in the amount of \$2,677,486.33.

DEFEATED

#271/04 DINWOODIE/NOVAKOWSKI

THAT the Ansell Construction bid be disqualified as a non-compliant bid and all other bids for the Westside Regional Sanitary Landfill Tender be rejected as the bids exceed budget provisions for the operation of the landfill site.

CARRIED

ACTION: Staff to immediately notify all bidders in writing that the bids for the Westside Regional Sanitary Landfill tender have been rejected.

#272/04 DINWOODIE/CANNAN

THAT the Westside Regional Sanitary Landfill contract be re-tendered.

CARRIED

#273/04 SHERPHED/DINWOODIE

THAT staff develop a policy that tender bidders are to have no contact with elected officials during the tendering process.

CARRIED (Cannan opposed)

ACTION: That staff re-evaluate the tender for the Westside Regional Sanitary Landfill in an effort to have future bids for the landfill site fall within the budget allotment and that the revised tender be referred to the Engineering Committee for further consideration before being brought back to the Regional Board for approval.

Board members were reminded that should questions of fairness of process be raised in any tendering process the concerns are to be addressed with the Administrator.

10. OTHER BUSINESS

10.1 Director Items

a) Dirt Bike Noise Problems – Bear Creek

Chair Hobson, Directors Shepherd and Novakowski and staff met last week with the local residents and members of the Kelowna Dirt Bike Club to address the concerns from events being held at the race track. Staff will bring a full report to the next Parks Advisory Committee meeting for review.

b) Regional Business Licence

Director Harriman noted that staff are reviewing a draft proposal for a regional business license.

c) West Nile Virus

The Administrator noted that staff are working with the City of Kelowna and the Interior Health Authority to augment the Regional District's current mosquito control program. It was noted that the Province has provided additional funding for larvae siting for the current year. Staff will report back to the Board once a plan has been developed.

11. ADJOURN IN CAMERA

There being no further business the meeting adjourned in camera at 10:05 p.m.

#274/04 NOVAKOWSKI/HANSON

THAT pursuant to Section 242.2 of the Local Government Act, the Board adjourn and convene to an 'In-Camera' session to discuss land issue.

CARRIED

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

W. B. d'Easum (Chief Administrative Officer)