

Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Monday, November 20, 2006

Directors: J. Baker, (District of Lake Country)
B. Clark (City of Kelowna)
C. Day (City of Kelowna)
A. Dinwoodie (Westside Electoral Area)
M. Rule, alternate for B. Given (City of Kelowna)
T. Foster, alternate for P. Hanson (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
D. Knowles (Westside Electoral Area)
L. Novakowski (Westside Electoral Area)
G. Reid (District of Peachland)
S. Shepherd (City of Kelowna)

Staff: W. d'Easum, Chief Administrative Officer
K. Arcuri, Director of Planning Services
T. Cashin, Environmental Coordinator -Planning
H. Hettinga, Director of Engineering Services
M. Kopp, Assistant Director of Parks and Recreation
G. Leier, Director of Human Resources
D. Plamondon, Deputy Director of Planning Services
M. Drouin, Administrative Assistant (recording secretary)

Chair Hobson brought the meeting to order at 7:11 p.m. following a Public Hearing.

1. MINUTES

- 1.1 Regular Board Meeting – October 30, 2006
- 1.2 Public Hearing – October 30, 2006

#483/06 DAY/KNOWLES

THAT the Regular Board meeting minutes of October 30, 2006 be adopted as circulated;

AND FURTHER THAT the Public Hearing minutes of October 30, 2006 be received.

CARRIED

2. DELEGATION

- 2.1 Sara Shaak, Executive Director – Okanagan Film Commission re: Annual Update

John Weisbeck, the Regional District's appointee to the Film Commission addressed the Board. John introduced Film Commission board members and staff in attendance. Sara Shaak was introduced and thanked for her hard work and dedication at the local, national and international levels.

2006 highlights were reviewed:

- Secured multi-year provincial funding commitment (3 years))
- Expanded locations department
- Participated in more Canadian events and festivals
- Film Studio study with EDC (final report to be released next month)
- Fido* exposure—largest independent Canadian Film filmed in Central Okanagan, *Wind Chill* filmed on the OK Connector; *X-Weighted* being filmed in the valley; *Making the Cut* second season filmed in North and Central Okanagan
- There was \$5.3M in production value to the valley last year. To date this year, the production value is \$5.53.

What to look for in 2007:

- Infrastructure needed for a film studio.
- Will be working to link film and tourism.
- Presence at more independent film festivals and events.
- Fido* premiere – expected to be released in the spring.
- The same level of support of \$95,000 is being requested of the Regional District for 2007. Funding support throughout the valley is improving. NORD established a service bylaw with 60% of the communities in support.

#484/06 BAKER/DINWOODIE

THAT the Okanagan Film Commission report be received.

CARRIED

2.2 Doug Findlater, Chair and Allan Neilson-Welch, Consultant re: Westside Governance Update

Doug Findlater and Allan Neilson-Welch addressed the Board providing an update on the Westside Governance process, Phase I and Phase II. Key Assumptions in the Analysis was circulated and reviewed. It was noted that Ron Born was hired as the consultant to review the Provincial offer. The Governance Committee has requested meetings with the Province and these are expected to occur in the New Year. Depending on the outcome, public consultation is expected to begin in the spring.

Allan Neilson-Welch addressed the Board:

- Governance structure and tax impacts (remain unincorporated, incorporation, amalgamation) were highlighted as well as a brief review of the improvement districts. The options of: remain unincorporated means an increase in taxes (download for policing, fire protection services increased); incorporation as a municipality (highest increase-policing substantially more as they would pay 90% of their costs, as well they would be responsible for local roads and planning costs); option of amalgamation (tax impact not as high as stand alone, parks and recreation, policing and roads costs shared, a more diverse tax base in the City will offset taxes).
- Further updating needs to be done on the financials as the original figures used were from 2005. Working with Regional District staff on this issue.

- Provincial offer still being worked out.
- Communication program highlighted – communicate analysis to residents, give opportunity to review and scrutinize, engage people, get feedback from community (types of information to be clarified and feedback whether there is interest to send options to referendum).
- 60 days communication target.

Questions:

- Why would the Westside Sewer Treatment Plant become the responsibility of a new municipality as it affects Peachland and WFN? It was noted that nothing has been finalized, that the list of regional services was developed by the Governance Committee without input from the Regional Board or municipalities. It was suggested that if the Regional Board believes otherwise on any service to communicate this to the Governance Committee.
- Concern was expressed that the Governance Committee needs to work with the City of Kelowna on the communication plan as one needs to be done in Kelowna at the same time.
- It needs to be clear in the communication which parts of the area are not part of the study ie: North Westside, Crystal Mountain, Trepanier and Brent Road.
- Policing is not on the regional services list as the Committee only looked at existing services.
- Transit is identified as municipal where it should be multi-jurisdictional. Discussions are currently occurring at the Regional Transportation Committee whether it should be a regional service.
- What is Kelowna's position on amalgamation? All the information is not yet available as the city is currently reviewing the option.
- Has there been any reconsideration on bringing Crystal Mountain into the study area? Due to recent developments the Governance Committee may wish to re-review this issue.
- The question was raised who would negotiate the Letters Patent after a vote for incorporation or amalgamation? The answer to this was not known at this time.

ACTION: The District of Peachland were requested to bring a resolution forward to the Regional Board regarding their desire to have the Westside Sewer Treatment Plant remain a regional service in the deliberations of Westside Governance (*Key Assumptions in the Analysis*).

#489/06 DINWOODIE/DAY

THAT the report on Westside Governance be received.

CARRIED

3. CORRESPONDENCE

No Board action required/requested.

4. UNFINISHED BUSINESS

4.1 Sterile Insect Release Program – Central Kootenay Withdrawal (*All Directors - Unweighted Vote*)

The Regional District of Central Kootenay statement of final settlement for the Sterile Insect Release program, reads as follows: “That the Regional District does hereby relinquish all claims against the assets of the Okanagan-Kootenay Sterile Insect Release Program in exchange for indemnification with respect to past, present and future liabilities of the Program” .

Concern was expressed regarding the Regional District indemnifying Central Kootenay with respect to past, present and future liabilities. The question was raised if the Regional District was to indemnify the Central Kootenay, whether the Regional District’s insurance would cover the indemnification. The question was raised whether a review of the insurance and exposure to the District is required.

#485/06

SHEPHERD/REID

THAT the October 30, 2006 letter from the Regional District of Central Kootenay regarding the intention to discontinue participation in the Okanagan-Kootenay Sterile Insect Release Program be received;

AND THAT the Regional Board of the Regional District of Central Okanagan recommends to the Sterile Insect Release board that Lidstone Young Anderson be commissioned to prepare the formal exiting agreement between the four remaining regional district partners and the Central Kootenay Regional District;

AND FURTHER THAT the Regional District of Central Okanagan is not prepared to grant indemnification to the Regional District of Central Kootenay for any liabilities that may arise related to the delivery of the Sterile Insect Release program in the Creston Valley.

CARRIED

5. FINANCE DEPARTMENT

No Board action required/requested.

6. PLANNING DEPARTMENT

6.1 Correspondence (*Unweighted Vote*)

- a) Appointment of new members to the Environmental Advisory Committee and the Agricultural Advisory Committee. (*All Directors*)

Planning Services report dated November 10, 2006 outlined the Regional District’s policy and Terms of Reference for the Environmental Advisory Committee and Agricultural Advisory Committee appointments.

It was noted that the recommendations were put to the Planning & Environment Committee at its October meeting.

ACTION: Staff were requested to provide a background report on the committee members, including where they live.

#486/06 NOVAKOWSKI/BAKER

THAT the Regional Board appoint Frederick Anderson, Ronald Brown, Barry Jones, Janice Reilly, and Jason Schleppe as new members to the Regional District Environmental Advisory Commission (EAC) for a 3-year term;

AND FURTHER THAT the Regional Board appoint Ron Pavlakovic and Margarita Littley to the Regional District Agricultural Advisory Commission (AAC) for a 3-year term.

CARRIED

- b) Integrated Land Management Bureau (ILMB) Referral Application for a License of Occupation to permit a strata moorage facility located adjacent to Westside Road. (CL-06-08) (*All Directors*)

Planning Services report dated November 10, 2006 outlined the background and rationale for non-support of referral application CL-06-08. Staff noted that the Ministry of Environment is opposed to the moorage facility. This area of foreshore is known to provide important habitat for shore spawning salmon and therefore additional development is not recommended.

Staff noted that 90% of the foreshore has been disturbed in the development of the upland property, La Casa resort, and that there was known kokanee spawning in that area before the area was disturbed. To date no environmental impact study has been prepared.

#487/06 DINWOODIE/KNOWLES

THAT the Regional Board hear from Mike Kuppa, development director of strata lot 494.

CARRIED

Mr. Kuppa noted:

- The dock is a totally separate entity from the current dock structure at La Casa.
- The dock would only be used by the new development (6 cottages proposed).
- It is not practical to build onto the east side of the current dock structure due to the depth of the water.
- There is only one way to extend the existing dock which is to the south.
- Believes the proposed dock will protect the kokanee spawning area.
- The boat launch site is located to the south of the proposed property and individuals using it cause disturbance to the spawning area.

- The dock could be built so that boats could only come in from the north and not the south which would further protect the area.
- An environmental study should be carried out.
- Does not want buoys in the area for boat owners to use.

Board:

-The question was raised whether a qualified environmental professional has reviewed the proposal? *Staff:* No, but an environmental study was carried out on original dock.

-Does ILMB take into account the Ministry of Environment's comments? *Staff:* Yes, their comments are submitted directly to ILMB from the Ministry and ILMB makes the decision.

Staff:

- Staff have done an environmental assessment and noted it is a spawning area.
- The Ministry of Environment does not support the application.
- This is the location that kokanee have been spawning in for at least the last six years and is the last natural remaining section of foreshore in this area.
- There is room for moorage further down the property.

Board:

Is there anything to prevent smaller watercraft from coming onto the beach?

Applicant: No, but the beach is not very boat friendly (rocky shore).

Applicant:

Lot 494 is the only lot that has direct access to the lakeshore, everything to the south is common property.

Staff reviewed the history of the property. After the development permit was approved the property was severed and a new development created. At original approval the property was part of the larger strata and was designated as a marina (yacht club) facility.

Board:

How is Lot 494 being developed? *Staff:* It is a strata development within a strata.

Applicant:

The location of the proposal is where the original marina was located. There were two marinas at one time in the area. Anchors are already located in the area.

Staff:

In the past docks were put in without approval and the Ministry of Environment ordered them removed. It was noted the existing marina is legal.

#488/06

BAKER/DINWOODIE

THAT Integrated Land Management Bureau (ILMB) referral application CL-06-08 for Azura Management Corp. NOT be supported;

AND THAT the applicant be required to modify or attach the additional six moorage stalls to the existing structure as opposed to developing a new facility;

AND FURTHER THAT any proposed new development on the foreshore take into consideration the sensitivity of critical kokanee spawning habitat;

AND FURTHER THAT the Planning Services Department Report dated November 10th, 2006 be forwarded to ILMB for their information.

CARRIED

The Westside Governance presentation was done at this time.

6.2 Bylaws: (First, Second and Third Readings, Reconsideration and Adoption) (Unweighted Vote)

- a) Development Applications Procedures Amendment Bylaw No 944-5 for the Regional District of Central Okanagan proposing an administrative change to the Development Applications Procedures Bylaw. (All Directors)

Planning Services report dated November 14, 2006 outlined the rationale and policy for the bylaw amendment. The purpose of the amendment is to remove the text of the application form from the bylaw.

#490/06 DINWOODIE/NOVAKOWSKI

THAT Development Applications Procedures Amendment Bylaw No. 944-5 be given first, second and third readings, reconsidered and adopted this 20th day of November 2006.

CARRIED

6.3 Bylaws: (Second and Third Readings, Reconsideration and Adoption) (Unweighted Vote)

- a) Zoning Amendment Bylaw No. 871-134 for Lonnie Dawson (owner) and Melanie Berg (agent) to amend the zoning from R1 Single Detached Housing to R1(s) Single Detached Housing (Secondary Suite) located adjacent to Chieftan Road (Z06/14) Westside Electoral Area (*Electoral Areas Only*)

#491/06 DINWOODIE/KNOWLES

THAT Zoning Amendment Bylaw No. 871-134 for Lonnie Dawson (owner) located adjacent to Chieftan Road be given second and third readings, reconsidered and adopted this 20th day of November 2006.

CARRIED

- b) Zoning Amendment Bylaw No. 871-139 for Mathew & Lorilee Kinnear (owners) to amend the zoning from R1 Single Detached Housing to R1(s) Single Detached Housing (Secondary Suite) located adjacent to Empire Place. (Z06/19) Westside Electoral Area (*Electoral Areas Only*)

#492/06 DINWOODIE/NOVAKOWSKI

THAT Zoning Amendment Bylaw No. 871-139 for Mathew & Lorilee Kinnear (owners) located adjacent to Empire Place be given second and third readings, reconsidered and adopted this 20th day of November 2006.

CARRIED

7. INSPECTION SERVICES DEPARTMENT

- 7.1 Building Statistics – October (*All Directors - Unweighted Vote*)

#493/06 KNOWLES/BAKER

THAT Building Statistics for October 2006 where 101 permits were issued for a total construction value of \$18,326,500 be received.

CARRIED

- 7.2 Appointment of Dog Advisory Committee members (*All Directors - Unweighted Vote*)

Inspection Services report of October 31, 2006 outlined the background for the appointments to the Dog Advisory Committee.

#494/06 BAKER/NOVAKOWSKI

THAT in accordance with the Terms of Reference for the Regional District of Central Okanagan Dog Advisory Committee, Marion Irving of the District of Peachland and Penny Gambell of the District of Lake Country be appointed to the Dog Advisory Committee for a term of two years.

CARRIED

8. PARKS AND RECREATION DEPARTMENT

- 8.1 Active Living Entreprises – Operations Contract Renewal, Johnson-Bentley Memorial Aquatic Centre (*All Directors - Weighted Vote*)

Parks and Recreation Services report dated November 20, 2006 outlined the background of the contract which expires in December 2006.

#495/06 DINWOODIE/KNOWLES

THAT the Regional Board approve the five-year operational contract for the Johnson-Bentley Aquatic Centre with Active Living Entreprises;

AND FURTHER THAT the term of the contract will commence January 1, 2007 and expires on December 31, 2011.

CARRIED

9. NEW BUSINESS

- 9.1 Regional District of Central Okanagan Sewer System Service Area 701 – Lakeview Phase 4 Amending Bylaw No. 1189, 2006, 1st, 2nd and 3rd readings (*All Directors - Unweighted Vote*)

#496/06 KNOWLES/DINWOODIE

THAT Regional District of Central Okanagan Sewer System Service Area 701 – Lakeview Phase 4 Amending Bylaw No. 1189, 2006 be given first, second and third readings this 20th day of November 2006.

CARRIED

- 9.2 Trepanier Weir Reconstruction (*All Directors - Unweighted Vote*)

Engineering Services report dated November 15, 2006 outlined the background for the water flow to the users of the Trepanier Creek Water Users Community, of which the Dietrich Water System is a member. The weir structure has been progressively failing and the replacement of the structure was necessary.

#497/06 DINWOODIE/KNOWLES

THAT the Regional District of Central Okanagan pay the Dietrich Water Systems portion of the engineering and construction of the Trepanier Creek weir replacement from the water system's reserve fund.

CARRIED

- 9.3 Staff Retirement – Director of Planning Services (*All Directors - Unweighted Vote*)

Planning and Services Department Director, Ken Arcuri, notified the Board of his impending retirement from the Regional District of Central Okanagan.

#498/06 REID/NOVAKOWSKI

THAT the November 10, 2006 notice of retirement letter from Ken Arcuri, Planning and Services Department Director be received.

CARRIED

- 9.4 Westside Electoral Area Grants in aid (*All Directors - Unweighted Vote*)
- a) Lakeview Heights Community Association (\$1,000)
 - b) Westside Citizens Patrol (\$3,000)
 - c) North Westside Communities Association (\$2,500)
 - d) Gellatly Bay Parks and Trails Society (\$1,500)

#499/06 DINWOODIE/NOVAKOWSKI

THAT a Westside Electoral Area grant in aid in the amount of \$1,000 be allocated to the Lakeview Heights Community Association for 2006 to cover offices expenses.

AND FURTHER THAT a Westside Electoral Area grant in aid in the amount of \$3,000 be allocated to the Westside Citizens Patrol for 2006.

AND FURTHER THAT a Westside Electoral Area grant in aid in the amount of \$2,500 be allocated to the North Westside Communities Association in order to assist the Firefighters Society in the construction of a concrete block wall behind the Library and Community Hall.

AND FURTHER THAT a Westside Electoral Area grant in aid in the amount of \$1,500 be allocated to the Gellatly Bay Parks and Trails Society to assist in the acquisition of Directors and Officers Liability Insurance for the Society.

CARRIED

- 9.5 2007 Board and Board Committees Meeting Schedule (*All Directors - Unweighted Vote*)

Administration staff report dated November 8, 2006 outlined the Board and Board committee meeting schedule for 2007. It was noted the December 9, 2007 WIC meeting should be changed to December 17, 2007.

#500/06 DINWOODIE/DAY

THAT the 2007 Regional Board and Board Committee meeting schedule be approved this 20th day of November 2006.

CARRIED

- 9.6 Proclamation – ‘National Child Day 2006’ (*All Directors - Unweighted Vote*)

#501/06 SHEPHERD/BAKER

WHEREAS one in four children entering Kindergarten is considered vulnerable;

WHEREAS Canadian children continue to live in poverty despite an all party resolution to eliminate child poverty in Canada by the year 2000;

WHEREAS children only grow to their fullest potential when provided with the love, stimulation, respect and resources they need;

WHEREAS children and youth are our most precious resource;

WHEREAS investing in children and in early childhood development has both economic and social benefits;

WHEREAS it takes a village to raise a child and it takes a healthy child to raise a village;

WHEREAS CATCH – a coalition of individuals, agencies, businesses and government working to raise awareness about the importance of children’s early years – recognizes National Child Day;

THEREFORE the Regional Board of the Regional District of Central Okanagan, do pledge to consider the impact our actions and decisions could have on children and do hereby proclaim November 20, 2006 National Child Day 2006 in the Central Okanagan, Province of British Columbia.

CARRIED

- 9.7 Regional District’s Art Wall – November/December – Artist Pat Higgins
(for information only)

Local artist, Pat Higgins’ work will be on display on the Regional District’s art wall for the months of November/December 2006.

- 9.8 Award of contract – detailed design, Gellatly Road Loop, Sections ‘B’ and ‘C’
(All Directors - Weighted Vote)

Engineering staff report dated November 17, 2006 outlined the request for proposal for the detailed design of the Gellatly Road Loop, Sections ‘B’ and ‘C’. Two consultants submitted proposals for consideration.

#502/06 DINWOODIE/KNOWLES

THAT the Regional Board award the consulting assignment for the detailed design of the Gellatly Road Loop, sections ‘B’ and ‘C’ to Stantec Consulting Ltd. for the amount of \$180,215.00 plus GST.

CARRIED

10. OTHER BUSINESS

10.1 Verbal Reports Committee Chairs

a) Parks and Recreation

The next meeting of the Parks Advisory Committee is scheduled for November 30th. Chair Shepherd requested staff confirm the 8:30 start time for the meeting.

b) Transportation

The next meeting of the Transportation Committee is scheduled for November 21st. BRT support for the regionally significant project has been received from Peachland, City of Kelowna and Westside Directors. Lake Country will be reviewing the BRT proposal at their Nov. 21st Council meeting.

c) Planning and Environment

The next meeting of the Planning & Environment committee is scheduled for December 6th.

d) Engineering

The next meeting of the Engineering Committee is scheduled for November 30th. A tour of Wastewater Treatment Plant was held last week. The project continues to be on time and on budget.

e) Air Quality

The next meeting of the Regional Air Quality Committee is scheduled for November 29th. City of Kelowna staff member, Corey Davis, has been promoted to a new position but will continue as the face of air quality. Danielle Drieschner will assist Corey with the contract to provide the air quality service.

f) Governance and Services

No report

g) Westside Issues

The next meeting of the Westside Issues Committee is scheduled for November 27th.

h) Sustainability Steering Committee

No report

10.2 Director Items

a) Treaty negotiation meetings

Director Novakowski updated the Board on the Treaty Negotiations he has been attending. The BC Treaty Process Joint Chief Negotiators met recently in Nanaimo and expressed concern about the treaty negotiations and agreements recently signed. They have sent a letter to the Federal government and treaty negotiations are on hold until protocol statement is agreed to by the Federal Government. Director Novakowski will circulate the information to the Board.

11. ADJOURN IN CAMERA

#503/06 DINWOODIE/SHEPHERD

THAT pursuant to Section 90 of the Community Charter the Regional Board adjourn and convene to an 'In-Camera' session to discuss a personnel issue.

CARRIED

There being no further business the meeting was adjourned to In Camera at 9:50 p.m.

The Board reconvened from an In Camera meeting at 10:25 p.m. to ratify the Collective Agreement with the International Association of Fire Fighters Local 4457.

#504/06 SHEPHERD/REID

THAT the Regional Board ratify the terms of the first Collective Agreement negotiated by staff with the International Association of Fire Fighters Local 4457.

CARRIED

The meeting was adjourned at 10:26 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

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