



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL AGENDA

Meeting #: R4/2023
Date: February 22, 2023
Time: 4:00 p.m.
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

We respectfully acknowledge that the land we gather on is on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

	Pages
1. CALL TO ORDER	
2. INTRODUCTION OF LATE ITEMS	
3. ADOPTION OF MINUTES	
3.1 Regular Council Minutes - February 8, 2023	3
4. DELEGATIONS	
4.1 Comox Valley Arts Presentation to Council to provide an update about CVA's work, Fee for Service Agreement, programming and plans for 2023 from: <ul style="list-style-type: none">• Jennifer Casey, Executive Director, and• Juliana Bedoya, Community Engagement Director	15
4.2 Margaret Waterton - Lerwick Forest Request for approval and allocation of space in Lerwick Forest to increase forest knowledge, respect and understanding through community involvement and education using the guidelines of the City of Courtenay's Urban Forest Strategy	31
5. PRESENTATIONS	
5.1 Comox Valley Emergency Program Presentation to Council with an update on action items from the September 2022 "Fracture on 5th" regional earthquake exercise, and the recommended proposed changes to this service from: <ul style="list-style-type: none">• Kurt Macdonald, Fire Chief, City of Courtenay• Howie Siemens, Emergency Program Coordinator, CVRD and• Russell Dyson, Chief Administrative Officer, CVRD	40
6. STAFF REPORTS	

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9.4	Councillor McCollum	
9.5	Councillor Morin	
9.6	Mayor Wells	
10.	COUNCIL RESOLUTIONS	
10.1	Appoint Acting Mayor for March 2023	
10.2	Mayor Wells Leave of Absence THAT Council authorize a leave of absence for Mayor Bob Wells per s. 125 of the <i>Community Charter</i> , for the period June 16 to August 11, 2023, inclusive.	
10.3	UBCM Housing Summit	
11.	ADJOURNMENT	



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL MINUTES

Meeting #: R3/2023
Date: February 8, 2023
Time: 4:00 pm
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

Council Present: B. Wells
W. Cole-Hamilton
D. Hillian
E. Jolicoeur
M. McCollum
W. Morin

Regrets: D. Frisch (leave per Community Charter s. 109.3)

Staff Present: G. Garbutt, City Manager (CAO)
C. Davidson, Director of Engineering Services
A. Langenmaier, Director of Financial Services
K. Macdonald, Fire Chief
K. O'Connell, Director of Corporate Services (meeting Clerk)
R. Roycroft, Acting Director of Development Services
C. Rushton, Director of Recreation, Culture and Community Services,
via audio/video conference
K. Shaw, Director of Public Works Services
N. Gothard, Manager of Community and Sustainability Planning, via
audio/video conference
J. Tazzioli, Manager of Engineering (Environmental Projects)
C. Dallamore, Legislative Coordinator

1. CALL TO ORDER

Mayor Wells called the meeting to order at 4:00 pm and respectfully acknowledged that the land on which the meeting was conducted is the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

2. INTRODUCTION OF LATE ITEMS

With no late items or objections, Council proceeded with the agenda as presented.

3. ADOPTION OF MINUTES

3.1 Regular Council Minutes - January 25, 2023

3.2 Special Council Minutes - January 26, 2023

Moved By Cole-Hamilton

Seconded By McCollum

THAT Council adopt the January 25, 2023, Regular Council Minutes and the January 26, 2023, Special Council minutes.

CARRIED

4. DELEGATIONS

4.1 Sid Williams Theatre Society

Council received a progress report on the Sid Williams Theatre Society from Richard Clarke, President, Dale Pateman, Treasurer, and Deborah Renz, General Manager.

5. STAFF REPORTS

5.1 Corporate Services

5.1.1 Public Hearing and In Camera Meeting Schedule

Moved By McCollum

Seconded By Cole-Hamilton

THAT Council direct staff to schedule Public Hearing meetings on the third Wednesday of each month at 4 pm, except August and September;

AND THAT Council direct staff to schedule any In Camera meeting items after the open portion of its regular meetings.

CARRIED

Carried with Councillor Hillian opposed.

5.2 Development Services

5.2.1 Development Variance Permit No. 2201 – 377 Lerwick Road (Comox Valley Aquatic Centre)

Moved By Hillian

Seconded By Morin

THAT Council issue Development Variance Permit No. 2201.

CARRIED

5.2.2 Development Variance Permit No. 2206 – 278 Island Highway North (Chrysler Dealership)

Moved By Cole-Hamilton

Seconded By Morin

THAT Council issue Development Variance Permit No. 2206.

CARRIED

5.2.3 Development Permit with Variance No. 2207 – 635 and 649 5th Street

Moved By Morin

Seconded By Cole-Hamilton

THAT Council issue Development Permit with Variance No. 2207.

CARRIED

5.3 Engineering Services

5.3.1 Air Quality Monitoring Network

Moved By Hillian

Seconded By Cole-Hamilton

THAT based on the February 08, 2023 staff report “Air Quality Monitoring Network” Council approve OPTION 1 and direct staff to install air monitoring devices to measure PM2.5 concentrations and report them on an online map in real time.

CARRIED

5.3.2 17th Street Bike Lanes Budget Reallocation

Moved By Hillian

Seconded By Cole-Hamilton

THAT based on the February 08, 2023 staff report “17th St Corridor Improvements - Budget Reallocation” Council approve OPTION 1 and direct Staff to reallocate \$35,000 from the prior year surplus into the 17th St Corridor Improvements Capital project budget in 2022.

CARRIED

5.4 Fire Department

5.4.1 Expedited Purchase Timeline - Bullex Digital Fire Training Panels

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council approve the immediate purchase of six Bullex Digital Fire Training Panels in the amount of \$57,094.29.

CARRIED

6. COUNCIL REPORTS

6.1 Councillor Cole-Hamilton

Councillor Cole-Hamilton reviewed his attendance at the following event:

- Feb 8 - Queneesh Elementary grand opening of new composting and recycling centre

6.2 Councillor Hillian

Councillor Hillian reported that he has carried on conversations recently with community members on the unhoused population and related issues.

6.3 Councillor Jolicoeur

Councillor Jolicoeur reviewed his attendance at the following events:

- Coalition to End Homelessness meeting - discussed innovative ways to address housing challenges including a program called "Happipad", which connects people who have space in their homes and can provide a safe home culture to rent to anyone requiring housing assistance.
- Substance Use Strategy Committee meeting - the "Walk with Me" project report will be released shortly.
- Comox Valley Family Physician Recruitment and Retention Committee meeting - the Committee's priority is to find a solution to the upcoming closure of the Courtenay Superstore walk-in clinic and the Committee has committed to ensuring service is not disrupted after the closure of the clinic.

6.4 Councillor McCollum

No report provided.

6.5 Councillor Morin

Councillor Morin reported that Grace Mukadzambo's deportation order was cancelled on January 27th. Council approved a resolution at the January 27th meeting to keep Grace in Canada and the community organized fundraising and a petition campaign to help Grace.

6.6 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- Feb 1 - Annual Community Granting Celebration - the Comox Valley Community Foundation announced they will be granting \$400,000 into our community organizations.
- Feb 6 - Throne Speech in Victoria - met with Ministers, Lisa Helps (Housing Solutions Advisor in the Premier's Office), and Mayors to discuss housing and social issues in our community.

7. COUNCIL RESOLUTIONS

7.1 Outdoor Court Usage - Councillor Cole-Hamilton

Moved By Cole-Hamilton

Seconded By McCollum

WHEREAS the City of Courtenay provides outdoor courts for use by tennis and pickleball players, and

WHEREAS the City wishes to ensure that these courts are allocated to ensure the maximum benefit to residents;

THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report assessing current usage, and outlining options which would make optimal use of our outdoor courts.

CARRIED

7.2 Living Wage - Councillor Cole-Hamilton

Councillor McCollum left the meeting at 5:36 pm.

Moved By Cole-Hamilton

Seconded By Jolicoeur

WHEREAS the City of Courtenay, in recognition of the high cost of living and the need for employees to earn a sufficient wage, has adopted a Purchasing Authority Bylaw that, among other factors, favours businesses that pay their employees a living wage for the Comox Valley as identified by the www.livingwageforfamilies.ca website; and,

WHEREAS the City employs seasonal staff and retains contract personnel at an hourly wage which is lower than the living wage (which in 2022 was \$20.26/hour);

THEREFORE, BE IT RESOLVED THAT Council direct staff to prepare a report outlining the steps required, and costs involved, in becoming a living wage employer.

CARRIED

Councillor McCollum returned to the meeting at 5:36 pm.

7.3 Rise and Report - Councillor Frisch Mandatory Leave of Absence

From the January 26, 2023 Special in Camera Council Meeting, Council rises and reports as follows:

THAT the Council receive the notice of mandatory leave from Councillor Frisch dated January 26, 2023 in accordance with Community Charter section 109.2; and,

THAT Council direct staff to advise all boards and committees to which Councillor Frisch is appointed of his mandatory leave and direct all related duties to the appointed alternates; and,

THAT Council direct staff to issue a media release immediately following the termination of the Special In Camera meeting held January 26, 2023, advising the public that Councillor Frisch is on a mandatory leave of absence in accordance with Community Charter Section 109.1 to 109.3, which applies to a Council member who has been charged with an offence under the Criminal Code; that the matter is before the courts; and that Councillor Frisch will remain on leave until such time as the matter is deemed concluded under the same sections; and,

THAT Council rise and report at the next regular Council meeting.

7.4 Association of Vancouver Island Coastal Communities (AVICC) Resolutions

7.4.1 AVICC Resolution - Moving the Property Assessed Clean Energy Program Forward

WHEREAS in 2021, 37 local governments from across BC, as well as UBCM, passed resolutions supporting Help Cities Lead, a campaign advocating for the implementation of a Property Assessed Clean Energy (PACE) program for residential and commercial buildings; and,

WHEREAS the Province has not met its commitment to move forward with next steps on a PACE program in the RoadMap to 2030 climate strategy, which is a form of financing for energy retrofits designed to help building owners save on energy costs and reduce greenhouse gas emissions and has yet to advance the program.

THEREFORE BE IT RESOLVED that AVICC and UBCM call upon the provincial government to immediately introduce legislation to support a

province-wide PACE program for residential and commercial buildings.

7.4.2 AVICC Resolution - Vancouver Island Housing Plan – Responding to the Homelessness Crisis

WHEREAS the historical gap between the supply and demand for social and supportive housing in Vancouver Island communities has been further exacerbated by the Covid-19 pandemic resulting in a homelessness crisis; and,

WHEREAS in the absence of an overall provincial housing strategy, clear funding guidelines, accessible application processes, and adequate funding, the homelessness crisis continues to increase illness and death amongst our vulnerable homeless population and social disorder throughout Vancouver Island Communities.

THEREFORE be it resolved that the AVICC and UBCM executive facilitate a meeting between Vancouver Island Mayors and the Premier, the Minister of Housing, and BC Housing officials to demand an immediate action plan to address the homelessness crisis and its impacts on Vancouver Island communities.

7.4.3 AVICC Resolution - Fossil Fuel Corporate Sponsorship of UBCM and AVICC

WHEREAS there are documents and covenants attached to parcels of land throughout the province that are rooted in racism and discrimination; and

WHEREAS the cost to remove racist documents and covenants from land titles is born by the property owners;

THEREFORE, be it resolved that the AVICC and UBCM request that the Province instruct the Land Titles Office to eliminate any charges to landowners wishing to remove these offensive clauses and restrictions from their titles, and further request the Land Titles Office conduct an audit of land titles and systematically remove racist and discriminatory covenants and documents.

7.4.4 AVICC Resolution - Removal of Racist and Discriminatory Clauses from BC Land Titles

WHEREAS there are documents and covenants attached to parcels of land throughout the province that are rooted in racism and discrimination; and

WHEREAS the cost to remove racist documents and covenants from land titles is born by the property owners;

THEREFORE, be it resolved that the AVICC and UBCM request that the Province instruct the Land Titles Office to eliminate any charges to landowners wishing to remove these offensive clauses and restrictions from their titles, and further request the Land Titles Office conduct an audit of land titles and systematically remove racist and discriminatory covenants and documents.

Moved By Hillian

Seconded By Jolicoeur

THAT the following resolutions be forwarded to the Association of Vancouver Island and Coastal Communities (AVICC) 2023 AGM and Convention for consideration:

- AVICC Resolution - Moving the Property Assessed Clean Energy Program Forward
- AVICC Resolution - Vancouver Island Housing Plan – Responding to the Homelessness Crisis
- AVICC Resolution - Fossil Fuel Corporate Sponsorship of UBCM and AVICC
- AVICC Resolution - Removal of Racist and Discriminatory Clauses from BC Land Titles

CARRIED

8. UNFINISHED BUSINESS

8.1 Funding request - Dawn to Dawn Action on Homelessness Society

Councillor Jolicoeur declared a conflict of interest as a Director on the Dawn to Dawn Action to End Homelessness Committee and as a member of the working

group for the Gukwās sa Wagalus-Rainbow House project, and left the meeting at 5:43 pm.

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council direct staff to write a letter to Dawn to Dawn asking that they make an application for a municipal tax exemption once the Gukwās sa Wagalus – Rainbow House home has been purchased, and identify any additional requests for City support;

AND THAT staff notify Dawn to Dawn once more information is available about the 2023 Community Grant program.

CARRIED

Councillor Jolicoeur returned to the meeting at 5:46 pm.

9. BYLAWS

9.1 First, Second and Third Readings

9.1.1 2023 - 2027 Sewer Fund Financial Plan

Moved By Morin

Seconded By Hillian

THAT Council give first, second and third readings to the Courtenay Fees and Charges Amendment Bylaw 3088, 2023 (Sewer Fees), and

THAT Council give first, second and third readings to the Courtenay Fees and Charges Amendment Bylaw 3090, 2023 (Storm Sewer Fees), and

THAT Council approve the 2023-2027 Sewer Fund Financial Plan as presented for inclusion in the 2023-2027 Five-year plan.

CARRIED

Mayor Wells called a recess at 5:55 pm. The Council meeting resumed at 6:15 pm.

9.1.2 2023 - 2027 Municipal Solid Waste, Recyclables, and Organics Budget

Moved By McCollum

Seconded By Cole-Hamilton

THAT Council give first, second and third readings to the City of Courtenay Fees and Charges Amendment Bylaw No. 3087, 2023 (Solid Waste fees), and;

THAT Council approve the 2023-2027 Municipal Solid Waste, Recyclables and Organics Financial Plan as presented for inclusion in the 2023-2027 Five-year plan.

CARRIED

9.1.3 2023 - 2027 Water Fund Financial Plan

Moved By Morin

Seconded By Hillian

THAT Council give first, second and third readings to the Courtenay Fees and Charges Amendment Bylaw 3089, 2023 (Water Fees), and

THAT Council approve the 2023-2027 Water Fund Financial Plan as presented for inclusion in the 2023-2027 Five-year plan.

CARRIED

10. ADJOURNMENT

Mayor Wells terminated the meeting at 7:13 pm.

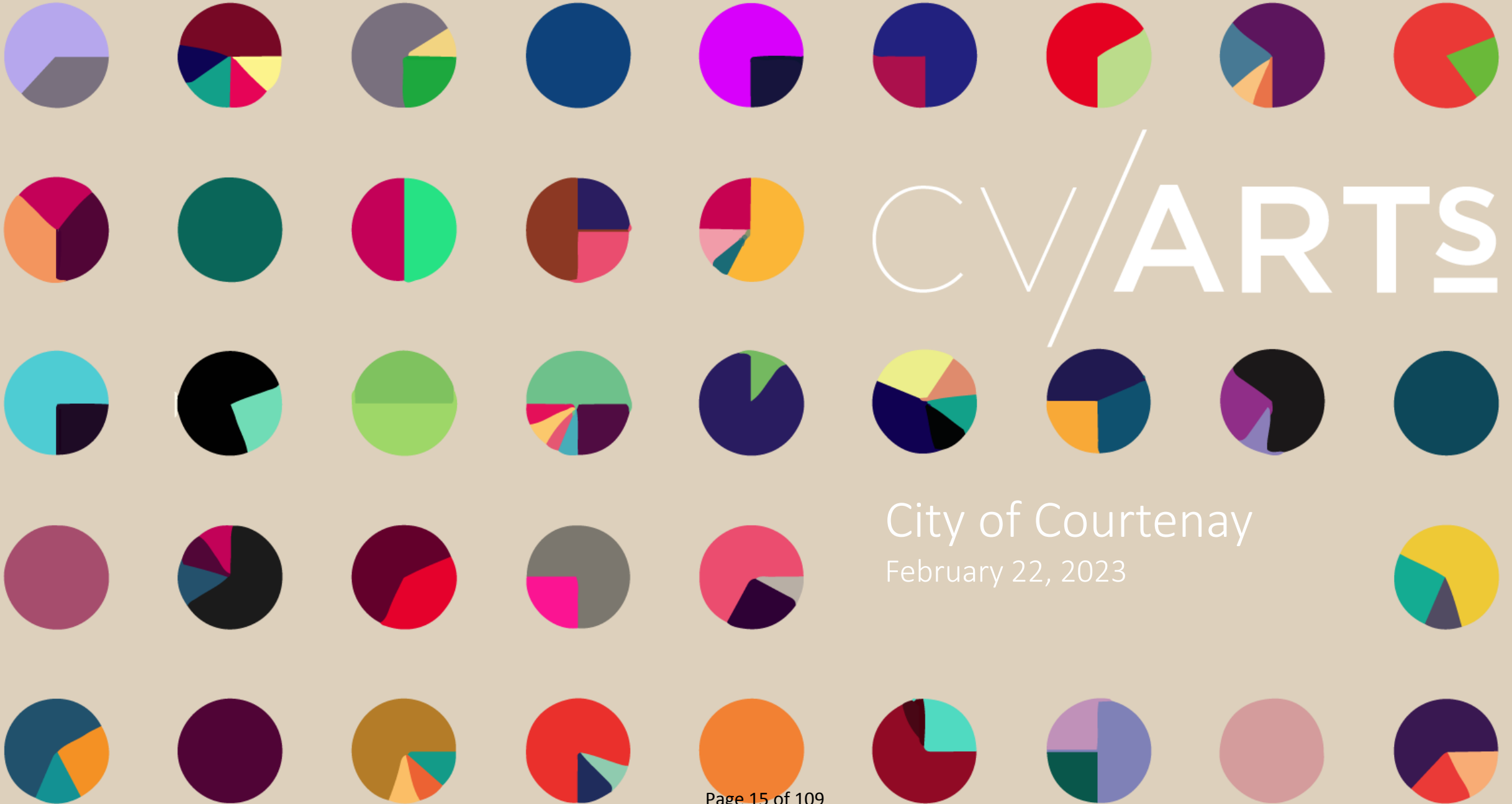
CERTIFIED CORRECT

Adopted by Council February 22, 2023

Mayor Bob Wells

Kate O'Connell, Director of Corporate
Services (meeting Clerk)

Adriana Proton, Corporate Officer



CV/ARTS

City of Courtenay
February 22, 2023



Today's Presentation

- Provide organizational update.
- Fee for Service agreement update.





About CV/Arts

Mission: We support, promote and celebrate our vibrant, inclusive arts community. We actively educate and promote the Comox Valley as a creative and dynamic arts producing center.

JEDI + Decolonization Commitment: Committed to actively participating in JEDI and decolonizing efforts, advocating for equitable access to the arts and delivering programs for and with underrepresented and/or equity seeking artists, organizations and community members.

Staff

Jenny Casey, ED

Juliana Bedoya, CED

Board

Megan Trumble

Liza Willows Hughes

Dru Chapple

Rachael Black

Arzeena Hamir

Sean Kerrigan

Warren Michelow

Some Stats!

- 55 years of championing arts & culture.
- 5000+ Creatives in the region and growing.
- Growing participation and engagement.
 - E.g. Drawing challenge **30% growth** each year – now at **2.7K members**.
 - Practice program 2022 engaged **10k viewers** and had **800 viewers**.
- 52 regional partners.
- \$15k artist fees disbursed.



Our Work

A range of public programs and partnerships that actively educate and promote the Comox Valley as a creative and dynamic arts producing center.

Events, Festivals, Markets, Exhibitions, Participatory Artmaking, School and community-based programs

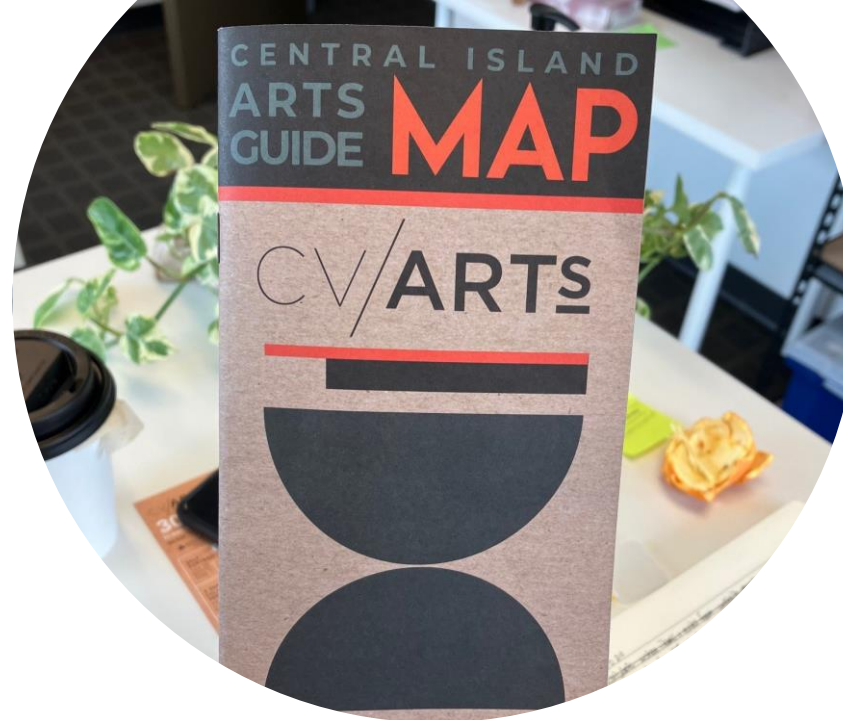


CV/Arts Guide

A published GUIDE of +100 art studios in the Comox Valley.

All listings are also published online at centralislandartsguide.com

Spring STUDIO TOUR of listed artists to be held in May, 2023





Shared Goals: Alignment with OCP

4 cardinal directions: reconciliation, climate action, community well-being and equity – all align with CV/Arts priorities and new program framework.

Aligned Objectives for Arts, Culture & Heritage

- Local arts, culture and heritage, including natural heritage are **showcased** throughout Courtenay.
- Courtenay has a reputation as the **regional center for arts** and culture.
- **Identities** expressed in the public realm and cultural programming are **representative** of Courtenay and the region
- Community access and **participation in arts** and culture is strong and widespread





The future of CV/Arts

- Moving from being reactive, to proactive.
- Streamlining programs for meaning, relevancy and capacity
- Thinking “Big Picture” and long term
- Expanding and deepening programs starting summer 2023
- Aligning with OCP goals and needs.





New Program Structure

Advocacy

- CVA Produced Reports
- Cultural Sector, Tourism and Econ Dev.

Digital Creation Services

- Digital Creation Hub
- Public Programming that grows out of DCH

Arts Innovation

- Micro-grants
- Opportunities for emerging artists

Arts + Social Change

- Land + Art





The Digital Creation Hub

- Offering audio, video, photo and technical assistance to artists and community members in the Comox Valley.
- Will eliminate barriers to critical tools for artists working in the digital realm.
- Our goal is to provide support and access for community members of all ages and backgrounds who are interested in recording and sharing their stories and their work using digital technologies.



Arts + Land

- Taking art experiences outside of the City to the rural landscape.
- Site specific art “exhibition” coming soon to a field near you!
- Experiences involving food, performances and other art forms that invite relational aesthetics in unexpected natural and rural locations





CV/Arts Art Wagon

- A mobile community art wagon and story collecting project.
- Driving to rural communities and in and around Courtenay, Comox and Cumberland to set up story-telling booth.
- Hoping to partner with The Eagle and The Raven





CV/Arts in Context

The Scope of the Arts Sector:

- City of Courtenay Cultural Planning Process
- Creative Coast Asset mapping project

Tourism & Economic Development:

- 4VI and Experience Comox Valley Regional Tourism Plan
- CVA Arts Guide and Studio Tour





Long term goals

Comox Valley Regional Art Center: CVArts will serve as an organizing and promoting body that will facilitate individual artists and arts organizations to access space and infrastructure to generate arts and culture under a vibrant arts hub.

Start the renegotiation process for FFSA this year.

Help to work towards goal of building a regional art center.

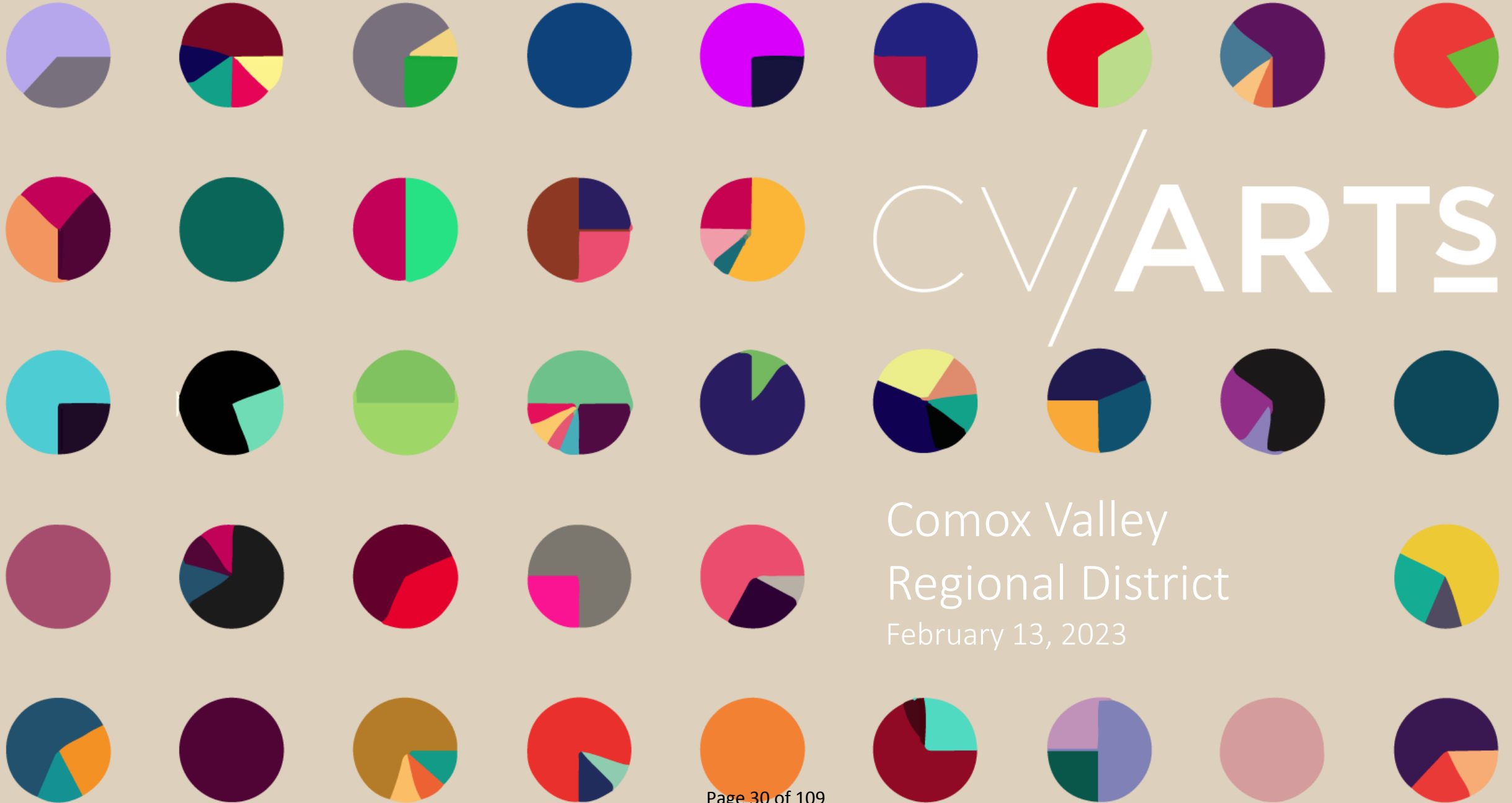




Funding Summary

Provincial	\$57,200
Regional	\$10,200*
City of Courtenay	\$53,825
Gaming	\$36,781
Donations	\$19,485
Membership	\$3,800
Earned Revenue	\$17,474





CV/ARTS

Comox Valley
Regional District
February 13, 2023

FAIRY LANE





LERWICK TRAIL COMPARISON





CLEARED AREAS





PARK ENTRANCES





SHERATON RD PARKING LOT



CV Emergency Program



Fracture on 5th Regional Exercise



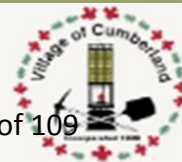
CITY OF
COURTENAY



Kómoks First Nation



TOWN OF
COMOX



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Comox Valley
REGIONAL DISTRICT

Service Fundamentals

- ❖ Provincial Emergency Program Act
- ❖ Administration, Planning and Operations by CV Emergency Management Program

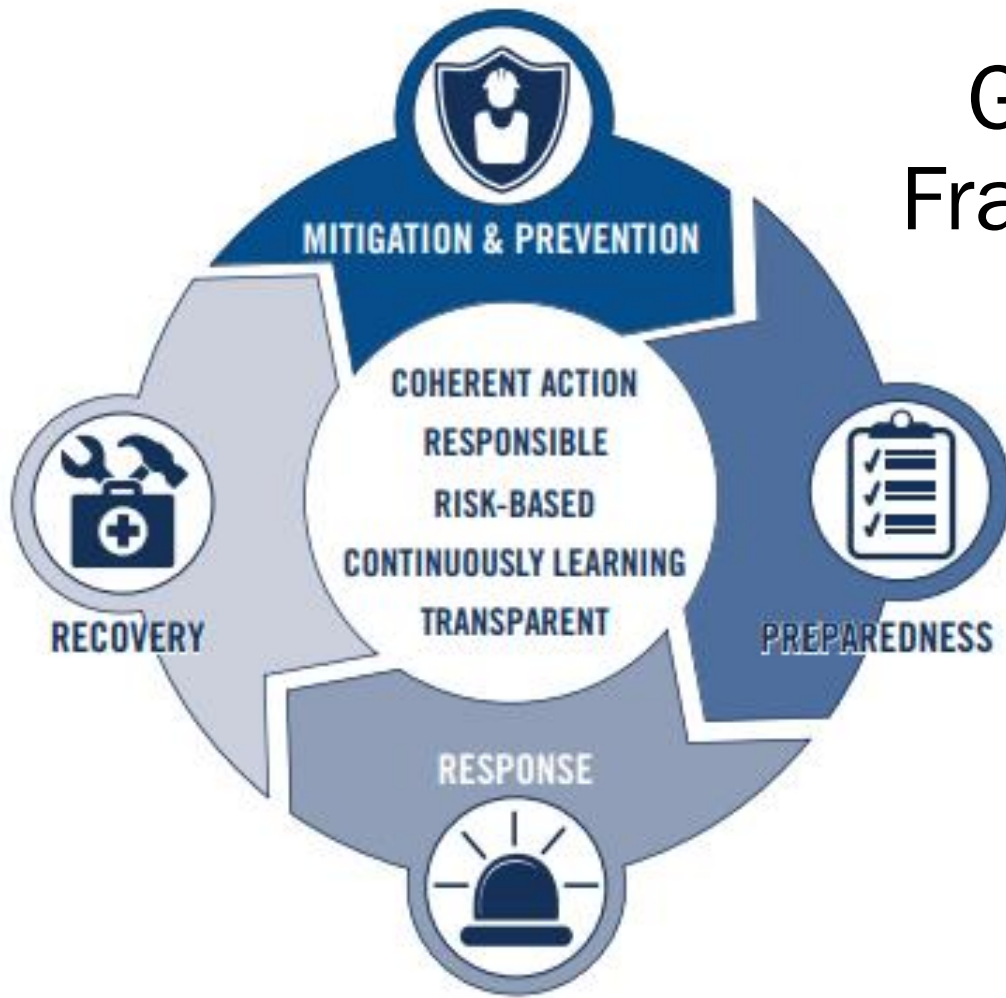
Participants:

- ❖ Electoral Areas A,B,C service participants
- ❖ Service Agreements with- City of Courtenay, Town of Comox, Village of Cumberland
- ❖ Work closely with K'ómoks First Nation

Current Governance:

- ❖ Comox Valley Emergency Program Administration Committee
- ❖ Executive Committee CVRD Committee of the Whole
- ❖ Policy (Pandemic) Group – Mayors, Chairs and K'ómoks First Nation
- ❖ Electoral Area Directors only voting members

Guiding Framework



Hazards, Risk and Vulnerabilities Analysis

SENDAI FRAMEWORK



BCEMS Response Goals

1. Ensure the health and safety of responders
2. Save lives
3. Reduce suffering
4. Protect public health
5. Protect infrastructure
6. Protect property
7. Protect the environment
8. Reduce economic and social losses

Supporting Emergency Management



COMOX VALLEY EMERGENCY PROGRAM
Emergency
Radio Communication



Volunteers that directly support CV Emergency Management and Local Governments

Current Projects and Arrangements

Community Readiness Planning and Response

- ❖ Regional Extreme Weather Advance Planning
- ❖ Neighbourhood Emergency Preparedness Program
- ❖ FireSmart Preparedness

Community Grants

- ❖ UBCM Community Emergency Preparedness Funds:
 - Emergency Support Services
 - Emergency Operations Centre
- ❖ UBCM Community Resiliency Investment



Trends

- ❖ Climate change impacts:
 - more frequent extreme weather
 - anticipated sea level rise increase
- ❖ Province's phasing in of changes to legislation related to the *Emergency Program Act*



Direction from After-Action Report

Focus at building regional capacity in the Comox Valley for:

- ❖ Emergency Management readiness/response
- ❖ Establishing three, 7-8 hours shifts Emergency Operations Centre readiness

Regional training:

- ❖ Develop lunch and learn style sessions, **multi-year** delivery plan
- ❖ Collaborate with external provincial/federal partners in multi-agency themed drills and/or exercises e.g. 19 Wing/DND EX “Totem”



Financial Overview and moving forward

Emergency Program	Proposed 2023 Budget
Regional Operating Budget	\$734,476

Moving to regional with first steps

- ❖ Reflecting full regional budget
- ❖ Electoral Area support in principle
- ❖ Obtain support from municipalities to become direct participants by expanding the service establishment bylaw
- ❖ Requires bylaw adoption by October 2023

Key benefits

- ❖ Full Board participation in governance of the service
- ❖ Strengthened regional advocacy voice from the Board

NEXT STEPS

Addressing any questions to clarify service delivery direction



Seeking interest and support for moving to regional emergency management program delivery



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 2240-20 PSF

From: City Manager (CAO)

Date: February 22, 2023

Subject: Pacific Salmon Foundation Licence Agreement - McPhee Meadow Nature Park PIT Installation Request

PURPOSE:

The purpose of the report is to seek Council's approval for a licence agreement for 36 more or less square of land for the Pacific Salmon Foundation to install, operate and maintain a passive integrated transponder antenna system on the lands adjacent to the Puntledge River in McPhee Meadows.

CITY MANAGER (CAO) RECOMMENDATIONS:

THAT Council approve the attached five-year Licence Agreement dated January 1, 2023 between the City and the Pacific Salmon Foundation for the licenced area on property having a legal description of:

PID: 028-419-910, Lot 1, Plan VIP88574, District Lot 118, Section 61

Respectfully submitted,

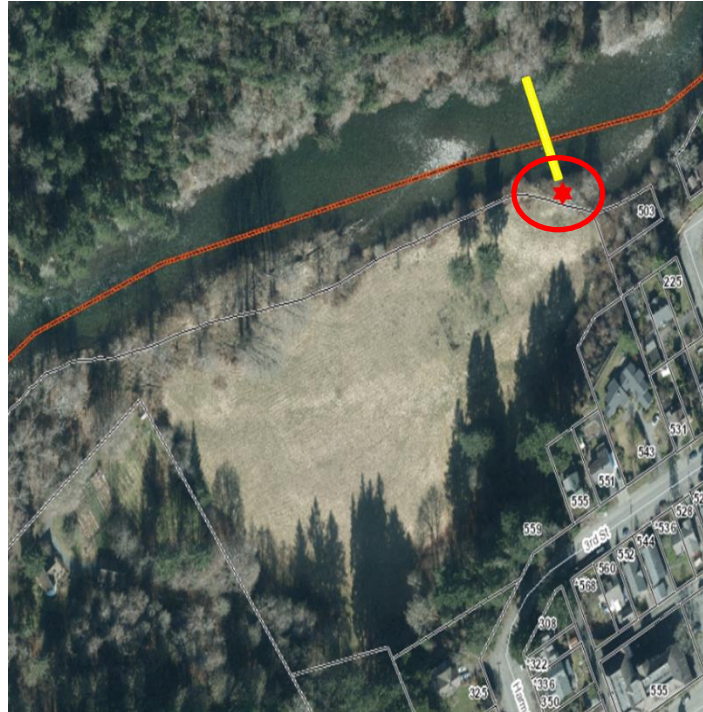
Kate O'Connell, M.P.P.

Acting City Manager (CAO)

BACKGROUND:

In March 2022, a biologist from the BC Conservation Foundation (BCCF) contacted the City acting as an agent of Pacific Salmon Foundation (PSF) to discuss an outstanding request from 2020 (Attachment 1). The request was for permission to install a passive integrated transponder antenna system (PIT array system) in the Puntledge River, and, the associated monitoring equipment would be located on the adjacent land in McPhee Meadows.

Proposed Licenced Area in McPhee Meadows



The original request had been delayed until there was staff capacity available to deal with the administration of the request.

More information on the study can be found in the PSF brochure Survival Bottlenecks Study Marine Science Program (Attachment 2) and is summarized below:

1. The study is a joint project between the Pacific Salmon Foundation and the British Columbia Conservation Foundation;
2. The study is in response to recent declines in abundance of Chinook and Coho salmon and Steelhead trout in the Salish Sea;
3. Declines in fish populations have resulted in numerous ecological, economic, and cultural impacts in BC including restrictions to commercial, recreational, and First Nations fisheries;
4. There is a growing consensus amongst the marina science community to study:
 - (a) the first year of marine life which plays a significant role the outcome of productivity of juvenile salmon;
 - (b) how predation, competition, and climate change all contribute to poor salmon and steelhead returns; and
 - (c) whether traditional fish hatchery activities are meeting conservation and recovery of wild stocks.

The research, monitoring and data collected will help guide mitigating activities to improve salmon and steelhead populations from hatcheries and wild stocks.

DISCUSSION:

Earlier this year, Recreation, Culture and Community Service staff were in the process of seeking community engagement on the concept designs for McPhee Meadows Nature Park. With the unimproved park closed

to the public, City staff outlined the following requirements to BCCF and PSF before City staff could request Council's consideration of this agreement:

1. Lead consultation with K'ómoks First Nation and the McPhee family to ensure any concerns or feedback are captured in advance of the installation;
2. Ensure all required permits are obtained;
3. Execution of an agreement subject to approval by Council between the City and PSF outlining the terms and conditions in which the PSF could install, maintain and operate the PIT Array System and respective City and PSF rights and responsibilities;
4. Install interpretive signage and communication plan for the intended works as mutually agreed to by K'ómoks First Nation, BCCF, PSF, and the City; and
5. PSF agreeing to meet all Work Safe BC requirements, risk assessments and insurance coverage for the proposed installation.

City staff have been working in collaboration with BCCF and PSF in recognition of the importance of this study affecting the future survival of BC's salmon population. The need has been exasperated by the lack of rain this past fall and summer. The drought like conditions that continued into October resulted in salmon struggling to spawn in many areas across BC.

A key consideration is to whether the recreational use of the Puntledge River would be affected by the PIT array system. BCCF has confirmed that here is low risk to recreational users of the river such as tubers, or kayakers. A similar system has been installed south of the island on Cowichan River which has similar recreation uses and no conflicts have occurred.

With the above process completed, with the exception of the execution of the agreement, City staff are seeking Council's consideration of approval of a five-year licence agreement effective January 1, 2023 with an option to extend the term for an addition five year term (Attachment 3).

FINANCIAL IMPLICATIONS:

There is a nominal licence fee of \$1 for the licence.

Utilizing the 2020 fair market rent appraisal carried out by Jackson and Associates for unimproved lands, the current fair market rent is calculated as follows:

Square Foot	Fair Market Price Per sq.ft.*	Estimated Fair Market Lease Value
36 sq. ft. more or less	\$0.22 per sq. ft. per year	\$7.92 per year

*Based on the 2020 fair market rent adjusted for annual C.P.I. increases (2020 to 2022) per Statistic Canada

Section 24 Community Charter - Provision of Certain Kinds of Assistance

Since the licence agreement contemplates nominal rent less than market value, Council must provide notice pursuant to section 24 of the *Community Charter*:

Publication of intention to provide certain kind of assistance

24 (1) A council must give notice in accordance with section 94 [public notice] of its intention to provide any of the following forms of assistance to a person or organization:

(a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value.

The assistance value would be \$7.92 per year.

ADMINISTRATIVE IMPLICATIONS:

Approximately thirty (30) hours of City staff time has been dedicated to the preparation of the new agreement, discussions with the Nature Trust BC, McPhee family, BCCF, PSF, and preparation of the staff report.

The agreement will be administered by Corporate Services Department and the Recreation, Culture and Community Services Department will be the City liaison to BCCF and PSF.

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications. The condition of use is based on PSF accepting the current conditions and access to the park “as is.”

STRATEGIC PRIORITIES (2019-2022)

We proactively plan and invest in our natural and built environment

- ▲■ Support actions to address Climate Change mitigation and adaptation
- ▲ Support social, economic and environmental sustainability solutions

We continually invest in our key relationships

- Build on our good relations with K’ómoks First Nation and practice Reconciliation

STRATEGIC PRIORITIES (2021-2022)

Park Planning: McPhee Meadows

OFFICIAL COMMUNITY PLAN REFERENCE:

Four Cardinal Directions							
Reconciliation	✓	Climate Action		Community Well-Being	✓	Equity	✓
Thematic Policies							
Streets and Transportation				Buildings and Landscapes			
Parks and Recreation	✓			Municipal Infrastructure			

Food Systems	✓		Local Economy		
Affordable Housing			Natural Environment	✓	
Social Infrastructure	✓		Arts, Culture, and Heritage		

REGIONAL GROWTH STRATEGY REFERENCE:

CVRD Regional Growth Strategy Goals:						
Housing		Ecosystems, Natural Areas and Parks	✓	Local economic development	✓	Transportation
Infrastructure		Food Systems		Public Health & Safety		Climate Change

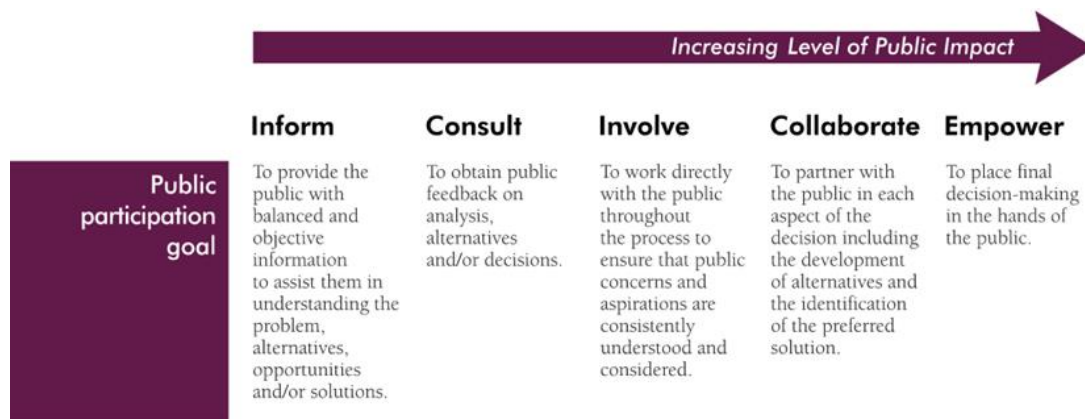
CITIZEN/PUBLIC ENGAGEMENT:

To satisfy the legislated requirements as set out in sections 24, 26 and 94 of the *Community Charter*.

Section 26 and 24 of the *Community Charter* for municipalities requires that notice be given prior to the disposition including the intention to provide certain kinds of assistance.

Furthermore, under section 94 of the *Community Charter*, the notice must also be published in a newspaper that is published at least weekly in the area affected by the subject matter of the notice.

Staff would inform the public based on the IAP2 Spectrum of Public Participation¹:



¹ © International Association for Public Participation www.iap2.org

OPTIONS:

OPTION 1: THAT Council approve the attached five-year Licence Agreement dated January 1, 2023 between the City and the Pacific Salmon Foundation for the licenced area on property having a legal description of:

PID: 028-419-910, Lot 1, Plan VIP88574, District Lot 118, Section 61

(Recommended)

OPTION 2: THAT Council identify any concerns or questions and refer the matter back to staff for further consideration.

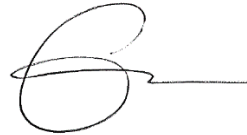
OPTION 3: THAT Council deny this licence agreement.

Prepared by,



Joy Chan
Manager of Business Administration
Services

Reviewed by,



Craig Rushton
Director of Recreation, Culture and Community

Concurrence by,



Kate O'Connell, M.P.P.
Acting City Manager (CAO)

Attachments:

1. BCCF/PSF Request for PIT Array System Installation – August 14, 2020
2. PSF Survival Bottlenecks Study Brochure
3. PSF Licence Agreement – McPhee Meadows January 1, 2023

From: Thomas Reid [<mailto:treid@naturetrust.bc.ca>]

Sent: Friday, August 14, 2020 9:08 AM

To: Snider, Dave <dsnider@courtenay.ca>

Subject: RE: Request to use McPhee Meadows for salmon study conducted by BCCF and PSF

Hi Dave – just wanted to follow up on this.

Thanks,

Tom

From: Jamieson Atkinson [<mailto:jatkinson@bccf.com>]

Sent: July 27, 2020 10:55 AM

To: Thomas Reid; Steven Henstra

Subject: RE: BCSRIF BCCF and PSF

Good morning Tom and Steven,

The BCCF and PSF are developing a four-year ECVI salmon bottleneck survival study, and the Puntledge River is one of the primary rivers for this study. As this study is utilizing PIT tag technology, we are required to install PIT antennas and arrays across multiple systems. In the Puntledge River, we are targeting two potential sites for a full-stream PIT array. The first site for consideration is the McPhee Meadows property. As such, we would like to start the conversation and see if this site is suitable for our project and won't interfere with ongoing restoration or property management programs administered by the property owners.

The PIT array will be installed on the bottom of the river, each transect will span the entire width of the river and will be required to be dug down 30 cm, where the antenna will be situated. Photos of the antennas are attached. Antennas are either 20 or 30 ft in length and 3 ft wide. They will be anchored by duckbills driven into the substrate. Installation of the Puntledge array will occur next summer (2021). In order to make this site work for our project, the PIT array will require solar energy set up. Solar panels can either be installed high-up a tree or be ground-based. A fenced enclosure for the solar, and PIT equipment may need to be explored if vandalism is an issue.

We would like to formally express our interest in developing a plan and see if this type of infrastructure is something the landowners are interested in facilitating.

Please do not hesitate to contact me if any questions or concerns arise,

Thank you,

Jamieson Atkinson, BSc.

Senior Fisheries Biologist

British Columbia Conservation Foundation

P.O. Box 7

1-7217 Lantzville Road, Lantzville, BC.

V0R 2H0

Cell. 250-327-1155

Office Phone. 250-390-2525 ext. 223 (I am in the Office)

Office Fax: 250-390-2049

e. jatkinson@bccf.com



SURVIVAL BOTTLENECKS STUDY

The Pacific Salmon Foundation, together with the British Columbia Conservation Foundation, are investigating survival bottlenecks for salmon and steelhead throughout the Salish Sea and Southern BC regions



THE PROJECT

Recent declines in the abundance of Chinook and Coho salmon, and Steelhead trout in the Salish Sea have resulted in numerous ecological, economic, and cultural impacts in British Columbia. Indeed, unprecedented restrictions on commercial, recreational, and First Nations fisheries and even the poorer health of Southern Resident Killer Whales have all been linked to recent declines in these species. Now there is growing consensus that the first year of marine life plays a key role in regulating productivity for juvenile salmon, and that predation, competition, and climate change all contribute to poor salmon and steelhead returns in southern BC, particularly on Vancouver Island. Understanding the mechanisms and relative contributions of the factors that may be limiting Chinook, Coho, and steelhead productivity is a key cultural, economic, and ecological priority in the Province. Moreover, as wild salmon and steelhead abundance continues to decline or remain at historic lows, there is growing recognition that traditional hatchery mitigation is not meeting conservation and recovery objectives for wild stocks. For enhancement programs to effectively contribute to both harvest and conservation, the performance of hatchery fish must be similar to that of wild fish.

Recently, the Pacific Salmon Foundation's (PSF) Salish Sea Marine Survival Program utilized Passive Integrated Transponder (PIT) tags to examine the survival of juvenile Chinook salmon in the Cowichan River. Small, injectable PIT tags (12mm x 2mm) produce a unique identification code when a fish encounters an antenna — similar to the way the 'tap' feature works on a bank card — and can be used to track individual survival through various stages of their life-history. This research on juvenile Cowichan River Chinook highlighted the importance of critical mortality periods during both the early marine period and the first winter of marine life, and the much lower survival of hatchery-produced salmon relative to wild counterparts. In light of these observations and the need for a much broader assessment, PSF, together with the British Columbia Conservation Foundation (BCCF), applied for and received funding from the BC Salmon Restoration and Innovation Fund to investigate survival bottlenecks throughout freshwater and marine regions of the Salish Sea and parts of Southern BC. Our goals for this study are to: **(a)** develop the monitoring and evaluation framework and infrastructure to determine survival bottlenecks for wild and hatchery Chinook, Coho and steelhead, **(b)** implement infrastructure to allow for adaptive management of hatchery programs for harvest, conservation, and sustainability objectives, and **(c)** conduct research, monitoring, and evaluation that will help guide management to improve the performance of hatchery and wild stocks .



PIT antenna in the Cowichan River



PIT tag implantation in a juvenile Coho salmon

COLLABORATIONS

This project is broad and highly collaborative in nature, with key project partners including DFO's Salmonid Enhancement (SEP) and Stock Assessment Division (StAD), the Provincial Ministry of Forests, Lands, and Natural Resource Operations (FLNRO), and the University of Victoria (UVic) — all of whom are partners in scientific study development and on the ground operations. We have also partnered with a number of community groups, non-profit stewardship organizations, and First Nations — whose traditional lands and rivers we are working in — to carry out field programs. Other academic institutions (SFU, UBC) are partners in mutual data collection and field sampling and are providing additional on the ground support. Lastly, the majority of our marine sampling is being carried out by a group of volunteers throughout the Salish Sea region, to whom we are very grateful for their continued efforts and dedication.

APPROACH

The aim of this project is to provide new information on survival bottlenecks for Chinook, Coho, and steelhead in both freshwater and marine environments. The primary components are:

1. establishing PIT antenna arrays in a number of priority freshwater systems and hatchery facilities, and implementing an extensive juvenile salmon/steelhead PIT tagging program;
2. investigating the ecology of juvenile salmon during their first ocean winter;
3. utilizing PIT and video technology to electronically monitor recreational fishery catches and better understand predation mortality;
4. examining survival, dispersal, mortality mechanisms, and evaluating alternative hatchery strategies as conservation tools for juvenile and adult steelhead.

1. PIT Antennas and Tagging

Using a staged approach over the next three years, PSF, together with BCCF, will implement new PIT antenna arrays in key Vancouver Island, Sunshine Coast, and possibly Fraser River systems, as well as DFO-SEP hatchery facilities (Figure 1). Implementation of PIT infrastructure at hatcheries will also provide an innovative means of monitoring and evaluating experimental rearing and release strategies, hatchery-wild interactions, and future research opportunities at these enhancement facilities. To maximize this infrastructure investment, an ongoing PIT tagging program that aims to tag over 50,000 wild and hatchery juvenile Chinook, Coho, and steelhead throughout the Salish Sea region each year for the next four years has been implemented. Tagging will take place at hatchery facilities; in rivers and estuaries targeting wild fish; and in the marine environment for both hatchery and wild fish via capture by micro-trolling — a modified method of recreational fishing that utilizes miniature trolling gear (hooks, spoons, flashers) to target

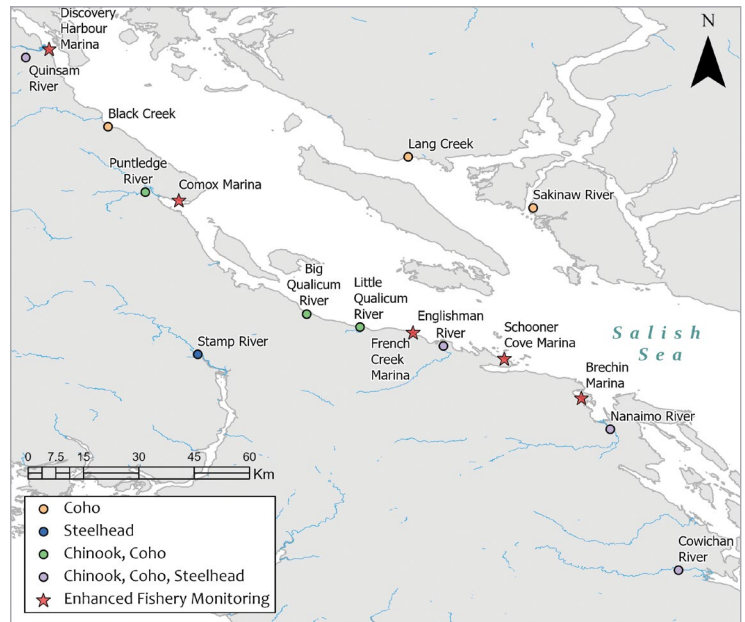


Figure 1. Map of the Bottlenecks study region showing the locations of river systems to be outfitted with PIT infrastructure and target species for tagging (color-coded circles), and recreational landing sites for enhanced fishery monitoring program (red stars).

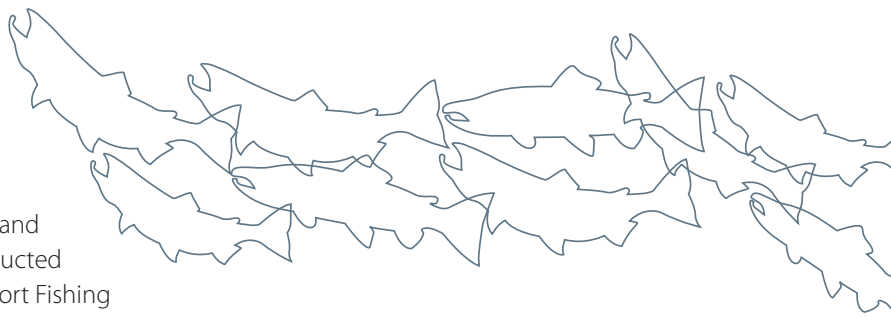
juvenile salmon. Data from this extensive PIT program will help elucidate key survival bottlenecks in both freshwater and early marine environments for Chinook, Coho, and steelhead, and will be used to develop strategies that may help improve survival.

2. Juvenile Winter Ecology

Despite a widely held belief that the first winter in the ocean plays a critical role in regulating salmon survival, there is a conspicuous lack of data on the winter habitat, diet, and health of these fish. A primary focus of the Bottlenecks project is to understand if, and how, the first winter at sea regulates survival of both hatchery and wild fish. To address this objective, a detailed study is being conducted in partnership with UVic to specifically examine the winter habitat use, diet, pathogen load, immune status, and bioenergetics of juvenile Chinook salmon. By sampling juvenile Chinook Salmon from October to March, researchers will develop the first complete picture of how these fish use their environment during the winter. The condition and energy content of individual fish will be related to their previous growth history (determined from scales) and their disease status (as indicated by cutting edge molecular genetic techniques). Integrating results will provide insight into how winter conditions may interact with pathogens and growing conditions during the previous summer to control survival. Results will be incorporated into models that will simulate the response of Chinook salmon to changes in winter ocean temperatures due to climate change.



Microtrolling tackle — flasher and spoon



3. Enhanced Fishery and Predation Monitoring

Another mainstay of the Bottlenecks project is an innovative and novel fishery and predation monitoring program being conducted in collaboration with DFO-StAD with support from the BC Sport Fishing Advisory Board and local marinas. This program will utilize PIT and video technology integrated into cleaning tables at a number of high-traffic recreational landing sites on Vancouver Island (Figure 1), and routinely scan known pinniped haulouts and heron rookeries for expelled PIT tags. Detection of tagged fish and video data collected at landing sites will provide valuable supplemental information to DFO's creel survey program and help quantify stock-specific exploitation rates, while scanning for expelled tags will help to better understand the proportional levels of mortality occurring from avian and pinniped predation. These two activities will provide valuable additional capture information that would be unavailable by any other means and further contribute new information on survival bottlenecks for salmon in the Salish Sea.

4. Understanding Steelhead Bottlenecks

Working with our partners at FLNRO, we will examine survival bottlenecks for Steelhead trout during both the juvenile and adult life history stages of this species. Juvenile PIT tagging programs on the Cowichan, Englishman, and Quinsam Rivers will provide information on timing, abundance, and both freshwater and marine survival, while an experimental program at Robertson Creek Hatchery will evaluate how alternative juvenile release and/or rearing strategies may be used to increase overall survival and adult returns. We will also evaluate the effectiveness of reconditioning wild kelts¹ as a tool to promote increased survival and repeat spawning, while satellite tags will be used to explore distribution and potential mortality mechanisms of reconditioned adult steelhead while at large in the Salish Sea and elsewhere. Data generated from this study will provide information on where survival bottlenecks could be occurring in freshwater and marine environments and evaluate strategies that may help facilitate population persistence and recovery for this species in the Province.

¹ Steelhead are iteroparous, a natural life history strategy whereby some individuals (2-15% of a population typically) will return to the ocean after spawning — a process known as kelting — and return to freshwater again to spawn in future years. Reconditioning is the process of culturing post-spawned steelhead (kelts) in a captive environment where they are fed and grown to a suitable healthy size before being released to continue their seaward migration.



Photo by Will Duguid

Juvenile Chinook salmon caught by microtrawling



Photo by Danny Swainson

Microtrawling in Maple Bay, southern Vancouver Island

For further information, please contact Collin Middleton (PSF Project Manager) at cmiddleton@psf.ca or Jamieson Atkinson (BCCF Project Manager) at jatkinson@bccf.ca

The Pacific Salmon Foundation
1682 West 7th Ave, Vancouver, BC, V6J 4S6
Tel: 604-664-7664 | Email: pearsalli@psf.ca

Pêches et Océans
Canada

Funding for this project is provided by the BC Salmon Restoration and Innovation Fund, a contribution program funded jointly between Fisheries and Oceans Canada and the Province of BC

LICENCE AGREEMENT

This Agreement dated for reference this 1st day of January, 2023, is

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY, a municipal corporation incorporated pursuant to the Community Charter and having its offices at 830 Cliffe Avenue, Courtenay, BC, V9N 2J7
(the "**City**")

AND:

THE PACIFIC SALMON FOUNDATION (REG. NO. XS0069845), a not-for-profit society with its principle offices located at 300-1682 W 7th Avenue, Vancouver, BC, V6J 4S6

(the "**Society**")

WHEREAS:

- A. The City owns the land located at 559 3rd Street, Courtenay, British Columbia, legally described as PID: 028-419-910, Lot 1, Plan VIP88574, District Lot 118, Section 61, Comox Land District (the "**Lands**");
- B. The Society wishes to use and occupy a 36-square-foot portion, more or less, of the Lands as highlighted in yellow and red in Schedule A attached hereto (the "**Licensed Area**") for the purposes of installing, operating and maintaining a Passive Integrated Transponder Antenna System which includes the master controller, battery box, and solar panel, as shown in Schedule B (the "**PIT Array System**") to investigate survival bottlenecks for salmon and steelhead in the Puntledge River; and
- C. The City has agreed that the Society may use and occupy the Licensed Area for the purposes and on the terms and conditions herein set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement, the receipt and sufficiency of which is hereby acknowledged, the City and the Society agree that:

1.0 GRANT OF LICENCE

- 1.1 Subject to the terms of this Agreement, the City hereby grants to the Society a right by way of licence to occupy and to use the Licensed Area ("**Licence**") for the purposes of installing, operating and maintaining the PIT Array System.

2.0 TERM AND NEW AGREEMENT

- 2.1 The parties agree the term of this Agreement shall be five (5) years, commencing on January 1st, 2023 and terminating on December 31st, 2027 unless terminated sooner or unless extended pursuant to the terms of this Agreement (the "**Term**").
- 2.2 The City and the Society may agree to extend this Agreement for a further five (5) year

term by mutual agreement in writing no later than six (6) months before the end of the Term under the same terms and conditions as outlined in this Agreement unless mutually amended in writing.

- 2.3 If the City and the Society have not negotiated a further term under section 2.2 and the Society should hold over after the expiration of the Term and the City should accept the Society's holding over, the new term created shall be on a month to month basis and the holding over shall be subject to the covenants and conditions herein contained so far as the same are applicable on a month to month basis.

3.0 LICENCE FEE

- 3.1 The Society shall pay to the City a license fee of ONE (\$1.00) DOLLAR which the City, by executing this Agreement, acknowledges receipt of.

4.0 SOCIETY'S RIGHTS

- 4.1 For the purposes of the Licence herein, the Society and its employees, subcontractors and employees shall have the right to:

- (a) use the Licenced Area to install, operate and maintain the PIT Array System in and on the Licenced Area;
- (b) have access to the Lands and Licenced Area between dawn and dusk to carry out activities related to the use as prescribed in section 4.1(a); and
- (c) subject to the terms of this Agreement, do all other things in the Licenced Area as may be reasonably necessary, desirable and incidental to carry out the use prescribed in section 4.1(a) and the Society's responsibilities under section 5.1.

5.0 SOCIETY'S MANAGEMENT AND OPERATIONS RESPONSIBILITIES

- 5.1 The Society represents and warrants that:

- (a) the PIT Array System shall consist of the components shown in Schedule B and shall be installed in the location shown in Schedule B and shall not be changed or modified in any significant way without the express written consent of the City;
- (b) the Society will be responsible for all aspects of and all costs associated with the installation, operation, maintenance, repair, monitoring, provision of Internet connectivity for and decommissioning of the PIT Array System or any part thereof;
- (c) the Society shall keep the PIT Array System and Licenced Area in a neat, tidy, safe, secure and sanitary condition at all times;
- (d) the Society accepts the Licenced Area "as is, where is" and acknowledges that the City has made no warranty or representation as to the state of Lands, their fitness for the Licensee's purposes and the Licensee hereby declares that it relies solely on its own inspection of the Lands and Licenced Area;
- (e) upon receipt of notice from the City that the PIT Array System interferes with,

restricts or in any way adversely affects the City's operations, productivity, necessary upgrades, capacity improvements, construction projects or anything related to the successful and efficient operation of the Lands or Licenced Area, the Society will alter or remove the PIT Array System at its own cost so that in the opinion of the City it does not cause such interference, restriction or adverse effect to the Lands or Licenced Area;

- (f) the Society, its employees, subcontractors and invitees shall observe and comply with any and all safety rules, regulations and requirements relating to installation, operation, maintenance and decommissioning and removal of the PIT Array System;
- (g) the Society, its employees, subcontractors and invitees shall carry on and conduct their activities on the Lands and Licenced Area in compliance with any and all laws, statutes, enactments, orders, bylaws, regulations and other requirements of governmental or other public authorities having jurisdiction, from time to time in force, and obtain all required approvals and permits thereunder and not to do or omit to do anything in or on the Lands or Licenced Area in contravention thereof;
- (h) the Society shall exercise the greatest care in the use and occupation of the Licence Area and access to the Lands and shall provide a competent and trustworthy adult who will personally undertake to be responsible for the due observance of the rules and regulations governing the said Lands and Licenced Area;
- (i) the Society, its employees, subcontractors and invitees will not cut, prune, plant, damage or remove vegetation;
- (j) the Society shall promptly provide notice of all deficiencies with respect to the Licenced Area or the Society's use thereof in writing to the City;
- (k) the Society shall install, at its own expense, if requested by the City, a secured fenced compound to protect the PIT Array System from theft or vandalism;
- (l) the Society shall not do, suffer or permit to be done any act or thing upon or to the Lands or Licenced Area, which would constitute a nuisance to the occupiers of any lands or premises adjoining or in the vicinity of the Lands or Licenced Area or to the public generally;
- (m) the Society shall, at its own expense, install interpretive informational signage in the Licenced Area, the content, sign design, size and location of which must be approved by the City in writing prior to installation;
- (n) the Society shall not install or permit to be installed any recorded video surveillance or collect any personal information as defined by the *Freedom of Information and Protection of Privacy Act* (BC) and regulations, as amended, as part of the installation, operation, maintenance and decommissioning and removal of the PIT Array System; and
- (o) the Society shall, at the expiration or earlier termination of this Agreement, unless

the parties enter into a new agreement, remove the PIT Array System at its own expense and repair any damage to the Licenced Area caused by its removal.

6.0 THE CITY'S RIGHTS

6.1 The City hereby reserves from the grant of Licence to the Society under section 1.1 the right for the City, its agents, employees and contractors to access any part of the Licenced Area, with or without tools and equipment, for purposes of inspection, maintenance and installation without compensation to the Society.

7.0 SOCIETY'S PROPERTY

7.1 The City and Society agree that

- (a) the PIT Array System will be paid for by the Society;
- (b) the PIT Array System is the property of the Society; and
- (c) upon affixation to the Licenced Area, the PIT Array System will remain the property of the Society.

7.2 The Society agrees that it has sole responsibility for the loss or damage to personal property of the Society, its employees, subcontractors and invitees located in or on the Lands or Licenced Area from time to time, including the PIT Array System.

8.0 INSURANCE

8.1 The Society shall, at its own expense, provide and maintain in force during the Term the following insurance coverage with respect to the Licenced Area and the PIT Array System:

- (a) insurance against damage to the PIT Array System; and
- (b) comprehensive all-risks general liability insurance policy of not less than \$2,000,000.00 inclusive per occurrence with a deductible not greater than \$500.00 for any one claim.

8.2 On the first day of the Term and thereafter immediately upon demand, the Society shall provide to the City certified true copies of all insurance policies required under this Agreement as evidence that such insurance is in force, including evidence of any insurance renewal policy or policies.

8.3 The Society shall neither cancel nor approve any material change to the insurance policies required under this Agreement without having first received written approval of the City.

8.4 All policies of insurance the Society is required to maintain under this Agreement shall include a provision naming the City as additional insured, a cross liability clause, a waiver of subrogation clause in favour of the City, and a provision requiring the insurer to give the City thirty (30) days written notice prior to cancellation or any material change in an insurance policy.

9.0 INSURANCE RECOVERIES

9.1 The parties agree that any recovery of insurance proceeds by the Society in respect of damage to or destruction of the Licenced Area and fixtures and assets installed by the Society shall be applied to replace or repair the same unless the parties agree otherwise.

10.0 INDEMNIFICATION AND RELEASE

10.1 The Society hereby indemnifies and saves harmless the City, the City's elected officials, and the appointed officers, employees and agents of both parties from and against any and all costs, claims, losses, damages, liens, causes of action, suits, compensation, liability and expenses whatsoever (including legal fees on a solicitor and own client basis) which the Society or anyone else may suffer or incur as a result of the Society's occupation, control or use of the Licenced Area, or by execution of this Agreement.

10.2 The Society releases the City from all claims and demands which the Society may at any time have against it or its elected officials, officers, employees, agents or others, in respect of any matter arising from or related to this License.

11.0 LICENCED AREA ACCEPTED AS IS

11.1 The Society accepts the Licenced Area on an as-is basis and agrees that the City has made no warranty or representation as to the state of Lands and Licenced Area or their fitness for the Society's purposes, and the Society hereby declares that it relies solely on its own inspection of the Lands and Licenced Area.

12.0 ALTERATIONS TO THE LICENCED PREMISES AND SURROUNDING GROUNDS

12.1 The Society shall not make or allow to be made any alterations to the structure or mechanical service systems of the Licenced Area and its surrounding grounds without the prior written consent of the City. Any alterations to which the City gives its consent shall be at the expense of the Society.

13.0 AMENDMENT OF AGREEMENT

13.1 This Agreement may only be amended by a subsequent written agreement signed by the parties.

14.0 ASSIGNMENT AND SUBLICENCING

14.1 The Society shall not assign the benefit of this Agreement in whole or in part without the prior written consent of the City, and, except as specifically and expressly provided in this Agreement, the Society shall not sub-licence, grant any right of occupation or part with possession of the Licenced Area or any portion of it without the prior written consent of the City.

15.0 TERMINATION OF THE AGREEMENT

15.1 Either party may terminate this Agreement by giving the other party sixty (60) days advance notice of its intention to terminate, such notice to be given in writing on the last day of any month.

- 15.2 The City may immediately terminate this Agreement if any of the following events arise:
- (a) the Society is in breach of any term or condition of this Agreement and fails to correct such breach to the reasonable satisfaction of the City within thirty (30) days after notice of the breach is given by the City;
 - (b) the Society becomes bankrupt or insolvent or takes the benefit of any Act now or hereafter in force for bankrupt or insolvent debtors; and
 - (c) any order is made for the winding up of the Society.

16.0 SURRENDER OF CONTROL

- 16.1 The Society shall, at the expiration or earlier termination of the Agreement, unless the parties enter into a new agreement, peaceably surrender and yield the Licenced Area to the City in good and substantial repair in all aspects, reasonable wear and tear and damage by force majeure only accepted. The Society is not entitled to any compensation for any loss, including economic loss, or injurious affection or disturbance resulting in any way from the termination of the licence in this Agreement.

17.0 DEFAULT

- 17.1 Should the Society default in the observance or performance of any of the terms and conditions of this Agreement the City may, in addition to their right to terminate this Agreement pursuant to section 15.0 herein, pursue such other remedies as are provided to them in law.

18.0 STRICT PERFORMANCE

- 18.1 The failure of the City to insist upon strict performance of any covenant or condition contained in the Agreement or to exercise any right or option hereunder shall not be construed or operate as a waiver or relinquishment for the future of any such covenant, condition, right or option and no waiver shall be inferred from or implied by anything done or omitted by the City save only express written waiver in writing.

19.0 NOTICE

- 19.1 Any notice or instrument required to be given or made by this Agreement shall be in writing and either delivered in person, faxed or sent by registered mail to the other party at the address set out below, or at such other address as each party may designate by notice in writing to the other parties:

For the City:

Director of Recreation, Culture and
Community Services
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7
Phone: (250) 334-4441

For the Society:

Chief Financial Officer
The Pacific Salmon Foundation
1682 West 7th Avenue
Vancouver, BC V6J 4S6
Phone: (604) 664-7664

- 19.2 The address for notice may be changed by the parties from time-to-time by providing written notice of such change as herein contained.

19.3 If any question arises as to when notice was given, it shall be deemed to have been received by the intended recipient on the earlier of the day it was received, or on the fifth (5th) day after it was mailed, faxed or otherwise given to the intended recipient.

20.0 NO INTEREST IN LAND

20.1 This Agreement grants no estate or interest in the Lands or the Licenced Area to the Society.

21.0 GENERAL

21.1 Headings are provided for convenience only and do not form part of the terms of this Agreement. Wherever the singular or masculine is used herein, the same shall include, the feminine, plural and body corporate or politic where the context or the parties so require.

21.2 If any section of this Agreement shall be found to be illegal or unenforceable, then such section shall be considered to be separate and severable from this Agreement and the remaining sections of this Agreement shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable section had never been included in this Agreement.

21.3 There are no promises or obligations by or on behalf of the City other than the express covenants and provisions contained in this Agreement upon which any rights against the City may be founded. This Agreement constitutes the entire agreement between the parties hereto, and shall supersede all negotiations, representations, documents, and previous agreements made by either party in respect to the management, operations and maintenance of the Licenced Area.

21.4 This Agreement shall enure to the benefit of and be binding upon the parties hereto and upon the parties' respective successors and assigns.

21.5 Time shall be of the essence in this Agreement.

21.6 Each party hereto shall execute and deliver all such further assurances, documents and instruments and do all such further acts as may be reasonably required to carry out the full intent and meaning of this Agreement.

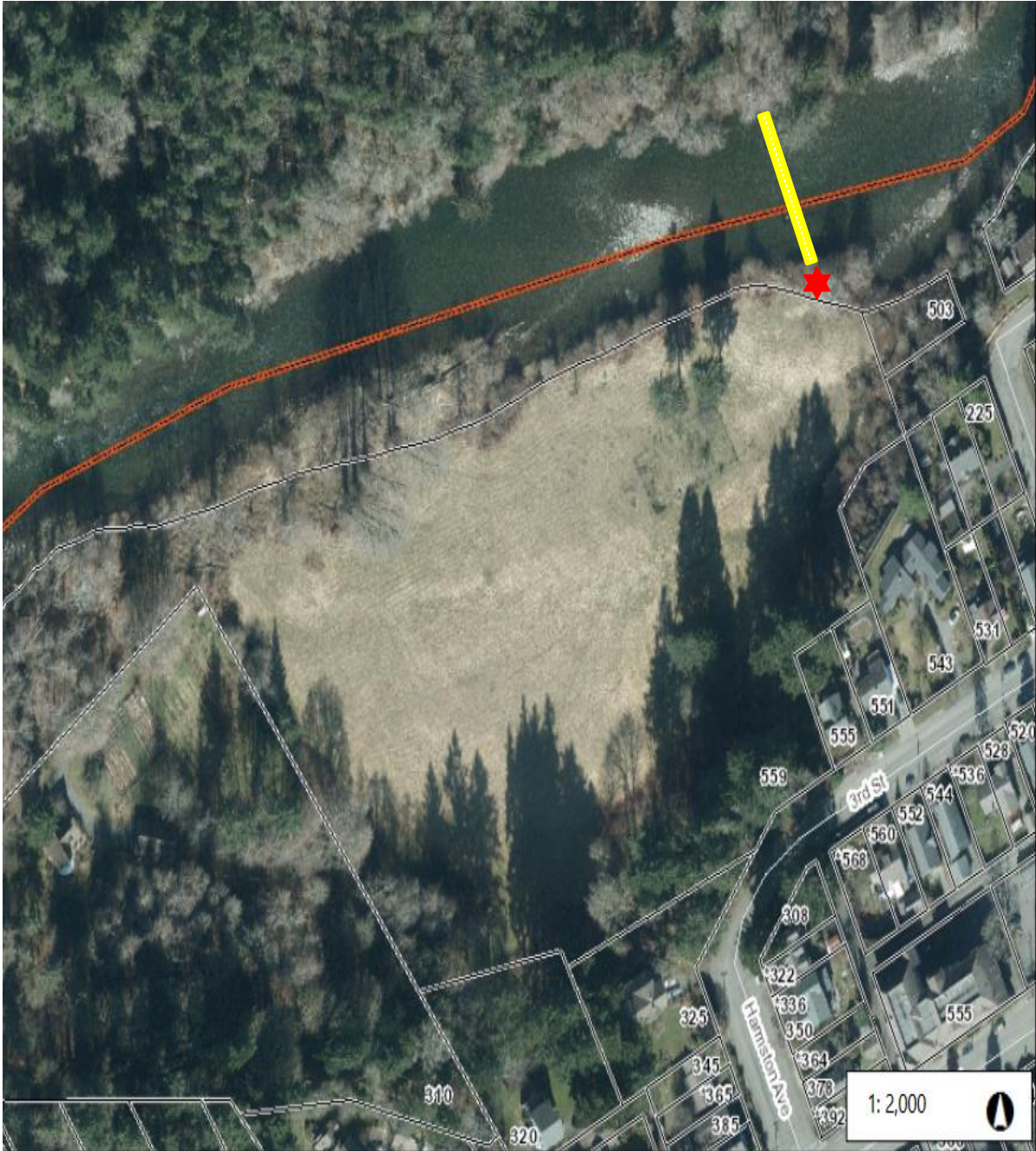
IN WITNESS WHEREOF the parties hereto have affixed their respective corporate seals duly attested by their authorized officers on the reference date above.

THE CITY OF COURTENARY,)
by its authorized signatories:)
)
_____)
Name:)
)
_____)
Name:)

THE PACIFIC SALMON FOUNDATION)
by its authorized signatories:)
)
_____)
Name:)
)
_____)
Name:)

SCHEDULE A

Licensed Area ★



SCHEDULE B

Pit Array System Controller and Batter Box



Passive Integrated Transponder Antenna





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 2240-20 DCBIA

From: City Manager (CAO)

Date: February 22, 2023

Subject: Downtown Courtenay Business Improvement Association Temporary Licence of Occupation Agreement

PURPOSE:

The purpose of the report is to seek Council's approval for a temporary licence of occupation for a 132 square feet office on the 2nd floor of the Centre For the Arts with the Downtown Courtenay Business Improvement Association (DCBIA).

CITY MANAGER (CAO) RECOMMENDATIONS:

THAT Council approve the attached temporary licence of occupation agreement between the City and the Downtown Courtenay Business Improvement Association for the licenced area located on property having a civic address of 580 Duncan Avenue, Courtenay, BC and a legal description of:

PID: 028-799-925 Lot B, Section 61, Comox District Plan EPP15696.

Respectfully submitted,

Kate O'Connell, M.P.P.

Acting City Manager (CAO)

BACKGROUND:

The Downtown Courtenay Business Improvement Association (DCBIA) was established in 1995. This not for profit group has more than 200 member businesses operating in downtown Courtenay.

The City provides a variety of in-kind supports to the DCBIA, in their role "to provide support for Downtown Courtenay Businesses and enhance a vibrant business community through leadership and advocacy". The City contributed \$5,000 per year to the DCBIA to specifically support downtown cultural events including Market Days, Downtown Summer Farmers Market, Moonlight and Magic and the Comox Valley Christmas Parade. In addition to the financial contribution, since 2019, the City provides annual in-kind support towards physical operation of traffic control and road closures for these events¹. The total year to date expenses (as

¹ Council staff report: DCBIA Support Request For Market Day and Summer Street Market Events – July 2, 2019

of December 31, 2022 unaudited financial statements) related to this in-kind support was approximately \$27,000.

DCBIA receives funding in the amount of \$60,000 funded by the tax levy collected from the Business Improvement Area, and as regulated by the Downtown Courtenay Business Improvement Area Bylaw 2264, 2002. According to DCBIA’s 2022 Budget², \$30,000 of its annual funding would be allocated toward supporting downtown events. DCBIA is currently in the process of undergoing a bylaw review and update.

	<u>Estimated revenue</u>	<u>Estimated expenses</u>	<u>Net expense</u>
Moonlight Magic	-	14,000.00	14,000.00
Market Day	15,000.00	10,000.00	- 5,000.00
Christmas Parade	400.00	3,000.00	2,600.00
Other Events	-	2,000.00	2,000.00
Event equipment	-	1,000.00	1,000.00
	-	-	-
	<u>15,400.00</u>	<u>30,000.00</u>	<u>14,600.00</u>

In 2021, Council granted DCBIA \$9,500 towards the development of a marketing campaign to help ease the impacts to the downtown businesses from the 5th Street Bridge Rehabilitation Project. The marketing campaign included a week which directed the public to spend time in museums and galleries located in the downtown core.

In addition to supporting downtown events, DCBIA promotes arts, culture and heritage on the DCBIA website with a dedicated webpage highlighting arts and culture activities that can be found in the downtown core. DCBIA also supports the City’s annual Halloween Parade and Party through promotion to their members to participating in trick or treating in the downtown core and provides a volunteer member to the July 1st event organizing team.

DCBIA currently reviews auditions and acts as the adjudicator for applicants requesting to obtain a street entertainer permit through the City’s Street entertainment program. As identified in the Street Entertainment Bylaw 2749, 2013.

The City has collaborated over the past year with DCBIA on various beautification projects to support the local economy. Most notably, DCBIA championed the 4th Street Parklet project, which transformed a vacant lot into a community gathering space.

In a letter to City Council and Mayor dated May 31, 2022 (Attachment 1), the Downtown Courtenay Business Improvement Association (DCBIA) made a request for long term office space on the second floor of the Centre For the Arts. In June 2022, City staff meet with the Comox Valley Community Art Council (CVCAC) and the Comox Valley Art Gallery Society (CVAGS) regarding this request to see if they would be able to accommodate the DCBIA request in consideration of their expansion into the former Comox Valley Economic Development Society space in 2020 through Memorandum of Understanding (MOU) agreements authorized by a previous Director of Recreation and Cultural Services. After touring the facility with both of these

² Council staff report: Downtown Courtenay Business Improvement Association - 2022 Budget and Tax Levy Request, March 28, 2022

organizations, CVCAC agreed to move out of a small office at the end of October 2022 and consolidate into the space it's currently temporarily occupying under the MOU.

DISCUSSION:

There has been an increase in community service related office and programming space requests. The City currently does not have any vacancies to meet these needs. In addition to lack of vacancies, the City does not have policy to deal with how current space in the City's inventory is allocated and prioritized. Historically the 2nd floor of the Centre For the Arts has been occupied by community non-profit organizations that are compatible with the arts, cultural and heritage theme of the building. In addition, there was direction from Council from October, 2003:

"That staff actively pursue other revenue generating options for the building; and

That staff develop a building management model and forward the terms of reference to Council for approval"

Two strategic initiatives need to be completed before staff can return with policy recommendations for the building and address the outstanding culture and community service space requests: the Social and Community Service Development Framework (SCSDF) and the Strategic Cultural Plan (SCP), both tentatively to be completed in 2023.

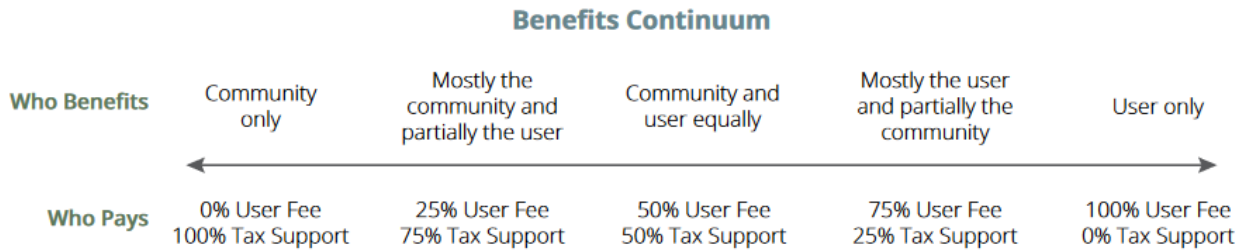
Staff are presenting the attached Temporary Office Licence Agreement (Attachment 2) for Council's consideration. The licence agreements is an interim temporary agreement which provides the DCBIA an agreement term for one year that holds over month to month at the end of the one year term. This interim temporary licence agreement will provide the City flexibility to consider any changes to building occupancy as a result of future building use policy decisions informed by the SCSDF and SCP and future facility rental rate policies.

Monthly Licence Fee:

To determine the licence fee for the DCBIA's office, the following key points are considered:

1. DCBIA's role in supporting arts, culture, heritage and economic development in the downtown through their ongoing facilitation of free public events benefiting the community; and
2. DCBIA's continued willingness to collaborate with the City and cultural organizations such as the Sid Williams Theatre Society, CVCAC and CVAG to support cultural events as affirmed in their letter dated October 28, 22 (Attachment 3).
3. In the absence of a formal City of Courtenay property disposition bylaw or policy, City staff are proposing a temporary subsidized licence agreement fee which is guided by the Benefits Based Approach outlined in the recent Recreation Fees and Charges Framework³ and adopted by Council in 2022. This approach was identified to also be applicable to not for profit community arts, culture and heritage organizations that provide community benefit to the public. The agreement and fee will be reviewed at the end of the licence term and based on the City's policies at the time.

³ Recreation Fees and Charge Framework, 2022 p. 13



As such, City staff are asking Council to consider the approval of this temporary licence agreement at a subsidized rental for a non-profit organization providing a service which has community benefit. The community rental rate as determined by the benefit continuum would be approximately 25% of the fair market rental rate.

The market comparable rate for a small downtown office with shared common areas is currently \$550 per month. This market comparable includes the cost of utilities and wireless internet in the monthly rent. The monthly rent for the small office on the 2nd floor of the Centre For the Arts would also include the cost of utilities but does not include wireless internet. As such, the estimated monthly cost of internet service (\$50 per month) has been deducted from the \$550 per month fair market rental rate. The equivalent estimated fair market rent for the DCBIA office is \$500 per month.

The proposed community rate for the temporary licence agreement is calculated in the financial implications section of this report.

Other Considerations:

As the City moves into the development of the Courtenay’s Strategic Cultural Plan, DCBIA’s role as an interest holder will be considered in shaping the following key cultural planning strategies as part of the cultural planning process:

1. arts, culture, and heritage marketing and promotion strategies as an economic driver to the downtown core; and
2. public art and mural policies.

By including DCBIA as part of the cultural planning conversation, the City can create awareness of cultural program and policy issues which intersect with the DCBIA’s members’ activities. An example of this would be ensuring any artwork installed on private property and adjacent to Indigenous artwork is culturally sensitive.

FINANCIAL IMPLICATIONS:

The proposed non-profit community rate for the DCBIA office lease is calculated below:

DCBIA Office	132 sq. ft.
Shared storage room	23 sq. ft.
Total rentable square footage	155 sq. ft.
Monthly Market Rental Rate	\$500
Annualized Market rental rate per sq. ft.:	\$500x 12/130 sq ft. =\$46.15 per sq. ft. per year
Estimated annual market rent for the DCBIA office:	155 sq. ft. @\$46.15 per sq. ft./ year
Estimated annual fair market rent:	\$ 7,153.25
Estimated monthly fair market rent	\$600
Proposed Community Organization Subsidized monthly rent @ 25% of the estimated monthly fair market rental rate*:	\$150

**Level of subsidy based on the Recreation Fees and Charges Framework, 2022*

Section 24 Community Charter - Provision of Certain Kinds of Assistance

Since the office lease agreement contemplates nominal rent less than market value, Council must provide notice pursuant to section 24 of the *Community Charter*:

Publication of intention to provide certain kind of assistance

24 (1) A council must give notice in accordance with section 94 [public notice] of its intention to provide any of the following forms of assistance to a person or organization:

(a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value.

The assistance value would be the subsidized portion of the rent, which is \$450 (\$600-\$150) per month or \$5,400 per year.

Other financial and in-kind support implications:

The financial implications for the current fiscal year and proposed long-term (2023-2027) operating budget financial plan are summarized in the chart below:

1. The City will continue to grant \$5,000 from gaming funds to DCBIA to support cultural events in the downtown.
2. The City will continue to disperse to DCBIA the business improvement funding collected through the DCBIA Bylaw, 2264 which is estimated at \$60,000 per year but may be subject to change pending the current bylaw review and update process.
3. The in-kind supported related to DCBIA special event support for traffic control and street closures.

DETAIL	Current	Proposed Five Year Financial Operating Budget				
	2022	2023	2024	2025	2026	2027
Financial contribution:						
Gaming Funded - Cultural downtown events	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
DCBIA Bylaw 2264 funding	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
Total Financial Grant	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000
In-kind Contribution:						
Traffic control and street closure In-kind support	\$ 27,000	\$ 19,900	\$ 20,200	\$ 20,600	\$ 20,900	\$ 20,900
Total In-Kind Support	\$ 27,000	\$ 19,900	\$ 20,200	\$ 20,600	\$ 20,900	\$ 20,900
Total Estimated Budgeted Financial and In-Kind Support	\$ 92,000	\$ 84,900	\$ 85,200	\$ 85,600	\$ 85,900	\$ 85,900

ADMINISTRATIVE IMPLICATIONS:

Approximately twenty (20) hours of City staff time has been dedicated to the preparation of the new agreement, coordinating internal department referrals, discussions with the DCBIA, and preparation of the staff report.

The agreement will be administered by Corporate Services Department and the Recreation, Culture and Community Services Department will be the facility liaison for matters outside day-to-day facility use operations currently being overseen by the Comox Valley Art Gallery Society.

ASSET MANAGEMENT IMPLICATIONS:

The office agreement maintains existing asset service levels for the Centre for the Arts. The asset management implications for the Centre for the Arts has been summarized in a separate report: Comox Valley Art Gallery Society Licence of Occupation and Management and Grant Fee for Service Agreement staff report dated November 21, 2022.

STRATEGIC PRIORITIES (2019-2022)

We actively pursue vibrant economic development

- ▲ Engage with businesses and the public to continue revitalizing our downtown
- ▲ Continue to support Arts and Culture
- ▲ Work with the business and development sectors to mutually improve efficiencies
- ▲ Continue to explore innovative and effective economic development opportunities

We continually invest in our key relationships

- ▲ Support improving accessibility to all City services

STRATEGIC PRIORITIES (2021-2022)

Cultural Plan

OFFICIAL COMMUNITY PLAN REFERENCE:

Four Cardinal Directions						
Reconciliation		Climate Action		Community Well-Being	✓	Equity
Thematic Policies						
Streets and Transportation				Buildings and Landscapes		
Parks and Recreation				Municipal Infrastructure	✓	
Food Systems				Local Economy	✓	
Affordable Housing				Natural Environment		
Social Infrastructure	✓			Arts, Culture, and Heritage	✓	

REGIONAL GROWTH STRATEGY REFERENCE:

CVRD Regional Growth Strategy Goals:						
Housing		Ecosystems, Natural Areas and Parks		Local economic development	✓	Transportation
Infrastructure		Food Systems		Public Health & Safety		Climate Change

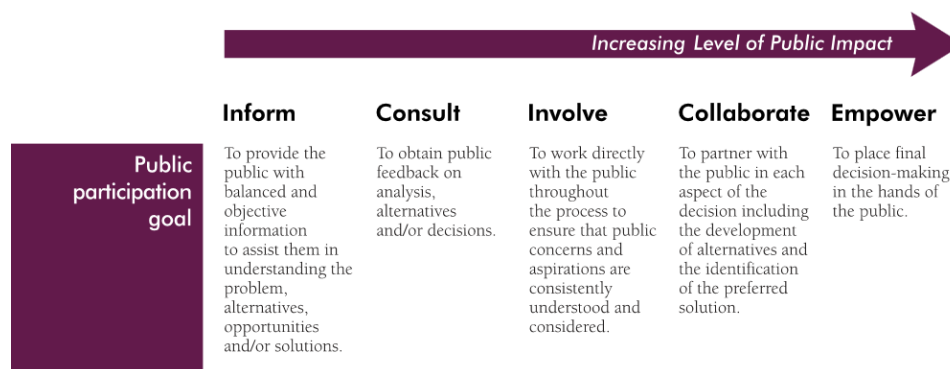
CITIZEN/PUBLIC ENGAGEMENT:

To satisfy the legislated requirements as set out in sections 24 and 94 of the *Community Charter*.

Section 24 of the Community Charter for municipalities requires that notice be given prior to the intention to provide certain kinds of assistance.

Furthermore, under 94 of the Community Charter, the notice must also be published in a newspaper that is published at least weekly in the area affected by the subject matter of the notice.

Staff would inform the public based on the IAP2 Spectrum of Public Participation⁴:



⁴ © International Association for Public Participation www.iap2.org

OPTIONS:

OPTION 1: THAT Council approve the attached temporary licence of occupation agreement between the City and the Downtown Courtenay Business Improvement Association for the licenced areas located on property having a civic address of 580 Duncan Avenue, Courtenay, BC and legal description of:

PID: 028-799-925 Lot B, Section 61, Comox District Plan EPP15696.

(Recommended)

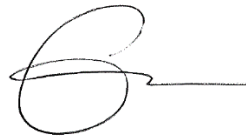
OPTION 2: THAT Council identify any concerns or questions and refer the matter back to staff for further consideration.

Prepared by,



Joy Chan
Manager of Business Administration
Services

Reviewed by,



Craig Rushton
Director of Recreation, Culture and Community

Concurrence by,



Kate O'Connell, M.P.P.
Acting City Manager (CAO)

Attachments:

1. Request for DCBIA Office Space - May 31, 2022
2. DCBIA Temporary Licence Office Agreement
3. DCBIA letter: DCBIA's support of arts, culture, heritage and economic development – October 28, 2022

May 31, 2022

Dear City Council and Mayor,

Thank you for receiving our recent delegation to Council. We look forward to updating you about our work on an annual basis and appreciate your thoughtful feedback and questions.

Today I write to request the long-term use of office space in Downtown Courtenay. I understand DCBIA previously occupied space in the upstairs offices of Comox Valley Art Gallery, but that at some time it was vacated. In the meantime, we appreciate that we have been able to make use of the Boardroom and mailing address for continuity purposes. When I began work with the DCBIA in November of 2020, I inquired about renting the office again, but it was being used for other purposes. If that space ever becomes available, please think of us!

Being in a central location Downtown and accessible to my members helps me serve them better. I feel it is a good fit to have an office in the Comox Valley Art Gallery as we collaborate throughout the year with them and other occupants of the building. Being neighbours would facilitate that in a greater capacity. Additionally, being in a central location Downtown helps me serve my members better. We could also use storage space for some of our records and event production equipment, if such a space ever becomes available.

I am sensitive to the needs of the current occupants and am open to discussion about this request. It is important to me that everyone can work to their highest potential towards our shared goal of increasing the vibrancy of Courtenay and serving our community's needs for art, culture and a thriving business community.

Feel free to contact me with any questions.

In appreciation,
-Tracey Clarke
Executive Director, DCBIA
(250)800-9497
info@downtowncourtenay.com

OFFICE LICENCE AGREEMENT

THIS AGREEMENT DATED THE 1ST DAY OF NOVEMBER, 2022

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY, a municipal corporation incorporated pursuant to the *Community Charter* and having its offices at 830 Cliffe Avenue, Courtenay, B.C., V9N 2J7

(the “**City**”)

AND:

DOWNTOWN COURTENAY BUSINESS IMPROVEMENT ASSOCIATION (INC. NO. S-34420), a society incorporated under the laws of British Columbia and having its registered office at 201-467 Cumberland Road, Courtenay, B.C., V9N 2C5

(the “**Licensee**”)

WHEREAS:

- A. The City owns lands having a civic address of 580 Duncan Avenue, Courtenay, British Columbia, legally described as PID: 028-799-925, Lot B, Section 61, Comox District, Plan EPP15696 (the “**Land**”);
- B. The building known as the Centre For the Arts (the “**Building**”) has been constructed on the Land, and is owned by the City; and
- C. The City has agreed to grant the Licensee an exclusive licence to occupy a portion of the Building for use as an administrative office all on the terms and conditions herein set forth.

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

1. LICENCE TO OCCUPY

- 1.1 Subject to the terms of this Agreement, the City hereby grants to the Licensee the exclusive licence to occupy that part of the second floor of the Building having an area of 132 square feet as shown outlined in yellow in Schedule A hereto (the “**Licensed Area**”).
- 1.2 Subject to the terms of this Agreement, the Licensee shall have, in connection with the Licensed Area and the business to be carried on therein:
 - a) a non-exclusive right and licence, in common with the City and other users of the Building, to use the entrances, lobbies, hallways, stairways, second floor meeting room/boardroom (“**Boardroom**”), second floor washrooms, second floor kitchen

and mail room (the “**Common Areas**”) outlined in green in Schedule A and Schedule B; and

- b) a non-exclusive right and licence, in common with other users of the Building as determined by the City, to shared use of the storage room off the Boardroom outlined in blue in Schedule A.

2. TERM

- 2.1 The term of this Agreement shall be for a period of ONE (1) YEAR commencing on November 1, 2022 and ending on October 31, 2023 (the “**Term**”).

3. HOLDING OVER

- 3.1 If the Licensee should hold over after the expiration of the Term and the City should accept the Licensee’s holding over, the new term created shall be on a month to month basis and the holding over shall be subject to the covenants and conditions herein contained so far as the same are applicable on a month to month basis.

4. LICENCE FEE

- 4.1 The Licensee will pay a licence fee on the first day of each month to the City, in the amount of ONE HUNDRED FIFTY DOLLARS and ZERO CENTS (\$150.00) per month in Canadian dollars plus applicable taxes (“**Licence Fee**”).

5. USE OF PREMISES

- 5.1 The Licensee will use the Licenced Area solely as an administrative office to conduct Downtown Courtenay Business Improvement Association business, and for no other purpose except with the prior written approval of the City.

6. REPAIRS AND MAINTENANCE

- 6.1 The Licensee shall be responsible for all repairs and maintenance related to the Licenced Area except repairs and maintenance related to electrical (except lamp and tube replacement for lights), structural or plumbing. The Licensee is permitted to add building directory signage in the existing areas directories of the Building as approved by the City.
- 6.2 The Licensee shall not make any structural repairs or alterations to the Building without the City’s prior written consent.
- 6.3 Any damage to the Licenced Area, the Building or the Land caused by the Licensee or its invitees will be the Licensee’s responsibility. Use of office equipment belonging to the City and/or the primary licensee will be at the Licensee’s sole risk and expense.
- 6.4 The Licensee shall reimburse the City for expenses incurred by the City in repairing any damage caused to the Licenced Area or Common Areas or the Building, the improvements thereon or any part thereof as a result of the negligence or wilful act of the

Licensee, its invitees, licensees, agents or other persons from time to time in or about the Licenced Area, the Building or the Land.

7. LICENSEE’S RESPONSIBILITY AND EXPENSES

- 7.1 The Licensee shall comply with its constitution and bylaws at all times and shall notify the City whenever a change in the Licensee’s constitution or bylaws occurs.
- 7.2 All photocopying, cable, long distance, internet, telephone and other Licensee operational charges will be paid by the Licensee.
- 7.3 The Licensee shall in all respects abide by and comply with all applicable enactments of the federal government, provincial government, the City or any other governing body whatsoever and with all local building and fire codes and any internal procedures and rules established by the City, in any manner affecting the Land.

8. USE OF BOARDROOM

- 8.1 The Licensee may book the second floor Boardroom in the Building for use on a first come first serve basis through the second floor primary licensee as designated by the City.

9. ASSIGNMENT AND SUBLICENCING

- 9.1 The Licensee shall not assign the benefit of this Agreement in whole or in part or grant or permit any sublicense of the Licenced Area or Common Areas or any part thereof and shall not permit any business to be conducted in or from the Licenced Area or Common Areas or any part thereof by any sublicensee or concessionaire, without the prior written consent of the City.

10. RELEASE AND INDEMNITY

- 10.1 The Licensee hereby releases, indemnifies and saves harmless the City and its elected and appointed officials, officers, employees, agents, successors and assigns from any and all liabilities, obligations, losses, damages, costs, penalties, fines, demands, claims, suits, causes of actions or actions whatsoever (including without limitation, the full amount of all legal fees, costs, charges and expenses) by any person arising directly or indirectly from
 - a) any breach, violation, or non-performance of any covenant, condition or agreement in this Agreement set forth and contained on the part of the Licensee to be fulfilled, kept, observed and performed; or
 - b) any damage to property in or about the Licenced Area, the Land or the Building.

This indemnity shall survive the expiry or sooner determination of this Agreement.

11. INSURANCE

11.1 The Licensee is responsible for insuring all personal property and contents in the Licenced Area, to full replacement cost against risk of fire and other risks against which a prudent owner would insure. Without limiting the foregoing, the Licensee shall, at its own expense, secure and maintain in force during the Term of this Agreement or any renewal thereof:

- a) a policy of comprehensive/commercial general liability insurance providing coverage against claims for personal injury, death, property damage and other potential loss and damage upon, in, or about the Land and Building, and arising out of or in connection with Licensee's use and occupation of the Building or any part thereof in an amount of not less than TWO MILLION (\$2,000,000) DOLLARS, or such other amount as the City may reasonably request, inclusive per occurrence;
- b) a policy for Licensee's legal liability in an amount of not less than FIVE HUNDRED THOUSAND (\$500,000) DOLLARS, or such other amount as the City may reasonably request; and
- c) a policy for non-owned automobile liability, in an amount of not less than TWO MILLION (\$2,000,000) DOLLARS, or such other amount as the City may reasonably request.

11.2 The Licensee shall ensure that all policies of insurance pursuant to this Agreement:

- a) are underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the City;
- b) contain a waiver of subrogation clause in favour of the City;
- c) contain a clause requiring the insurer not to cancel or change the insurance without first giving the City THIRTY (30) DAYS' written notice thereof;
- d) name the City as an additional insured; and
- e) contain a cross liability clause.

11.3 Upon the City's request, the Licensee shall deliver to the City certified copies of the policies of insurance required to be maintained by the Licensee under this Agreement.

11.4 The Licensee agrees that if it does not provide or maintain in force such insurance, the City may take out the necessary insurance and pay the premium therefore for periods of one year at a time, and the Licensee shall pay to the City as additional fees the amount of such premium immediately upon demand.

11.5 The Licensee shall not do or suffer or permit to be done, or omit to do or suffer or permit another person to omit to be done, any act or anything which may render void or voidable, or which may conflict with, the requirements of any policy or policies of insurance, including any regulations of fire insurance underwriters applicable to such policy or policies, whereby the Land or Building or the contents of the Land or Building are insured, or which may cause any increase in premium to be paid in respect of any such policy or policies. In the event that any such policy or policies is or are cancelled by reason of any act or omission of the Licensee, the City shall have the right, at its option, to terminate this Agreement forthwith by giving written notice of termination to the Licensee, and in the event that the premium to be paid in respect of any such policy or policies is or are increased by any act or omission of the Licensee, including the use of the premises for the purposes for which they are licenced in this Agreement, the Licensee shall pay to the City the amount by which said premiums shall be so increased, as additional fees.

12. TERMINATION

- 12.1 If the Licensee fails to pay the Licence Fee when due or fails to fulfill its other obligations under this Agreement or fails to maintain its good standing as a society, then the City can terminate this Agreement upon FIVE (5) DAYS' written notice.
- 12.2 Either the Licensee or the City may terminate this Agreement for any reason provided SIXTY (60) DAYS' advance written notice is delivered to the other party.

13. NOTICE

- 13.1 Any notice or instrument required to be given or made by this Agreement shall be in writing and either delivered in person, faxed or sent by registered mail to the other party at the address set out below, or at such other address as each party may designate by notice in writing to the other party:

City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7
Attention: Director of Recreation, Culture, and Community Services

Any notice herein provided or permitted to be given by the City to the Licensee will be sufficiently given if delivered to the Licensee addressed to:

Downtown Courtenay Business Improvement Association
#202- 580 Duncan Avenue,
Courtenay, BC V9N 2M7
Attention: Executive Director

The address for notice may be changed by either party from time-to-time by providing written notice of such change as herein contained.

13.2 If any question arises as to when notice was given, it shall be deemed to have been received by the intended recipient on the earlier of the day it was received, or on the fifth day after it was mailed, faxed or otherwise given to the intended recipient.

14. GENERAL

14.1 Wherever the singular or masculine is used herein, the same shall include the feminine, plural and body corporate or politic where the context or the parties so require.

14.2 Headings are provided for convenience only and do not form part of the terms of this Agreement. Wherever the singular or masculine is used herein, the same shall include, the feminine, plural and body corporate or politic where the context or the parties so require.

14.3 If any section of this Agreement shall be found to be illegal or unenforceable, then such section shall be considered to be separate and severable from this Agreement and the remaining sections of this Agreement shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable section had never been included in this Agreement.

14.4 There are no promises or obligations by or on behalf of either party other than the express covenants and provisions contained in this Agreement upon which any rights against either party may be founded. This Agreement constitutes the entire agreement between the parties hereto, and shall supersede all negotiations representations, documents, and previous agreements made by either party in respect to the use and occupation of the Licenced Area and Common Areas.

14.5 This Agreement shall not fetter the discretion of the City's municipal council and all powers of the City are expressly reserved, subject only to the terms of this Agreement.

14.6 This Agreement shall enure to the benefit of and be binding upon the parties hereto and upon the parties' respective successors and assigns.

14.7 Time shall be of the essence in this Agreement.

14.8 Each party hereto shall execute and deliver all such further assurances, documents and instruments and do all such further acts as may be reasonably required to carry out the full intent and meaning of this Agreement.

14.9 This Agreement shall be governed by the laws and courts of British Columbia and of Canada applicable therein.

14.10 This Agreement may be signed in counterparts and such counterparts shall constitute a valid and binding agreement.

As evidence of their agreement to be bound by the above terms and conditions, the parties have executed this agreement below, on the respective dates written below.

THE CITY OF COURTENAY, by its authorized signatories, this ____ day of _____, 2023.

Name:

Name:

DOWNTOWN COURTENAY BUSINESS IMPROVEMENT ASSOCIATION, by its authorized signatories, this ____ day of _____, 2023.

Name:

Name:

Schedule A

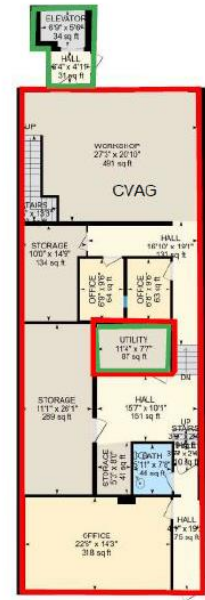
— Shared Storage Room:
CVEX/CYMC/
DCBIA



2nd Floor Total Exterior Area 4152 sq ft
Total Interior Area 3963 sq ft

Schedule B

- COMOX VALLEY ART GALLERY SOCIETY (CVAG)
- COMOX VALLEY ART COMMUNITY ART COUNCIL (CVA)
- Common Areas/Utility Room
- Single Office Tenants:
 - Comox Valley Exhibition (CVEX)
 - Comox Valley Youth Music Centre (CYMC)
 - DCBIA
- Shared Storage Room: CVEX/CYMC/DCBIA





October 28, 2022

Dear Mayor and Council,

I am writing today at your request to outline all the ways Downtown Courtenay Business Improvement Association currently supports arts, culture and heritage as well as economic development in the downtown core. It's a pleasure to discuss this, as the arts are close to my heart. I have worked as an events contractor for Comox Valley Arts (CVA) and I am currently part of a fire and light performing arts troupe.

When one thinks of a Business Association, the connection to art and culture might not be the first thing that comes to mind. In practice, however, we find that many of our society's activities support this sector.

Let's talk about our relationship with the obvious culture creators in Downtown Courtenay. Our service area boundary includes The Sid Williams Theatre, The Courtenay Museum, Comox Valley Art Gallery (CVAG) and Comox Valley Arts (CVA). As such it is in our mandate to support the work those organizations do, and here are some examples. I recently joined the board of CVAG as a director in order to deepen the relationship between Downtown businesses and the gallery. DCBIA works collaboratively with staff at the Sid Williams Theatre throughout the year to cross-promote their events through ticket contests and other initiatives. You'll often see the Elasmosaurus mascot from the Courtenay and District Museum roaming at events produced by DCBIA.

Events are another way we support arts and culture. By using the streets of Downtown Courtenay as a venue, we bring the arts to life to create memorable experiences for our community and visitors. [Market Day](#), a street fair that's happened for 50 years, features the work of regional artists and crafters as the backbone of its production. [Moonlight and Magic](#), our annual Winter celebration, fills the streets with dozens of local performing artists each November. Both of these events have held space for participation from CVAG and CVA throughout the years. The annual [Christmas Parade](#) DCBIA produces is a real community effort, showcasing the moving creations of local business and community groups as entertaining floats and walking entries.

Through our Infrastructure committee, we oversee an annual Facade Improvement grant for our members. These funds can be used for murals. Interestingly, through the completion of the most recent mural Downtown, we are currently in conversation with a group of local artists and business members to produce an inaugural mural festival. The Marketing committee worked with Pantuso dance and Unveil Studio as a location for their [video](#) dance "recital".

In reference to your request to discuss the marketing grant we received from the City during the Bridge Revitalization project deadline extension, we directed the funds to The Update Company who created a 6 week online campaign. Using geographical and demographic targeting, we framed the extra time spent getting Downtown through the project as "Time Well Spent". Week four's key messaging focused on time spent in museums and galleries Downtown. The Update Company used images of events and merchants to create engaging ads that showcased the culture and shopping of Downtown Courtenay.

All these activities speak to our contribution to economic development by positioning Downtown as a community asset. The DCBIA also uses the service area productively to provide and create a variety of local jobs by supporting emerging and legacy entrepreneurs. Some of our member businesses work directly with schools to train new tradespeople. Foundation Hair Academy is working with SD71 and SD72 to enroll students in their apprenticeship program and Gladstone Brewing Co. engages with the Craft Brewing and Malting program at North Island College. There were also jobs created for people with lived experience on the Morning Crew through discussions with the Safety and Security committee and the Transition Society.

We look forward to using office space at the Centre For the Arts to continue this work and look for new ways to collaborate with other building occupants. Feel free to contact me for further discussion,

In appreciation,

-Tracey Clarke
Executive Director, DCBIA
(250)800-9497
info@downtowncourtenay.com



STAFF REPORT

To: Council
From: Director of Finance
Subject: Signing Authority Amendments

File No.: 1940-01
Date: February 22, 2023

PURPOSE:

To amend the City's financial signing authority appointments.

POLICY ANALYSIS:

City signing authorities require updating following staff turnover and position changes. Whenever there is a change in financial signing authorities, the City of Courtenay's financial institutions require an updated banking resolution.

CAO RECOMMENDATION:

THAT Council rescind all previous banking, investment and financial transaction signing authority appointments for Annie Berard former Manager of Financial Planning, Payroll and Business Performance and appoint the following individuals and positions of the City as signing authority for the City in regard to all banking, investment and financial transactions:

Krista McClintock, Manager of Finance

Renata Wyka, Manager of Financial Planning, Payroll and Business Performance

Respectfully submitted,

Kate O'Connell
Acting City Manager (CAO)

BACKGROUND AND DISCUSSION:

Due to some staff turnover and position changes, amendments are proposed to the financial transaction signing authority. Therefore, it is recommended that Council update the City's financial signing authority appointments. The Director of Finance, Chief Financial Officer for the City is supportive of the proposed signing authority and is confident the proposed authority will provide an appropriate level of financial signing authority stability.

The following signing authority appointments have not changed from the last signing authority update approved by Council on November 7, 2022:

Robert Wells, Mayor
Geoff Garbutt, City Manager (Chief Administrative Officer)
Adam Langenmaier, Director of Financial Services (Chief Financial Officer)
Kate O’Connell, Director of Corporate Services
Adriana Proton, Manager of Legislative Services (Corporate Officer)
Rayanne Matthews, Deputy Corporate Officer

FINANCIAL IMPLICATIONS:

There are no financial implications to amending the signing authorities for the City.

ADMINISTRATIVE IMPLICATIONS:

Once approved by Council, staff will update the City’s financial institution accordingly.

ASSET MANAGEMENT IMPLICATIONS:

None.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

OFFICIAL COMMUNITY PLAN REFERENCE:

N/A

REGIONAL GROWTH STRATEGY REFERENCE:

N/A

CITIZEN/PUBLIC ENGAGEMENT:

Signing authorities are required for internal approval processes only and public notice or engagement is not required.

OPTIONS:

- OPTION 1: THAT Council rescind all previous banking, investment and financial transaction signing authority appointments for Annie Berard former Manager of Financial Planning, Payroll and Business Performance and appoint the following individuals and positions of the City

as signing authority for the City in regard to all banking, investment and financial transactions:

Krista McClintock, Manager of Finance

Renata Wyka, Manager of Financial Planning, Payroll and Business Performance

(Recommended)

OPTION 2: That Council provide direction and refer this item back to staff.

Prepared by,



Adam Langenmaier BBA, CPA, CA
Director of Finance

Concurrence by,



Kate O'Connell, M.P.P.
Acting City Manager (CAO)

Office of the Chair

770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 5080-02

February 8, 2023

Sent via email only: aproton@courtenay.ca

Mayor and Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mayor and Council:

Re: Regional Social Development Grant Service Feedback

I am writing to you to request feedback from the City of Courtenay regarding the potential establishment of a new regional service to provide financial support to non-profit community-based organizations that are working to address social issues in the Comox Valley.

As leaders we are all working to strengthen our communities and improve the well-being and quality of life of our citizens. Our region's social health and wellness is driven by our built, social, environmental and economic environments. These local conditions and settings are supported by a broad spectrum of community groups, organizations, agencies and institutions that collectively strive to provide access to services and resources that help to ensure all residents, regardless of their circumstances or background, have their basic needs met and the opportunity to reach their full potential.

While health and social programs have long been under the jurisdiction of Provincial and Federal governments, significant gaps in funding and programming have emerged over the last few decades. This, together with other societal changes, has led to a weakening of our social fabric and the safety net that exists for individuals and families who fall on hard times. The underlying social issues impacting our communities right now are urgent, complex and interconnected. They include food insecurity, homelessness, social isolation, poverty, unemployment, discrimination, violence, accessibility, mental health and addictions and others.

In light of these community vulnerabilities and the inter-jurisdictional nature of social development, the CVRD Board has been considering regional approaches to help strengthen our social well-being and resiliency. In 2022 a scoping study entitled [Social Development Activities in Local Government](#) was completed that outlined potential activities that could be undertaken. Of the four areas of potential action, resource provision and specifically the development of a regional social grant program was noted as a 'big leap' that could support community social development priorities.

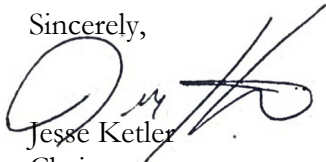
As our social vulnerabilities know no boundaries and services are often delivered to residents from across the Comox Valley, the proposal under consideration is to establish a new regional grant service. A valley-wide service could help build and strengthen important social services while enabling jurisdictional equity in funding such work and eliminating the piecemeal, consuming work local organizations often undertake to secure support for beneficial services and programs. In this regard, the service could function in a similar fashion to the CVRD's existing Recreation Grant Service which provides financial contributions to recreation programs and facilities that benefit and serve residents from across the Comox Valley.

As the Board is considering its strategic priorities for the term we wish to engage our municipal and electoral area partners on this potential initiative of a regional social development grant service. At this early stage a formal service establishment bylaw has not been drafted but we have provided some potential service concepts and configurations for your consideration in the enclosed table. These considerations are provided as possible options which could be advanced individually or together but do not reflect the full extent of service arrangements that could be developed. Your feedback on these specific options or alternatives is requested. The earliest such a service could be established is for the 2024 budget year, but this requires that we agree on a bylaw adopted no later than October 2023.

I know each of our local governments are challenged with maintaining our existing services and assets with limited revenue sources. Further, part of these existing services includes social programs (e.g. parks, recreation, arts and culture, planning, grants-in-aid) so in this regard I encourage your candid feedback about your needs and capacity, your level of support for this concept and whether a regional granting service of this nature can support your community's ambitions.

Thank you for your careful consideration of this and I look forward to your feedback.

Sincerely,



Jesse Ketler
Chair

Attachment: Regional Social Development Grant Service Concepts

cc: Geoff Garbutt, Chief Administrative Officer, City of Courtenay

REGIONAL SOCIAL DEVELOPMENT GRANT SERVICE CONCEPTS

	<p align="center">Service Concept 1 “Operational Grants”</p>	<p align="center">Service Concept 2 “Special Projects Grants”</p>
<p>Service Definition</p>	<p>To provide funding to assist established non-profit groups, and non-profit organizations, with expenditures incurred in the operation and the delivery of their existing social development programs.</p>	<p>To assist non-profit groups and non-profit organizations to deliver special events or to operate short-term projects or initiatives.</p>
<p>Service Scope</p>	<p>Funding would be considered for core operation and core program funding including administrative costs, program delivery, facility costs, and technical/material assistance. Grants could be unrestricted or set to a maximum award amount and/or number of consecutive years (e.g. 3-5 years) recipients could receive funding. Eligible organizations would be Comox Valley-based, established, non-profit social service organizations which have a mission to generate, promote or accelerate socially beneficial services or programs at a region-wide scale.</p>	<p>Projects must be clearly time-framed (e.g. less than 12 months in duration), not require permanent staff, and be projects which would not normally have been undertaken without this additional resource. Grants could be unrestricted or set to a maximum award amount.</p>
<p>Service Area</p>	<p>All jurisdictions in the region including City of Courtenay, Town of Comox, Village of Cumberland and Electoral Areas A, B and C.</p>	
<p>Service Cost</p>	<p>Given the nature of the benefits derived from this service it is proposed that service costs would be recovered through property value taxes applied to both land and improvements within each of the participating jurisdictions.</p> <p>A total annual budget available for grant awards could be set at whatever level deemed appropriate (e.g \$25,000 - \$200,000). For illustrative purposes an \$80,000 tax requisition across all CVRD member municipalities and electoral areas would equate to a tax impact of approximately \$2.25 for a property valued at \$800,000.</p>	
<p>Service Cost Containment</p>	<p>In alignment with the desired total budget, a maximum annual amount that may be requisitioned through taxation for the service could be set in the service establishment bylaw. This would effectively provide an ongoing cap of the amount of money that could be raised through taxation.</p>	

	Service Concept 1 “Operational Grants”	Service Concept 2 “Special Projects Grants”
Service Delivery	An operational grant service would allow the Board to provide funding to non-profit organizations that play a unique, strategic and essential role in the community. Administration of the service (grant awards) could be done internally by the CVRD or externally through a third-party.	A special projects grants service would allow the Board to provide funding to non-profit organizations to undertake new and innovative projects to serve the community. Administration of the service (grant awards) could be done internally by the CVRD or externally through a third-party.
	Option A – External Service Delivery A special projects grants service could be administered by a local community foundation or another chosen external body. This could enable further leveraging of funding and enable grant adjudication by individuals with knowledge and expertise specific to the social development sector.	Option A – External Service Delivery A special projects grants service could be administered by a local community foundation or another chosen external body. This would present strong opportunities for further leveraging of funding and enable grant adjudication by individuals with knowledge and expertise specific to the social development sector.
	Option B – Internal Service Delivery The service could be delivered by the CVRD with grant funding decisions being recommended by staff based on the applicant’s relevance and response to established regional plans, policies, priorities.	Option B – Internal Service Delivery The service could be delivered by the CVRD with grant funding decisions being recommended by staff based on the project’s relevance and response to established regional plans, policies, priorities.
Service Control	The CVRD Board or a standing committee could serve as the governing body of the service. Voting could follow the default weighted voting provisions provided in the Local Government Act or a custom arrangement could be structured to provide partial equality linked to population (similar to the newly established Regional Parks and Trails Committee).	

DEPARTMENT	DEVELOPMENT SERVICES
DIRECTOR	Rob Roycroft



INITIATIVE	DETAILS	ANTICIPATED COMPLETION DATE	% OF TASK COMPLETE	UPDATE & COMMENTS
Subdivision and development servicing bylaw updates	Design guidelines for municipal infrastructure	Q4 2023	50%	Work was deferred when covid became an issue. Due to the length of time since this bylaw was worked on, Staff would like to do further consultation with development community before finalizing this work. Staff anticipate work will restart on this project in 2023. The scope has been increased (and therefore % progress decreased since last report) to add new stormwater measures per the OCP.
DCC Update	Update the DCC project list	Q4 2023	10%	Consultant is in the process of establishing projects that support the DCC bylaw based on current master plans and will be looking to start Project workshops February/March 2023.
Internal development servicing process updates	Evaluating requirement for development servicing information in the context of full cycle of development approvals process (from rezoning, development permit, subdivision (where applicable), to building permit) for overall efficiency in development application processes.	Q1 2023	90%	Development servicing information is now (as of mid last year) required at the earliest stages of development approvals to ensure that development proposals can be fully serviced and that servicing will not affect layout and design considerations. Information requirements now being reviewed to understand what servicing information is critical at what stages to further improve efficiencies for applicants and City. Met with civil consulting community representatives in February to discuss.
Pre-Consultation Meetings	Opportunity for applicants to meet with staff prior to applying for a planning application and receive a comprehensive interdepartmental preliminary review (for a fee).	On Hold	80%	Reviewed pre-consultation processes from other communities and drafted a new terms of reference. A few such meetings were piloted mid 2022. Staff identified operational and procedural gaps in providing this level of service. Program is on hold until department vacancies are filled.
Comprehensive Zoning Bylaw Update	To align the Zoning Bylaw with the updated OCP	Q2 2024	5%	On hold until departmental vacancies can be filled. Staff are beginning to develop work programs and analysis of general provisions. Phased adoption process is proposed to implement Zoning Bylaw updates more quickly.

Building Bylaw update	Comprehensive review of Bylaw including incorporating BC Building Code and OCP policy energy step code requirements.	Q3 2023	10%	Review will take place internally. OCP policy is to ensure that City is always one step ahead of provincial minimum energy step code requirements. Will include transitional provisions for instream planning applications including education and communications. Waiting on direction from provincial government on BC Building Code more generally.
Short Term Rental Bylaw	Currently unregulated. Would create a regulatory framework.	Q1 2024	25%	Had started before OCP review. Background research and report complete. Was deferred until OCP complete. Objectives of Council needed. Review of best practices evolving and will require review.
New early engineering approval process	Collecting a fee to review plans prior to zoning and DP approval	Q1 2023	90%	Redundant line item - is included in Internal development servicing process updates
Developers Advisory Group terms of reference	Advisory Group to provide feedback on development process	Q2 2023	25%	Work underway to evaluate past development community engagement and advisory roles and identify options. Objectives and term of advisory group need to be determined. On hold until departmental vacancies are filled.
Kus Kus Sum development and rehabilitation	Plan and partnership agreement to rehabilitate old mill site along Courtenay River	Q4 2024	60%	Committee formed to raise funds and guide the rehabilitation process. Date provided is estimated completion of restoration activities.
Harmston Precinct Local Area Plan	Comprehensive plan for City owned Harmston Park and adjacent block land as a strategic downtown development precinct.	Q4 2024	0%	This project was intended to be initiated following adoption of OCP. Project on hold following comprehensive Zoning Bylaw update.
Downtown Playbook Update	Key capital projects envisioned for the downtown	Q4 2023	0%	This project will be initiated once the OCP has been Adopted. Next step is to identify feasibility of priority projects identified within the Playbook in accordance with strategic priorities.
Greenway Connectivity Study RCCS/CVRD	Construction of the continued segment of the Riverway Greenway to connect to the CVRD trail system into Royston	On Hold	0%	This project to be referred to RCCS to lead. Work with neighbouring jurisdiction to extend the water front trail.
Tree Protection Bylaw update	Review of the bylaw for alignment with the new OCP	Q4 2024	0%	This project will be initiated once the OCP has been Adopted

Review of new legislative powers to streamline development application processes	Bill 26 (Municipal Affairs Statutes Amendment Act) permits local governments to set policies on public hearings and delegation of variances.	Q2 2023	10%	Bill 26 removes the default requirement to hold public hearings for zoning amendments that are consistent with the OCP, and enables decisions on minor development variance permits to be delegated to staff. Review of other community and best management practices has started. Process will include a Council workshop.
Age-friendly public spaces and mobility networks audit	BC Healthy Communities \$15,000 funding received to conduct audit of key infrastructure.	Q3 2023	10%	Working with Community Health Network to coordinated approaches to conducting accessibility audits on key facilities. Network has Island Health funding to conduct audit on key civic and commercial buildings across the valley. City has funding to conduct audit on public parks and active mobility networks within OCP growth centres.
Development Application Fee Bylaw update	Review of fees in order to represent staffing requirements. Working across departments as well.	Q2 2023	0%	A number of development application fees require review. Building permit application fees are contained within the Building Bylaw (a concurrent workplan).

DEPARTMENT	FINANCIAL SERVICES
DIRECTOR	ADAM LANGENMAIER



INITIATIVE	DETAILS	COMPLETION DATE	% OF TASK COMPLETE	UPDATE & COMMENTS
Other Department Support - Projects				
Water and Sewer Rates Review	Public Works Project	March 31, 2023	80%	Provide Finance Support
AMTS - Asset Management Plan (20yr)	Public Works Project	March 31, 2023	80%	Provide Finance Support
Operational Projects				
2023 Parcel Tax Review Panel	Annual - Statutory	April 30, 2023	50%	Annual Statutory Process, meeting date sent to be February 22, 2024, notification letters sent, public notification to be published.
2023-2027 Consolidated Financial Plan Bylaw	Annual - Statutory	May 14, 2023	40%	Staff working through annual budget process internally prior to bringing draft to Council early 2023
2023 Tax Rate Bylaw	Annual - Statutory	May 14, 2023	25%	Requires approved taxation levels and Revised BC Assessment roll. Must be adopted after Financial Plan Bylaw.
2022 Year End Audit and Financial Statements	Annual - Statutory	May 14, 2023	25%	Interim Audit Fall. Auditors to arrive late March with Financial Statements due by the end of April. Statutory Requirement to complete by May 15, 2023.
Local Government Data Entry (LGDE & LGDE TAX)	Annual - Statutory	May 14, 2023	0%	Annual Provincial Reporting
2022 Statement of Financial Information (SOFI)	Annual - Statutory	June 30, 2023	0%	Annual Provincial Reporting
2024/2025 Approval in Principal RCMP Contract	Annual - Statutory	June 30, 2023	10%	Annual requirement of RCMP contract
2023 Tax Levy and Collection	Annual - Statutory	July 3, 2023	0%	Involves entire Finance Department. May-July.
2023 Tax Sale Auction	Annual - Statutory	September 25, 2023	10%	Delinquent tax notices sent early January. Tax sale date to be September 25, 2023 if needed
2024 Permissive Tax Exemption Bylaws	Annual - Statutory	October 31, 2023	0%	Annual process must be adopted by October 31st.
Solid Waste, Water, Sewer 2023 User Fees	Annual - Statutory	March 31, 2023	80%	To be presented to Council in February 2023
2024-2028 Financial Planning	Annual - Statutory	May 14, 2024	0%	Financial Planning process starts in Summer for upcoming year

Strategic Initiatives				
MRDT Re-Implementation Support after CVEDES contract cancellation with CVRD	Support re-establishing MRDT for City of Courtenay designated accommodation area with City as designated recipient	October 3, 2022	100%	Completed
Grant in Aid Agreement with Comox Valley Community Foundation	Move administration of Grant in Aid Program to 3rd Party	December 31, 2021	25%	Draft agreement started, however put on hold as this program is funded by gaming and revenues have ceased during COVID-19. Process will be address during 2023 budget deliberations
Asset Retirement Obligations	Public Sector Accounting Standard Change (PSAB)	December 31, 2023	50%	Project Plan underway. PSAB has delayed this by 1 year due to COVID-19 and impacts to Financial Professionals. Effective December 31, 2023 Financial Statements. Will involve all Departments
Budget software and Financial statement automation.	Implementation of budget software. Operating module 2022, Capital and Fund modules for 2023. Financial statement module for 2022 Yearend	December 31, 2023	60%	Budget information has historically been held in excel. Increases in complexity, size and sophistication of budgeting software have lead to the decision to switch from Excel to a specific budget software to improve the budgeting process and gain efficiencies.
Financial Policies	Establish and update Financial Policies: - Investments - 2022 - ARO/TCA - 2023 - Procurement (include Social) - 2022 - Reserves/Surplus (Asset Management plans required) - Future 2023	December 31, 2024	50%	Investment policy adopted 2022, Procurement (including social and indigenous) policy adopted 2022, TCA and Reserve to be brought forward in 2023 or 2024

DEPARTMENT	FIRE DEPARTMENT
FIRE CHIEF	Kurt MacDonald



INITIATIVE	DETAILS	ANTICIPATED COMPLETION DATE	% OF TASK COMPLETE	UPDATE & COMMENTS
Capital Projects				
Bullex Digital Firefighting Screen Replacement	Digital screens used for live fire training in an environmentally safe manner	2/15/2023	100%	February 15 2023 -Screens have been received and are now in service.
Chevy Tahoe Replacement	Vehicle used by Fire Chief for both emergency and non emergency calls, and for daytime work duties	12/31/2023	10%	February 15 2023 - Presentation made to council, awaiting budget approval authorizing implementation. Once approved, tender will be created and issued.
Chevy Silverado Replacement	Vehicle used by Duty Officer for both emergency and non emergency calls, and by our fire inspectors for daytime work duties	12/31/2023	20%	February 15 2023 - This is a carry over project from 2022. Supply chain issues with Chevrolet have delayed the filling of this order. We are optimistic that we will receive the new truck by the end of this year.
Operational Projects				
Mental Health Resiliency Program	Continue delivery of mental health resiliency training to the members of the fire department	12/31/2023	16%	February 15 2023 - First session of training delivered to our members. Overview of program explained, future topics announced.
Summer Weekend Coverage Pilot	Establishing a daytime response on weekends between June 1st and September 30th. Response would be provided by 4 volunteer firefighters between 0800 - 1630.	5/31/2023	20%	February 15 2023 - Presentation made to council, awaiting budget approval authorizing implementation. Once approved, schedule will be created and filled.
2022-2023 Recruit class	Recruit Training Program	9/30/2023	50%	Training is on schedule.
Strategic Initiatives				

**CITY OF COURTENAY
MANAGEMENT REPORT**



DEPARTMENT	PUBLIC WORKS SERVICES
DIRECTOR	KYLE SHAW

INITIATIVE	DETAILS	ANTICIPATED COMPLETION	% OF TASK	UPDATE & COMMENTS
		DATE	COMPLETE	
CAPITAL PROJECTS:				
Civic - Centre for Arts - Accessibility	Install accessible door openers	08/30/23	0%	Pending budget/grant approval
Civic - Centre for Arts - HVAC	Needs assessment for 2024 design/replacement	06/30/23	0%	Pending budget approval
Civic - City Hall - Renovation	New meeting room and staff offices	Complete	100%	Complete
Civic - Filberg Centre - Stairs	Exterior Stair Repair	03/31/23	75%	Contractor risk documentaiton / media blasting & epoxy coating
Civic - Filberg Centre - Accessibility	Install 4 accessible door openers & accessible ramp	08/30/23	0%	Pending budget/grant approval
Civic - Lewis Outdoor Washroom	EOL roof replacement	08/31/23	0%	Pending budget approval
Civic - LINC	EOL roof replacement	09/30/23	0%	Pending budget approval
Civic - Museum - Façade	Repair of deteriorating masonry	11/21/23	0%	Pending budget approval
Civic - Museum - Lift Upgrade	Assessment/design for EOL replacemnt of freight elevator	09/30/23	0%	Pending budget approval
Civic - PWS - Telus Bld. Renovation	Renovate former Telus building for staff use	12/21/23	0%	Pending budget approval
Civic - PWS - Charging Stations	Procurment & installation of PW fleet EV charge stations	07/31/23	60%	Electrical infrastructure in place; awaiting 2023 grant application intake
Civic - PWS - Training Bld.	EOL roof replacement	11/31/23	0%	Pending budget approval
Civic - Park Café	Roof Replacement	Complete	100%	Complete
Civic - Lagoon Walkway Lookout	Roof Replacement	Complete	100%	Complete
Fleet - PWS - Heavy Vehicles	UTL - Backhoe	TDB	10%	RFP in development - Pending Capital Budget Approval
Fleet - PWS - Equipment	Parks -Turf Tractor	TBD	10%	RFP in development - Pending Capital Budget Approval
Fleet - Heavy Vehicle	Single Axle Dump Truck w/ Sander & Plow	TDB	90%	RFP Complete/ Contract Awarded - ETA 2023
Fleet - Light Vehicle - 3/4 Tonne Ex Cab 4wd	Vendor - Metro Motors 2023 F-F250	TDB	90%	RFP Complete/ Contract Awarded - ETA 2024
Fleet - Light Vehicle - Hybrid SUV	Vendor - Metro Motors Ford 2023 Ford Escape Hybrid	TDB	90%	RFP Complete/ Contract Awarded - ETA 2024
Fleet - Equipment - Tow Behind Mower	Vendor - Oakcreek Golf & Turf - Progressive TD65-B Model	TDB	90%	RFP Complete/ Contract Awarded - ETA 2023
Parks - Playground Equip. Renewal	Riverside Fitness Park	TDB	0%	Pending Budget Approval
Parks - Pedestrain Bridge Renewal	Riverway Trail - 31st Street	TDB	0%	Pending Budget Approval
Parks - Dingwall Steps	Construction	TBD	0%	Pending Grant Outcome
Parks - Marina Storage Compound Relocation	Construction	Complete	100%	Carried forward into 2023, complete Feb 10, 2023
Parks - Cemetery - Lawn Crypts	Construction	TBD	0%	Pending Budget Approval
Trans - PCPRP - Pine Pl.	Road surface treatment	TBD	10%	Construction Planning - Pending Capital Budget Approval
Trans - PCPRP - Cedar Cres. - Hemlock Pl.	Road surface treatment	TBD	10%	Construction Planning - Pending Capital Budget Approval
Trans - PCPRP - Lewis Ave. - 17-19th	Road surface treatment	TBD	10%	Construction Planning - Pending Capital Budget Approval
Trans - PCPRP - 22nd, 23rd, 25th, Harmston & Grant	Road surface treatment	TBD	10%	Construction Planning - Pending Capital Budget Approval
Trans - PCPRP - VMP Final Pavement Lift	Road surface treatment / bike lanes	TBD	0%	Construction Planning - Pending Capital Budget Approval
Trans - CNP Implementation	Locations TBD	TBD	0%	Pending the Outcome of the CNP Update
ULL - Water - Water Smart Action Plan	District Meter Zone - Zone 1, Construction	04/15/23	40%	DMZ PRV Installation @ Cowichan Ave - 120/138 Zone
Water - Secondary Transmission - South Courtenay	Design Consultation w/ CVRD	12/31/25	25%	CVRD Lead Project / Detailed Design Underway / Construction 2025
OPERATIONAL PROJECTS:				
Civic - Pool	2023 Start-up	06/01/23	10%	Under review /pre season prep
Parks - Morrison Sr. Park	Environmental Mitigation Works	06/31/23	10%	Pending Operational Budget Approval

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MANAGEMENT REPORT**

Parks - Conservation	Smart Water Action Plan - Irrigation Controller Upgrade	03/31/22	80%	Staff in final stages of installation.
Parks - Mile of Flowers	2023 Planning	05/31/23	10%	Regular program delivery anticipated
Trans - Pattison Bus Shelters	Renewal of Pattison Bus Shelters	03/15/22	90%	Garbage can(s) installation / Lighting pending contractor avail.
Trans - Crown Isle	Speed Reduction Trial/Study (40km)	04/15/23	75%	Speed reduction signage in place - study in progress - final review in Q2
Trans - Snow & Ice Control	Policy Update	09/15/23	5%	In Progress
Trans - Road Condition Assesment	Condition assesment	09/15/23	5%	In Progress
FLEET - EV Review	Fleet Review - EV Conversion / Options /Policy Development	10/15/23	5%	In Progress
UTL - Solid Waste Service	Automated Service Contract	Complete	100%	Contract awarded / Cart procurement confirmation - 2024.
UTL - Solid Waste Service	Interim Organics Implementation	Ongoing	100%	Interim program rollout w/ communication plan
UTL - Solid Waste Service	Yard Waste in Excess of 360 L (2023)	03/08/23	90%	Tag pricing, update to Council, communication to public, data collection.
UTL - Water & Sewer - Rate Review	Revamp Rate Structures; include future capital funds/reserve	03/31/23	75%	Phase 4 of 4 underway – Rate Sturcture Development
Strategic Initiatives				
Civic - EV Charging Stations	Procurment & installation of 3 EV charge stations	Complete	100%	Complete
Civic - Accesability Audit	Grant Application - Vertical Asset Review	TBD	10%	Filberg Centre / Centre for Arts
Trans - CNP Update / 5yr Implementation Plan	Complete Review, Update & Develop 5 yr Imp Plan	03/31/23	90%	Follow-up presentation required. Q1 2023
DCBIA - Street Lights - Laneway	BC HYDRO Lighting Review - Lanes	TBD	90%	BC Hydro request submitted 05/19/2022
Trans - SD71	Safe Active School Program	09/15/23	0%	
Trans - Traffic Calming Policy	Policy Development	09/15/23	0%	
UTL - Water - Conservation	WMAP Update	06/15/23	25%	New Development Irrigation Requirments / Bylaw / Universal Meter Update



BRIEFING NOTE

To: Council
From: Manager of Legislative Services
Subject: Changes to Privacy Legislation

File No.: 0580
Date: February 22, 2023

PURPOSE: To inform Council about recent changes to the Freedom of Information and Protection of Privacy Act (FOIPPA).

EXECUTIVE SUMMARY:

FOIPPA regulates access to information and privacy for municipalities and other public bodies in BC. The Province made changes to FOIPPA in November 2021 without bringing the changes into force or providing detailed requirements. In December 2022, the Province notified public bodies that the changes were coming into force February 1, 2023 and provided further details. The City is now out of compliance with some aspects of FOIPPA, including the requirement to have a Privacy Management Plan (PMP). Staff will develop a PMP in 2023, that will identify the operational needs to implement the plan and the timeline anticipated to achieve full compliance.

BACKGROUND and DISCUSSION:

The major changes to FOIPPA include the requirement to develop a PMP. S. 36.2 of the Act states that “the head of a public body must develop a privacy management program for the public body and must do so in accordance with the directions of the minister responsible for this Act”. This section was added in November 2021. The directions were provided in December 2022, and the program was required to be in force less than two months later, on February 1, 2023.

The directions provide that the PMP must include:

- The designation of a head of privacy, who is responsible for the PMP
- A process for completing and documenting PIAs
- A process for responding to privacy complaints
- A process for responding to privacy breaches
- Privacy education to ensure employees know their privacy obligations
- Privacy policies, privacy processes available to employees and the public
- Methods to inform service providers of their privacy obligations (education, contractual terms)
- A process for reviewing and updating the PMP

The requirements for PIAs were also updated. While PIAs were previously encouraged, they are now required for all new initiatives, and required before making a significant change to a previous initiative. An initiative is defined as “an enactment, system, project, program or activity”. The City has not historically conducted PIAs and the ability to do so based on the legislative requirements will be contemplated in the development of the PMP.

The PIA requirements, while designed with the laudable goal of improving citizen privacy, are aspirational and not achievable for most municipalities. Staff note that many municipalities in BC are not in compliance with both the new Privacy Management Program requirements or the more long-standing PIA expectations. Staff have added development of a PMP to the workplan for Legislative Services in 2023 and will return to Council with updates, and any recommended bylaws, policies and resources that may be required. In the development and operation of a PMP, staff will aim to balance high-priority privacy activities that protect the privacy of Courtenay residents and clients, with fiscal responsibility.

FINANCIAL IMPLICATIONS:

Any requests for additional staffing as identified through the development of the PMP will be brought forward through the 2024 budget process.

ADMINISTRATIVE IMPLICATIONS:

Privacy and information management is a core duty for Legislative Services and all staff. Activities related to FOIPPA include:

- Responding to requests for information (FOI requests) – Legislative Services
- Searching for and preparing records for FOI requests – all staff
- Responding to information incidents/privacy breaches – all staff, coordinated through Legislative Services and Information Technology
- Providing training to staff on records management, FOI and privacy – Legislative Services, all staff (no active training program, training provided on request)
- Development of privacy and information management policy – Legislative Services with program areas (requires attention)
- Coordination with service providers to inform them of their privacy obligations – Legislative Services with Purchasing (requires attention)
- Completing Privacy Impact Assessments – all staff, coordinated through Legislative Services (requires attention)

Legislative Services has a staff of three and is responsible for the following:

- Council meeting administration – agendas, minutes, presentations, meeting room preparation, correspondence, catering, procedural advice, coordination with delegations and guests
- Support for other meetings, e.g. Parcel Tax Review Panel, Public Hearings, committees and commissions
- Elections, referendums and alternative approval processes
- Access to information (FOI) requests
- Privacy management
- Records management
- Cemetery administration
- Corporate Services/Bylaw Division administrative support
- Related projects, including committee review, response to new Accessibility legislation, Council code of conduct, policy and bylaw development

The City has staff with the expertise to gain full compliance with FOIPPA but not the staff capacity. Staff are currently undertaking few records management and privacy management activities due to lack of capacity. While the City is responding to FOI requests, staff do not have the capacity to complete all requests in-house and are working with a contractor as needed.

ASSET MANAGEMENT IMPLICATIONS:

None

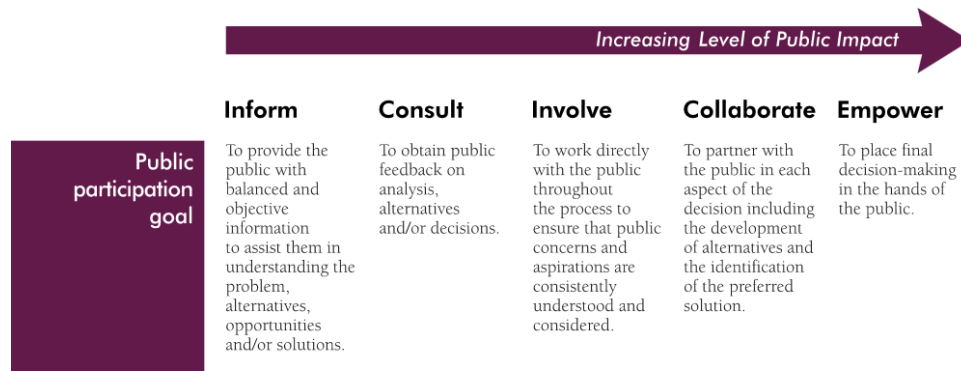
STRATEGIC PRIORITIES REFERENCE:

- Support and encourage initiatives to improve efficiencies
- Recognize staff capacity is a finite resource and support staff training and development
- Responsibly provide services at levels which the people we serve are willing to pay
- Support improving accessibility to all City services

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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Prepared by,

Adriana Proton, MPA, CRM
Manager of Legislative Services

Concurrence by:

Kate O'Connell, MPP
Director of Corporate Services/Acting City Manager



THE CORPORATION OF THE CITY OF COURTENAY

COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Hillian

Date: Feb-2023

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE <i>(MMM-DD)</i>	EVENT/LOCATION	COMMENTS
1.	Jan-03	Agriculture in Comox Valley Presentation/Courtenay Library	
2.	Jan-05	Justice Centre committee meeting/Crtny	
3.	Jan-06	Student Housing Blessing event/North Island College	
4.	Jan-09	Council Strategic Planning meeting/Crtny Firehall	
5.	Jan-10	CVRD Recreation Commission meeting; CVRD Board strategic planning session	
6.	Jan-12	Welcoming Communities Coalition meeting/CV Aquatic Centre Flood Management workshop/Crtny Firehall	
7.	Jan-17	Recreation Commission meeting; CVRD Committee of Whole meeting	
8.	Jan-20	Meeting with citizen re Hospital Board and road maintenance issues	

	DATE <i>(MMM-DD)</i>	EVENT/LOCATION	COMMENTS
9.	Jan-21	Burns Night celebration/Comox Legion	
10.	Jan-23	Anderton Dike Options Analysis meeting/Crtny Firehall	
11.	Jan-24	CVRD Board meeting	
12.	Jan-25	Chamber of Commerce Economic Outlook meeting/Crtny; Understanding Development Realities workshop/via zoom	
13.	Jan-26	Comox-Strathcona Regional Hospital District (CSRHD) Board meeting/Crtny	
14.	Jan-27	CSRHD staff meeting/Crtny; meeting with citizen re tree maintenance issues	
15.	Jan-28	Project Watershed 30th anniversary event/Crtny	
16.	Jan-30	Water and Solid Waste presentation to Council/Crtny Firehall	
17.			
18.			