



THE CORPORATION OF THE CITY OF COURTENAY  
**COUNCIL AGENDA**

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**Meeting #:** R6/2023  
**Date:** March 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.

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## **7. COUNCIL RESOLUTIONS**

7.1 Equitable access to Mental Health & Substance Use Services in Comox Valley - Councillor Jolicoeur

WHEREAS the BC government has committed to utilize surplus and additional funding in Budget 2023 for mental health & substance use services; and

WHEREAS the Comox Valley currently lacks the continuum of mental health and substance use services locally including medical detox, inhalation overdose prevention services, mental health treatment facilities, managed alcohol programs, Indigenous healing services, substance use treatment facilities, and second stage housing;

THEREFORE BE IT RESOLVED that the City of Courtenay advocate to the Premier, Ministers of Health and Mental Health & Addictions to increase funding to Island Health, local non-profits and private providers for the purpose of filling the gap in mental health and substance use services in the Comox Valley; and

BE IT FURTHER RESOLVED that the City write to regional local government partners to seek interest in submitting a shared regional letter to the BC Government.

## **8. NOTICE OF MOTION**

8.1 Community Clean-Up - Councillor Hillian

WHEREAS numerous citizens and business owners have expressed concern this winter regarding the general appearance of West Courtenay; and

WHEREAS a co-ordinated community clean up would provide the opportunity for citizens to work together to improve the current look and feel of the community;

THEREFORE BE IT RESOLVED THAT the City organize a Spring clean up, including the following elements:

- Engagement of local businesses and community agencies and their clients to focus on downtown and to include litter and graffiti;
- Encouragement and facilitation of neighbourhood clean ups, including the trimming of hedges intruding on City sidewalks; and
- The remediation of known sites of excess garbage.

**9. IN CAMERA RESOLUTION**

THAT Council close the meeting to the public pursuant to the following subsections of the Community Charter:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.

**10. ADJOURNMENT**



THE CORPORATION OF THE CITY OF COURTENAY  
**COUNCIL MINUTES**

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**Meeting #:** R5/2023  
**Date:** March 8, 2023  
**Time:** 4:00 pm  
**Location:** CVRD Civic Room, 770 Harmston Ave, Courtenay

**Council Present:** B. Wells  
D. Hillian  
E. Jolicoeur  
M. McCollum  
W. Morin

**Regrets:** W. Cole-Hamilton  
D. Frisch (medical leave)

**Staff Present:** G. Garbutt, City Manager (CAO)  
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  
S. Saunders, Director of Recreation, Culture and Community Services  
K. Shaw, Director of Public Works Services  
P. de Graaf, Manager of Bylaw Enforcement  
D. Croin, Planner 1, via audio/video conference  
M. Grimsrud, Planner 2, via audio/video conference  
C. Dallamore, Legislative Coordinator

**1. CALL TO ORDER**

Mayor Wells called the meeting to order at 4:03 pm and respectfully acknowledged that the land we gather on is on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

- Councillor Morin acknowledged March 8th as International Women's Day recognized globally to appreciate women's achievements and contributions, work towards gender equity, and eliminate stereotypes and discrimination.

- Councillor McCollum acknowledged March 26th as Purple Day, recognized globally to raise awareness of epilepsy, a condition that affects over 65 million people worldwide.
- Councillor Hillian acknowledged March 21st as World Down Syndrome Day, a global event recognized by the UN to raise awareness and promote fair treatment for those with Down syndrome.
- City Manager, Geoff Garbutt, acknowledged outgoing Director of Recreation, Culture and Community Services, Craig Rushton, and welcomed returning Director of Recreation, Culture and Community Services, Susie Saunders.

## **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 - February 22, 2023**

**Moved By** McCollum

**Seconded By** Jolicoeur

THAT Council adopt the February 22, 2023 Regular Council minutes.

**CARRIED**

## **4. DELEGATIONS**

### **4.1 Island Health - Overdose Prevention Site with Inhalation Services**

Dr. Charmaine Enns, Medical Health Officer, North Island, and Lesley Howie, Director, North Island Mental Health & Substance Use Services updated Council on a planned Overdose Prevention Site with Inhalation Services.

Island Health is actively engaged in the development of a fixed site in the Comox Valley for overdose prevention due to the overwhelming need. They have secured a commitment of funding and much work is being done on finding a suitable location.

## **5. STAFF REPORTS**

### **5.1 Corporate Services**

#### **5.1.1 Advanced Budget Approval for Bylaw Enforcement Officer**

**Moved By** Hillian

**Seconded By** Jolicoeur

THAT Council provide advanced budget approval to initiate recruitment activities to fill a new regular full time Bylaw Enforcement Officer position prior to the adoption of the 2023 financial plan.

**CARRIED**

### **5.2 Development Services**

#### **5.2.1 Public Notification Results for Liquor Licence Application (Ace Brewing Company Limited) – 150 Mansfield Drive (Structural Change and Change to Hours of Liquor Service)**

**Moved By** McCollum

**Seconded By** Hillian

THAT Council include in their letter to the LCRB that the City of Courtenay has no objections to the application by Ace Brewing Company Limited for 1) a structural change and 2) change in hours to their liquor licence; and

THAT all public comments be shared with the LCRB and encourages the LCRB to consult with the local community and work with the applicant to address public concerns, should the LCRB decide to approve the application.

**CARRIED**

### **5.3 Public Works Services**

#### **5.3.1 Electric Vehicle Charging Station – Cost Recovery Model**

**Moved By** Hillian

**Seconded By** Morin

THAT based on staff report Electric Vehicle Charging Stations – Cost Recovery Model, Council direct staff to establish a full cost recovery flat rate fee model for all City owned electric vehicle charging stations.

**CARRIED**

**6. EXTERNAL REPORTS AND CORRESPONDENCE**

**6.1 Town of Comox Request for Letter of Support - Comox Airport Zoning Regulation**

**Moved By** Morin

**Seconded By** McCollum

THAT Council direct staff to provide a letter of support to the Town of Comox regarding updated Comox Airport Zoning Regulations.

**CARRIED**

**7. INTERNAL REPORTS AND CORRESPONDENCE**

**7.1 Heritage Advisory Commission Minutes - November 17, 2022**

**Moved By** McCollum

**Seconded By** Morin

THAT Council receive the November 17, 2022 Heritage Advisory Commission Minutes.

**CARRIED**

**7.2 Heritage Advisory Commission 2019-2022 Annual Report**

**Moved By** Hillian

**Seconded By** Jolicoeur

THAT Council receive the Heritage Advisory Commission 2019-2022 Annual Report.

**CARRIED**

## **8. COUNCIL REPORTS**

### **8.1 Councillor Hillian**

Councillor Hillian reviewed his attendance at the following events:

- Councillor Hillian reported that he continues to have conversations with community members on the unhoused population and related urban issues.
- Councillor Hillian acknowledged International Women's Day on March 8th and recognized the challenges women still face today.

### **8.2 Councillor Jolicoeur**

Councillor Jolicoeur reviewed his attendance at the following events:

- Substance Use Strategy meeting – Phase 2 report launch was discussed. The group met with Island Health reps for institutional buy-in to roll out the collaborative and allocate funding.
- Coalition to End Homelessness meeting – discussed increase in funding from the CVRD Board, which will directly support housing initiatives including the LGBTQ community, youth, and seniors.
- Meeting with MLA and RCMP regarding urban issues. A town hall meeting is being planned for businesses in the Community.
- Councillor Jolicoeur reported that he continues to have conversations with community members on the unhoused population and related urban issues.

### **8.3 Councillor McCollum**

Councillor McCollum reviewed her attendance at the following events:

- Mar 7 - Comox Valley Recreation Commission strategic planning meeting to discuss capital projects including aquatics services, artificial turf surface and ice surface.
- Comox Valley Early Years Collaborative planning session to discuss ways to support childcare in the community and increase childcare spaces in facilities and support non-profits. The group will work on a resolution to bring to AVICC next year.



#### **8.4 Councillor Morin**

Councillor Morin reviewed her attendance at the following events:

- Regional Parks Committee meeting – attended the first meeting as vice-chair. The meeting focused on discussing strategic planning and the need for public engagement.
- Meeting at the Library with people experiencing homelessness - the attendees were highly engaged and had aligned ideas for creating a healthy and safe community.
- Social planning equity policy workshop - the goal of the workshop was to incorporate equity policy into local government work.
- Community Action Team meeting - the increase in toxic deaths is a significant concern that needs to be addressed. Councillor Morin emphasized that this issue impacts everyone.

#### **8.5 Mayor Wells**

Mayor Wells reviewed his attendance at the following events:

- Coldest Night of the Year event - the event raised 92% of their goal. The Dawn to Dawn Action on Homelessness Society and the Comox Valley Transition Society benefit from this event.
- Feb 24 - YANA Big Love Benefit – the year’s dinner and auction raised a record amount this year. The YANA organization raises funds to help Comox Valley families who need to travel for medical treatment.
- Mar 3 – Peak Pride LGBTQ+ Festival at Mt Washington
- Mar 6 - Vancouver Island Society for Adaptive Snowsports Awareness Day (VISAS) event at Mt. Washington.

### **9. COUNCIL RESOLUTIONS**

#### **9.1 High Ground 2023 Columbia Institute Conference**

**Moved By** Morin

**Seconded By** Jolicoeur

THAT Council authorize Councillor Doug Hillian to attend the High Ground 2023 Columbia Institute conference March 24-25 and that the associated costs be covered through the Council budget.

**CARRIED**

**10. NOTICE OF MOTION**

**10.1 Equitable access to Mental Health & Substance Use Services in Comox Valley - Councillor Jolicoeur**

WHEREAS the BC government has committed to utilize surplus and additional funding in Budget 2023 for mental health & substance use services; and

WHEREAS the Comox Valley currently lacks the continuum of mental health and substance use services locally including medical detox, inhalation overdose prevention services, mental health treatment facilities, managed alcohol programs, Indigenous healing services, substance use treatment facilities, and second stage housing;

THEREFORE BE IT RESOLVED that the City of Courtenay advocate to the Premier, Ministers of Health and Mental Health & Addictions to increase funding to Island Health, local non-profits and private providers for the purpose of filling the gap in mental health and substance use services in the Comox Valley; and

BE IT FURTHER RESOLVED that the City write to regional local government partners to seek interest in submitting a shared regional letter to the BC Government.

**11. BYLAWS**

**11.1 For Third Reading and Adoption**

**11.1.1 Zoning Amendment Bylaw No. 3017, 2023 (801 Ryan Rd)**

**Moved By** Morin

**Seconded By** McCollum

THAT Council rescind Third Reading, give new Third Reading as amended, and adopt "Zoning Amendment Bylaw No. 3017, 2023" (801 Ryan Road).

**CARRIED**

**11.2 For Adoption**

**11.2.1 Fees and Charges Amendment Bylaw No. 3087, 2023 (Solid Waste Collection Fees)**

**Moved By** Morin

**Seconded By** Jolicoeur

THAT Council adopt "City of Courtenay Fees and Charges Amendment Bylaw No. 3087, 2023" (Solid Waste Collection Fees).

**CARRIED**

**11.2.2 Fees and Charges Amendment Bylaw No. 3088, 2023 (Sanitary Sewer System)**

**Moved By** Morin

**Seconded By** Hillian

THAT Council adopt "City of Courtenay Fees and Charges Amendment Bylaw No. 3088, 2023" (Sanitary Sewer System).

**CARRIED**

**11.2.3 Fees and Charges Amendment Bylaw No. 3089, 2023 (Water Distribution System)**

**Moved By** Hillian

**Seconded By** Jolicoeur

THAT Council adopt "City of Courtenay Fees and Charges Amendment Bylaw No. 3089, 2023" (Water Distribution System).

**CARRIED**

**11.2.4 Fees and Charges Amendment Bylaw No. 3090, 2023 (Storm Sewer System)**

**Moved By** Jolicoeur

**Seconded By** Hillian

THAT Council adopt "City of Courtenay Fees and Charges Amendment Bylaw No. 3090, 2023" (Storm Sewer System).

**CARRIED**

**12. IN CAMERA RESOLUTION**

**Moved By** Jolicoeur

**Seconded By** Hillian

THAT Council close the meeting to the public pursuant to the following subsections of the *Community Charter*:

90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**13. ADJOURNMENT**

Mayor Wells terminated the open portion of the meeting at 6:53 pm. Following the conclusion of the in camera portion of the meeting, Mayor Wells terminated the meeting at 8:40 pm.

**CERTIFIED CORRECT**

Adopted by Council March 22, 2023

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Mayor Bob Wells

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Kate O’Connell, Director of Corporate Services (meeting clerk)

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Adriana Proton, Corporate Officer



THE CORPORATION OF THE CITY OF COURTENAY  
**SPECIAL COUNCIL MINUTES**

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**Meeting #:** S2/2023  
**Date:** March 13, 2023  
**Time:** 4:00 pm  
**Location:** City Hall Council Meeting Room

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

**Regrets:** D. Frisch (medical leave)

**Staff Present:** G. Garbutt, City Manager (CAO)  
K. O'Connell, Director of Corporate Services  
A. Proton, Manager of Legislative Services

**1. CALL TO ORDER**

Mayor Wells called the meeting to order at 4:02 pm and respectfully acknowledged that the land we gather on is on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

**2. INTRODUCTION OF LATE ITEMS**

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

**3. IN CAMERA RESOLUTION**

**Moved By** Hillian

**Seconded By** Cole-Hamilton

THAT Council close the meeting to the public pursuant to the following subsections of the *Community Charter*:

90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(c) labour relations or other employee relations;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(2)(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

**CARRIED**

**Mayor Wells concluded the in camera portion of the meeting at 5:01 pm.**

#### **4. COUNCIL RESOLUTIONS**

##### **4.1 Rise and Report on Councillor Frisch End of Mandatory Leave**

From the March 13, 2023 Special In Camera Meeting, Council rises and reports as follows:

WHEREAS the elected Mayor and other members of the Council of the City of Courtenay have unanimously resolved to make this public statement regarding Councillor David Frisch;

AND WHEREAS Councillor David Frisch is on a leave of absence from Courtenay City Council under section 125(7)(a) of the *Community Charter*;

AND WHEREAS prior to this current leave, he entered into a recognizance under section 810 of the Criminal Code of Canada. The purpose of a recognizance is to prevent harm to individuals or property, and a recognizance may include conditions upon a person which restrict their movement or behaviour to reduce the risk of such harm. For a court to order a recognizance under section 810 of the Criminal Code there must be proof in court of reasonable grounds to fear that the person will cause personal injury to another person or to that other person's intimate partner or child, or damage their property;

AND WHEREAS if the member is found to be in breach of any recognizance conditions, including prohibited contact with the other party, he may receive a court sentence of imprisonment;

AND WHEREAS as a matter of BC law, Council does not have the power to impeach a member of Council or require them to resign, and must afford the member full procedural fairness consistent with the requirements laid down by the courts prior to considering any potential sanctions;

NOW THEREFORE the Council of the City of Courtenay resolves as follows:

1. The Council finds any behavior which results in reasonable grounds to fear that a person will cause personal injury to another (Criminal Code section 810 [1]) to be unacceptable, whether the person is a member of Council or otherwise;
2. The Council has directed City staff to write to Councillor David Frisch to advise that he cease and desist from participating in any City activities or matters or communicating with anyone on City business or on behalf of the City, while he is on leave; and
3. The Council directs City staff to monitor the court process so that if Councillor David Frisch is found guilty of a breach of recognizance the Council may consider such action as may be available under applicable BC law.

## 5. **ADJOURNMENT**

Mayor Wells terminated the meeting at 5:01 pm.

### **CERTIFIED CORRECT**

Adopted by Council March 22, 2023

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Mayor Bob Wells

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Adriana Proton, Corporate Officer

COMOX VALLEY SEARCH AND RESCUE  
SERVING THE COMOX VALLEY FOR 50 YEARS



**City of Courtenay Meeting**



# Our Ask

We are seeking the continued long term support of the City of Courtenay in two ways:

1. Recognition of CVSAR as first Responders in our own right.
2. A without cost land allocation to support the building of a permanent home for CVSAR future operations such as the parcel of land on Grant Road/Harmston Avenue adjacent to the CVRD office.



The 2022 Comox Valley Vacation guide  
Describes the Comox Valley in this way...

**“The Comox Valley Is an  
Outdoor Recreation Utopia”**

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# Our Budget...

- Currently CVSAR is the only SAR team on Vancouver Island paying annual rent for its base of operations...
- With the relocation of the Comox Valley Emergency Program from this site and an extension to our current rental agreement at the Moray Ave site annual rent will reach \$ 80,000 in 2023
- All costs have increased... insurance... equipment replacement... fuel... travel... training...
- 2022 was the 1<sup>st</sup> year that SAR teams were allocated annual funding as a line item on the provincial budget.
- Funding allocations represent 1/2 the required funding to support annual operations.

# Land and Financial Support for a Permanent Home: Island and Provincial Context



- All Island teams with the exception of CVSAR have land/facilities allocated to them by their Regional Districts or Municipalities at no or minimal costs... most \$ 1.00 annually
- Campbell River SAR- owned facility/donated land/\$ 400,000 reno underway
- Nanaimo SAR- \$ 2.5 million facility- opened 2022
- Arrowsmith SAR- \$ 2.5 million- facility opened 2022
- Kent Harrison SAR \$ 1.8 million- facility opened 2000
- Regional District North Okanagan- Vernon SAR \$3.4 million funded through Alternate Approval Process Opening- Spring 2023
- Jan 31 2023 RD Central Okanagan announced \$8.4 million allocation for new SAR facility in capital plan.



**Nanaimo SAR Opened 2022**



**Arrowsmith SAR Qualicum Airport Opened 2022**

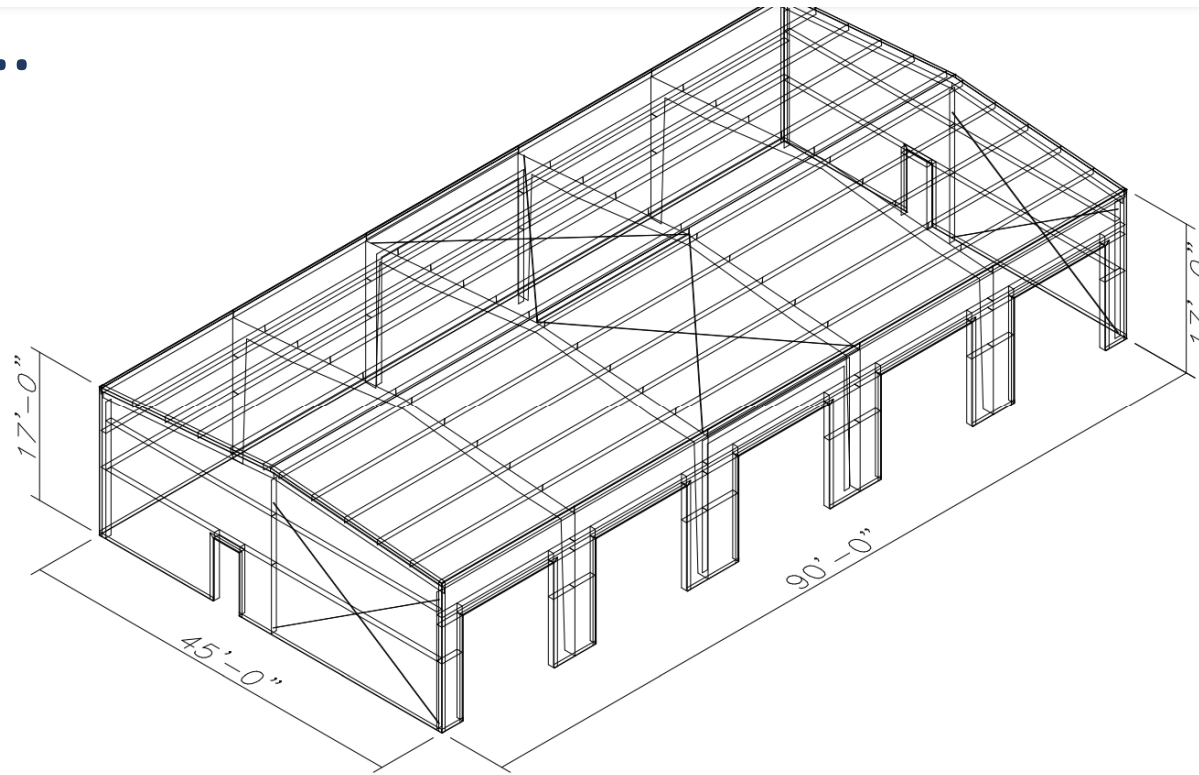


Vernon SAR –Opening Spring 2023



Kent Harrison SAR

# Our Vision...



## Comox Valley SAR Operations Facility

45' x 90' Steel-Post Disaster Building  
Quoted price \$1.5 million to lock-up

# Current Realities...



- We are a very frugal team...
- Our response vehicles are purchased 2<sup>nd</sup> hand.
- \$ 500,000 in GICs saved donations and allocated towards building project.
- CVSAR ineligible for one time \$ 250,000 Capital Gaming Grant (total project cost in excess of \$ 1.25 million).
- Fund Raising is negatively impacting training, replacement equipment and modernization and ultimately team morale
- CVSAR has always been a SAR leader in BC... We are falling behind other teams due to the significant financial constraints we are facing





We are the only  
Comox Valley  
First responders  
sorting cans and  
bottles at the  
land fill to make  
ends meet.

# To restate...Our Ask

We are seeking continued long term support of the City Courtenay in two ways:



1. Recognition as first Responders in our own right.
2. A without cost land allocation to support the building of a permanent home for CVSAR future operations such as the parcel of land on Grant Road/Harmston Avenue adjacent to the CVRD office. We are open to considering other specific sites.

Questions...



Bronwen Beedle Treasurer Comox Valley SAR  
Darren Boss Director Comox Valley SAR



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 4200-01

**From:** Director of Corporate Services, Chief Election Officer

**Date:** March 22, 2023

**Subject:** Public Notice of Late Filing of Campaign Financial Disclosure Statement

**PURPOSE:** To advise Council, as legislatively required, that a candidate in the 2022 Local Government Election filed their campaign financial disclosure statement late.

### **CITY MANAGER RECOMMENDATION:**

1. THAT the report entitled "Public Notice of Late Filing of Campaign Financial Disclosure Statement" be received for information.

Geoff Garbutt, M.P.L., MCIP, RPP  
City Manager (CAO)

### **BACKGROUND:**

The Local Elections Campaign Financing Act (LECFA) came into effect on May 29, 2014, giving Elections BC the authority to administer campaign financial and advertising rules. This Act requires that each individual declared as a candidate in a local government election must file a disclosure statement after the general local election with the BC Chief Electoral Officer.

Section 47 of LECFA requires that candidates file a campaign financing disclosure statement within 90 days after general voting day. Disclosure statements may be filed for another 30 days but are subject to a \$500 late filing fee. Failure to submit a campaign financing disclosure statement prior to the completion of the 120-day filing period, would result in the offending candidates' disqualification from being nominate or elected to the City of Courtenay City Council, the council of another municipality, regional district board, board of school trustees, or the Islands Trust until after the next general local election in 2026.

### **DISCUSSION:**

The following candidate did not file their campaign financing disclosure statement by the January 13, 2023 deadline, which was the last day of the 90-day period:

- Steffan Chmuryk

The candidate was notified by Elections BC.

Steffan Chmuryk did file their campaign financing disclosure statement before the end of the late filing period, February 13, 2023. Mr. Chmuryk was therefore subject to the \$500 late filing fee, but has not been disqualified from being nominated or elected in the next general local government election (2026).

The Local Elections Campaign Financing Act requires that the Chief Election Officer present the name of any candidate or elector organization that did not file a campaign financing disclosure statement within the 90-day filing period to an open meeting of Council as soon as practicable. This report is to comply with the Act.

**FINANCIAL IMPLICATIONS:**

None.

**ADMINISTRATIVE IMPLICATIONS:**

None.

**ASSET MANAGEMENT IMPLICATIONS:**

None.

**STRATEGIC PRIORITIES REFERENCE:**

None.

- **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:**

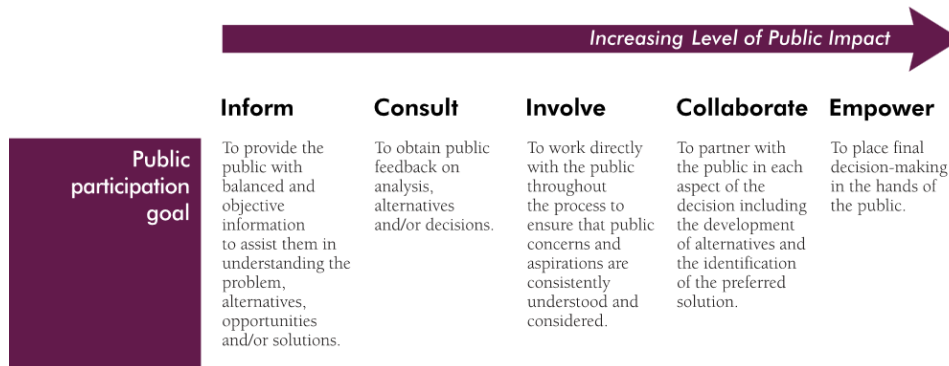
None.

**REGIONAL GROWTH STRATEGY REFERENCE:**

None.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



© International Association for Public Participation [www.iap2.org](http://www.iap2.org)

**LEGISLATIVE REQUIREMENT:**

As Required By  
Legislation

1. THAT the report entitled "Public Notice of Late Filing of Campaign Financial Disclosure Statement" be received for information.

Prepared by,



Kate O'Connell, M.P.P.  
Director of Corporate Services/Chief Election Officer

Concurrence by,



Geoff Garbutt, M.PL., MCIP, RPP  
City Manager (CAO)



## INFORMATION SHEET

**To:** Council

**File No.:** 3900-01

**From:** Director of Corporate Services

**Date:** March 22, 2023

**Subject:** Parks Control Bylaw Modernization Project – Update









### PURPOSE:

To present Council with a comprehensive overview of the Park Control Bylaw Modernization Project. The report will include information on the project schedule, stakeholder engagement activities, current state findings, priorities for amendments, and next steps.

### BACKGROUND:

On June 10, 2019 Council passed a resolution directing staff to “prepare a bylaw to prohibit the smoking of tobacco and cannabis, and the use of vaping devices, in the City of Courtenay’s parks and properties”. Due to the Covid-19 pandemic and staff changes, the Bylaw did not progress to adoption. As work resumed on this important policy area, it became apparent that the current Parks Control Bylaw no longer adequately addresses the needs of the City’s growing population, evolving park use, and emerging issues related to climate change, reconciliation, and urbanization. Therefore, a larger review of the Bylaw was necessary.

The Parks Control Bylaw Modernization Project will prioritize:

-  **Clarity and Guidance:** Prioritizing clear definitions and guidelines for park use to create a safer and more enjoyable experience for park users
-  **Protection of natural and cultural areas:** Provisions protecting environmentally sensitive and culturally significant park areas
-  **Sheltering:** Considering the needs of homeless individuals who may seek shelter in parks and ensure legal compliance and equitable access for all community members
-  **Authority and accountability:** Clearly defining the authority of park management and establish decision-making accountability for transparency and efficiency
-  **Enforcement and penalties:** Clear and comprehensive language around enforcement, penalties, and offences related to park use for effective and consistent enforcement
-  **Smoking and vaping in parks:** Reinforcing existing inhalant, cannabis smoking and vaping prohibition and consider including specific provisions related to these activities
-  **Future-proofing:** Flexible language and provisions to accommodate new and emerging issues related to park use and management for a sustainable park system
-  **Legal compliance:** Ensuring the updated Bylaw aligns with legal precedents and best practices for an effective and legally defensible bylaw

## **Review Process**

In February 2023, the City procured Cascadia Partners, a management consulting firm, to support the City in modernizing the Parks Control Bylaw (the Bylaw) and improve park and open space management. The project consists of four phases that will be completed over the next five months.

**Phase 1, Information Gathering**, has been completed, where Staff gathered pertinent data and information regarding the current usage of parks and open spaces and the challenges associated with the current bylaw. The team also compared Courtenay's bylaw with parks regulation bylaws in other relevant jurisdictions to gain insights into best practices and effective strategies.

**Phase 2, Defining Priorities**, is currently in progress, where the team is establishing the key priorities and objectives the updated Bylaw should address based on the information gathered in Phase 1 and through internal and external engagement.

**In Phase 3, Options Development & Testing**, the Operational Working Group<sup>1</sup> will formulate and experiment with different options and approaches for revising the Bylaw. The Operational Working Group will evaluate the effectiveness and impacts of these options by assessing if they achieve the priorities and objectives established in Phase 2.

Community partners will be engaged to support a thorough impact analysis of the different options and approaches for members of the public who will be most impacted by the bylaw changes, especially ~~those who~~ are experiencing homelessness or use parks for shelter.

**In Phase 4, Finalize & Approve**, staff will review and finalize the draft bylaw based on the findings and recommendations from the previous phases ensuring alignment with the City's strategic priorities.

The updated bylaw will incorporate stakeholder input and follow best practices in parks and open space management to ensure parks and open spaces are effectively managed and meet the growing community's needs.

## **DISCUSSION**

Staff have completed Phase 1 and are concluding Phase 2, including a comprehensive analysis of the Bylaw. The analysis includes stakeholder engagement, a comparison of municipal bylaws and a case-law review.

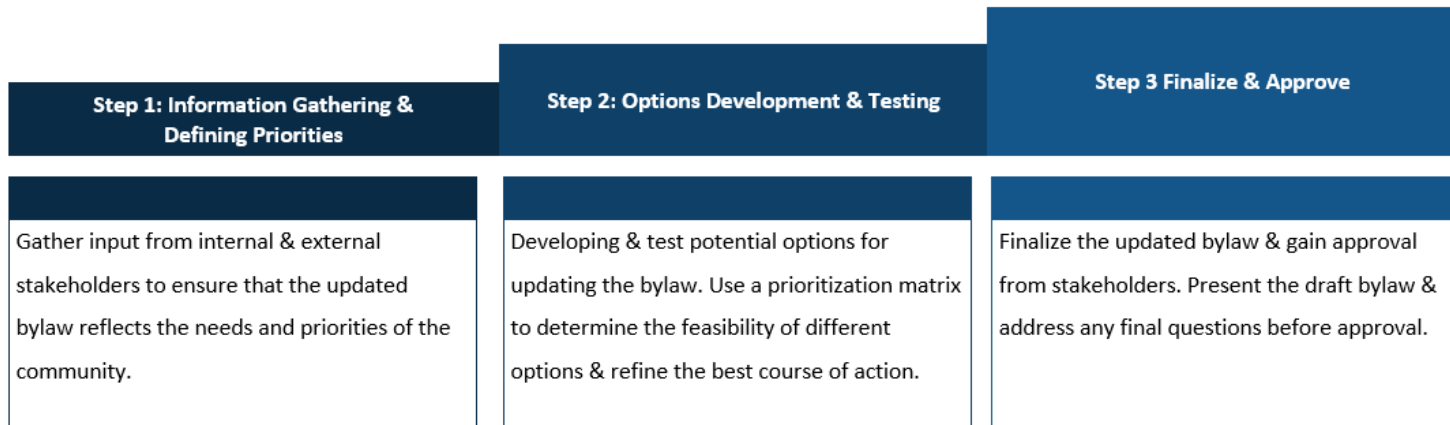
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<sup>1</sup> The Working Group will consist of City staff and RCMP.



### **Stakeholder Engagement**

The engagement approach for updating the Bylaw involves a three-step process to ensure that the updated Bylaw reflects the needs and priorities of the City.



In early March, staff completed the Information Gathering & Defining Priorities step by engaging with internal stakeholders through one-on-one interviews and workshops. The City Manager and relevant department directors provided insight into current and emerging demands, while a workshop with representatives from various departments helped confirm priorities for changes to the existing bylaw based on challenges, opportunities, and emerging demands identified in the interviews.

Moving forward, Staff will develop potential options for updating the Bylaw based on the priorities identified in step one. The Operational Working Group will then test options with an internal working group, external stakeholders and against a prioritization matrix to refine the best course of action. Close collaboration with internal and external stakeholders will ensure that the options align with community needs and priorities.

In the final step, staff will present the draft Bylaw to stakeholders and address any final questions or concerns. In addition, Staff will develop an implementation plan to effectively communicate and implement the updated Bylaw throughout the community.

### **Municipal Comparison**

In addition to the engagement process, staff conducted a comprehensive municipal comparison to compare park and open space management approaches in other municipalities. Staff utilized the evaluation categories identified in the table below.

*Municipal Review - Evaluation Criteria*

Category	Description
<b>Governance</b>	The presence of clear guidelines and responsibilities for the management and oversight of parks, including decision-making processes, roles and responsibilities, and communication channels between different stakeholders.
<b>Access and Use</b>	Outlines measures to ensure that parks are accessible to all members of the community and outlines appropriate use of park facilities, amenities and services, such as hours of operation, permitted activities and events.
<b>Safety &amp; Security</b>	Outlines measures to ensure the safety and security of park users and addresses issues such as hazardous conditions, emergency procedures, and enforcement of park rules and regulations.
<b>Environment</b>	Protects and enhances the natural environment within parks, including measures to address issues such as litter, pollution, and invasive species.
<b>Amenities &amp; Facilities</b>	Outlines the requirements for using amenities and facilities within parks, such as playgrounds, sports fields, field houses, and picnic areas.
<b>Animals</b>	Addresses the presence and management of animals within parks, including regulations related to pet ownership, animal waste management, and the presence of wildlife.
<b>Sheltering</b>	Provide regulations for camping or overnight sheltering in parks without written approval.
<b>Smoking/Vaping/ Inhalants</b>	Addresses smoking and vaping within parks, including regulations related to smoking and vaping in designated areas or the prohibition of smoking and vaping altogether.
<b>Vehicle Use</b>	Addresses the use of vehicles within parks, including regulations related to parking and access for emergency vehicles.

The municipal comparison process involved comparing the City's Parks Control Bylaw with park bylaws from other municipalities in British Columbia, using a scoring system to evaluate how well each category is defined and addressed. In selecting comparable municipalities, staff prioritized cities that had recently reviewed and updated their park control bylaw, share commonalities in policy perspectives, and had similar climates and types of park usage. Based on these criteria, staff reviewed the parks control bylaws of Coquitlam, Kelowna, Nanaimo, Vancouver, Campbell River and Victoria.

The comparison analysis showed that the Parks Control Bylaw lacked clarity and comprehensiveness in all categories compared to other municipalities. However, the municipal comparison provided staff valuable insight into other jurisdictions' best practices and effective

strategies. By analyzing the strengths and weaknesses of other park bylaws, staff were able to understand better how the City's approach could be improved to enhance the overall effectiveness of the Parks Control Bylaw. Further detail on the municipal comparison can be found in Appendix A of this report.

### **Overall Results**

The comprehensive analysis uncovered several pressing issues, which are outlined below:

- **Lack of clarity and guidance:** The Bylaw does not provide fulsome definitions, sections, or guidelines for park use, creating challenges in enforcement and potential conflicts and legal challenges.
- **Outdated:** The Bylaw has not been updated since 1997, and the City has since grown in population and is experiencing new bylaw enforcement challenges. Many existing and emerging challenges were not previously contemplated and the Bylaw does not inadequately address current needs and challenges related to park use.
- **Authority and accountability:** There is a lack of defined authority for the City Manager, directors, and bylaw officers, which could lead to confusion and conflict around park management and decision-making.
- **Limited provisions:** The Parks Control Bylaw lacks provisions for protecting natural areas, environmentally sensitive areas, and culturally important areas within the parks, which could lead to damage or loss of these areas and difficulties of enforcement in these areas.
- **Prohibition on sheltering:** The prohibition on sheltering in parks is overly restrictive, does not consider the needs of people experiencing homelessness and is inconsistent with current case law.
- **Enforcement and penalties:** The Bylaw lacks clear and comprehensive language around enforcement, penalties, and offences, making it challenging for authorities to enforce it.

If these key issues are not addressed, there could be continued confusion around park management, conflicts between user groups, difficulties enforcing the Bylaw, potential legal challenges and damage or loss of environmentally sensitive and culturally important areas within parks. To address these risks, Staff will look to repeal and replace the current bylaw with a new Parks and Open Spaces Bylaw based on the following recommended priorities:

#### **Priority 1: Clarity and Guidance**

When developing a new park bylaw, it is crucial to prioritize clear definitions, sections, and guidelines for park use. The language used in the bylaw should be easy to understand for park users, making enforcement easier and reducing the potential for conflicts and legal challenges.

In addition, the City can create a safer and more enjoyable experience for park users by clearly outlining expectations and defining what actions are permitted and prohibited.



### **Priority 2: Protection of Natural and Cultural Areas**

A park bylaw must include provisions protecting environmentally sensitive and culturally significant park areas. Preserving these areas ensures the long-term sustainability of the park system and its preservation for future generations.



### **Priority 3: Sheltering**

Another priority when developing a park bylaw is to consider the needs of homeless individuals who may seek shelter in parks. It is important to align the bylaw with the case law associated with sheltering in parks to ensure legal compliance and equitable access to parks for all community members. A park bylaw that recognizes and accommodates the needs of all community members provides a safe and welcoming park environment for everyone.



### **Priority 4: Authority and Accountability**

Developing a park bylaw that clearly defines the authority of the City Manager or directors responsible for park management and decision-making is crucial. The City can reduce confusion and conflict around park management and establish decision-making accountability by doing so. This priority ensures that park management and decision-making are more transparent, efficient, and effective.



### **Priority 5: Enforcement and Penalties**

The new park bylaw should include clear and comprehensive language around enforcement, penalties, and offences related to park use. This clarity ensures park users are held accountable for any bylaw violations, making enforcement more effective and consistent. This priority also provides that park users are aware of the consequences of their actions, creating a safer and more responsible park environment.



### **Priority 6: Addressing Smoking and Vaping in Parks**

Smoking and vaping cannabis and the use of inhalants are currently illegal in municipal parks, and smoking and vaping tobacco is prohibited in many public spaces. It is important to consider the best ways to enforce these regulations within parks. The park bylaw can play a role in reinforcing the existing cannabis smoking and vaping prohibition and expand if desired by including specific provisions related to these activities, such as penalties for violations and providing public education.

### **Priority 7: Future-Proofing**

The City should develop the park bylaw with an eye toward the future. By incorporating flexible language and provisions that can accommodate new and emerging issues related to park use and management, a bylaw can adapt and respond to the changing needs of the community and environment over time. This priority ensures that the park system remains relevant and sustainable for future generations.

### **Priority 8: Legal Compliance**

A park bylaw should, as much as possible, reflect the authorities of the local government – which are defined by legislation and case law. Staff initiated a case-law review to ensure the updated bylaw aligns with legal precedents and best practices. The review will help identify gaps or areas of concern that the City must address to ensure the updated bylaw is legally sound and enforceable. By conducting a thorough case-law review, Staff will be able to provide a comprehensive and effective updated bylaw that meets the community's needs while also adhering to legal requirements. This review will also help Staff identify potential challenges or limitations that may arise during the implementation process. Overall, the case-law review is an essential step in the bylaw update process to ensure the updated bylaw is effective and legally defensible.

The new Parks Control Bylaw will be substantially drafted and reviewed by legal counsel.

### **NEXT STEPS**

Developing a new park bylaw is a complex undertaking that requires a careful and thoughtful approach to ensure that it reflects the needs and values of the community while protecting the environment and cultural significance of park areas. Addressing the priorities identified will create a more effective bylaw helping the City to achieve its vision for parks and recreation, which is to support a healthy, engaged, and inclusive community with a high quality of life.

In the next phase of the Parks Control Bylaw Modernization Project, the City will develop and test different options and approaches to understand and evaluate their effectiveness in meeting the objective of access to parks for all community members. In addition, Staff will work with non-profit service providers and individuals experiencing homelessness sheltering in parks to evaluate the impact of possible options on individuals sheltering in parks. Following this assessment, Staff will draft a final report and implementation plan and present it to Council for review in early Quarter 3, 2023. Staff will then request a motion from Council to draft an updated Parks and Open Spaces Bylaw to bring forward for three readings and adoption.

### **FINANCIAL IMPLICATIONS:**

The Park Control Bylaw Modernization Project costs were approved in the 2022 budget and have been carried forward to 2023.

Implementation costs for bylaw enforcement service levels will be presented in the final report and will include recommendations for future budget processes.

### **ADMINISTRATIVE IMPLICATIONS:**

This work is part of the regular operations and is supported by an external consultant.

### **ASSET MANAGEMENT IMPLICATIONS:**

Natural asset protection and preservation is contemplated in the bylaw review process.

### **STRATEGIC PRIORITIES REFERENCE:**

#### **We focus on organizational & governance excellence**

- Support and encourage initiatives to improve efficiencies
- Communicate appropriately with our community in all decisions we made
- Responsibly provide services at levels which the people are willing to pay
- ▲ Value Community safety and support our protective services

#### **We proactively plan & invest in our natural & built environment**

- ▲ Promote social, economic & environmental sustainability solutions

#### **We continually invest in our key relationships**

- Consider effective ways to engage with and partner for the health and safety of the community
- ▲ 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

### **OFFICIAL COMMUNITY PLAN REFERENCE:**

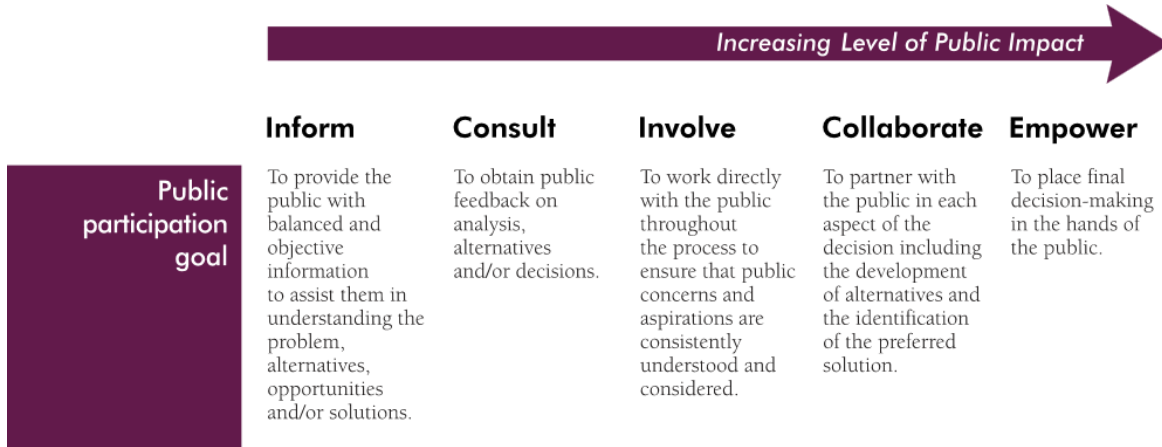
Objective #4: The parks and recreation system exemplifies leadership in reconciliation, climate action, equity, and community well-being through its services, programs and partnerships.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

Public Health and Safety: Support a high quality of life through the protection and enhancement of community health, safety, and well-being.

### CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform, consult, involve and collaborate with the public based on the IAP2 Spectrum of Public Participation:



Prepared by,

Kate O'Connell, M.P.P.  
Director of Corporate Services

Reviewed by,

Peter deGraaf  
Manager of Bylaw Services

Reviewed by,

Susie Saunders  
Director of Recreation, Culture  
and Community Services

Concurrence by,

Geoff Garbutt, M.PL., MCIP, RPP  
City Manager (CAO)

Attachment: Appendix A: Municipal Comparison

### Appendix A – Municipal Comparison

The table below compares the City's Parks Control Bylaw against the park bylaws of other municipalities in British Columbia, based on a scoring system that evaluates how well each category is defined and addressed.

The scoring system primarily utilizes three options, "Yes," "Partial," and "No", with “unknown” characterising the absence of information. A score of "Yes" indicates that the category is clearly defined and addressed, "Partial" suggests that the category is addressed but lacks clarity or comprehensiveness, and "No" means that the category is not addressed at all. This comparison will provide insight into areas where the City's bylaw could be improved and areas where the City's approach is effective.

#### *Municipal Review - Evaluation Results*

Category	Courtenay	Campbell River	Coquitlam	Kelowna	Nanaimo	Vancouver	Victoria
<b>Governance</b>	Partial	Yes	Yes	Yes	Yes	Yes	Yes
<b>Access and use</b>	No	Partial	Yes	Yes	Yes	Yes	Yes
<b>Safety and Security</b>	Partial	Yes	Yes	Yes	Yes	Yes	Yes
<b>Environment</b>	Partial	No	Yes	Partial	Yes	Yes	Yes
<b>Amenity &amp; Facility Use</b>	Partial	Yes	Yes	Yes	Yes	Yes	Yes
<b>Animals</b>	Partial	Partial	Partial	Yes	No	Yes	Yes
<b>Sheltering</b>	Partial	No	Yes	Partial	Yes	Yes	Yes
<b>Smoking/ Vaping</b>	No	Partial	Partial	Yes	Partial	Yes	No
<b>Vehicle use</b>	Partial	Partial	Yes	Yes	Yes	Yes	Yes
<b>Penalties</b>	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Enforcement</b>	No	Yes	Yes	Yes	Yes	Yes	Yes

#### Legend

- Yes – category is clearly defined and addressed
- Partial – category is addressed but lacks clarity or comprehensiveness
- No - category is not addressed at all





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council  
**From:** City Manager (CAO)  
**Subject:** 2023 Parcel Tax Review

**File No.:** 1950-02  
**Date:** March 22, 2023

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### PURPOSE:

The purpose of this report is to provide information regarding the statutory requirement for the Parcel Tax Review Panel meeting.

### POLICY ANALYSIS:

Sections 204, 205, 206 and 208 of the *Community Charter* outlines the annual requirements for updating the parcel tax roll. Each year a municipality must publish notice in a newspaper that the parcel tax roll is available for inspection and provide direction and a deadline for written complaints. If no complaints related to the addition or refusal to adjust a particular parcel tax are received, the parcel tax roll is deemed to be authenticated per Section 208 (10) of the Community Charter.

### EXECUTIVE SUMMARY:

No written notices were received by the deadline regarding an error or omission in the 2023 Sewer Frontage and / or the Water Frontage Tax additions therefore the parcel tax roll is deemed to be authenticated per section 208 (10) of the Community Charter.

- The 2023 parcel tax roll for sewer frontage is 205,590.65 meters
- The 2023 parcel tax roll for water frontage is 209,685.61 meters

### CAO RECOMMENDATION:

THAT Council receive report for information as the parcel tax roll is deemed to be authenticated per Section 208 (10) of the Community Charter.

Respectfully submitted,

Geoff Garbutt, M.P.I., MCIP, RPP  
City Manager (CAO)

**BACKGROUND:**

The City of Courtenay Sewer Service Frontage Bylaw No. 2767, 2013 and Water Service Frontage Tax Bylaw No. 2766, 2013 and its amendments were adopted to impose an annual frontage parcel tax on properties that have sewer and / or water infrastructure on the property boundary.

The *Community Charter* mandates that the parcel tax roll frontage be authenticated before the tax is imposed for the first time. Section 208(1) of the *Community Charter* also mandates annual review and authentication of the parcel tax roll. The Parcel Tax Roll Review requirements pursuant to section 205 of the *Community Charter* permits:

A person may make a complaint to the parcel tax roll review panel on one or more of the following grounds:

- There is an error or omission respecting a name or address on the parcel tax roll;
- There is an error or omission respecting the inclusion of a parcel;
- There is an error or omission respecting the taxable area or the taxable frontage of a parcel;
- An exemption has been improperly allowed or disallowed.

**DISCUSSION:**

Each year parcel taxes are calculated and assessed on all new or newly subdivided properties added to the water and sewer distribution system within the City of Courtenay. The property owners were provided notice of the amount to be added to their annual property tax notice, and that they have had an opportunity to make an appeal at the annual Parcel Tax Review Panel.

Public Notice of the Parcel Tax Roll Review Panel was published in the Comox Valley Record on February 8 and February 15, 2023 pursuant to sections 94 and 204 of the *Community Charter*.

**FINANCIAL IMPLICATIONS:**

Parcel taxes for water and sewer are assessed in accordance with the water and sewer frontage tax bylaws, and for 2023 are anticipated to generate, \$2,108,200 for the sewer fund and \$1,226,500 for the water fund. These revenues assist in the funding required to carry out capital and operational works for the provision of these two utility services, and have been included in the respective 2023-2027 Financial Plans.

The 2023 Parcel Tax Rolls have a total taxable frontage of 205,590.65 meters for Sewer Frontage and 209,685.61 meters for Water Frontage. This equates to the following parcel taxes to be collected in 2023.

- Sewer Frontage Tax - \$2,105,248.25 under Sewer Service Frontage Bylaw No. 2767, 2013
- Water Frontage Tax - \$1,224,563.99 under Water Service Frontage Tax Bylaw No. 2766, 2013.

**Taxable Frontage Schedule:**

Taxable Frontage Year	2022	2023	Additions
Sewer Frontage in meters	204,853.52m	205,590.65m	737.13m
Water Frontage in meters	208,978.96m	209,685.61m	706.65m

**ADMINISTRATIVE IMPLICATIONS:**

A copy of the 2023 Parcel Tax Roll will be posted to the City’s website. No print version will be produced this year unless specifically requested as the report is 327 pages long.

**ASSET MANAGEMENT IMPLICATIONS:**

Not Applicable

**STRATEGIC PRIORITIES REFERENCE:**

While not specifically referenced in the City’s strategic plan or strategic priorities, this activity is a statutory requirement, and utilizes staff resources in carrying out the actions required.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

There is no applicable reference in the Official Community Plan.

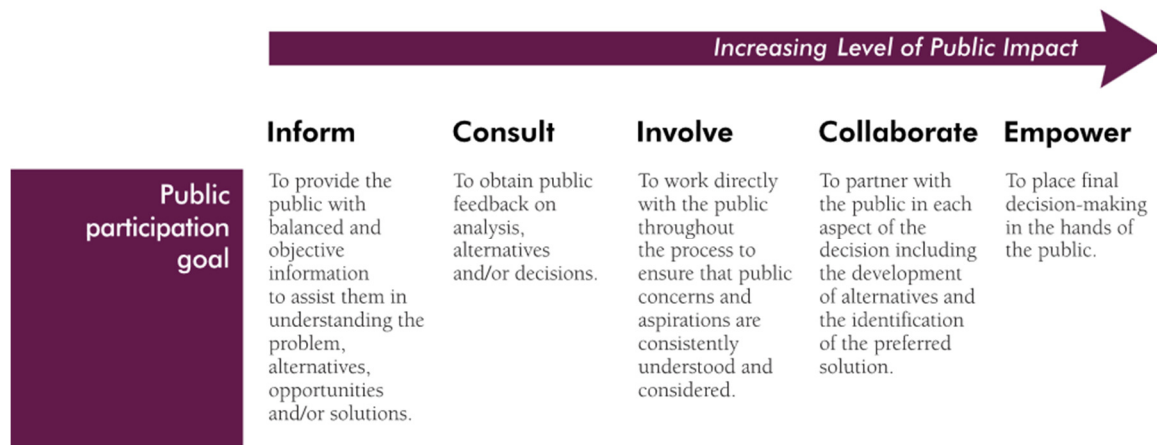
**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no applicable reference in the Regional Growth Strategy.

**CITIZEN/PUBLIC ENGAGEMENT:**

Affected property owners were notified in writing of both the amount of the parcel tax assessed, and their opportunity to appeal the assessment. The City will inform the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

OPTION 1: THAT Council receive report for information as the parcel tax roll is deemed to be authenticated per Section 208 (10) of the Community Charter.

OPTION 2: THAT alternative direction be provided to staff.

Prepared by:



Rachel McColm  
Finance Clerk

Concurrence:



Adam Langenmaier, BBA, CPA, CA  
Director of Financial Services

Concurrence:



Geoff Garbutt, M.Pl., RPP, MCIP  
City Manager (CAO)