

REGULAR MEETING OF COUNCIL

AGENDA

DATE: October 15, 2018
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of October 1, 2018](#)

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3. PUBLIC AND STATUTORY HEARINGS

None

4. PETITIONS AND DELEGATIONS

[Enderby and District Chamber of Commerce](#)

5. DEVELOPMENT MATTERS

None

6. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

[Overcapacity Issues at M.V.Beattie Elementary School](#)

Correspondence dated October 4, 2018

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7. BYLAWS

[Revitalization Tax Exemption Bylaw No. 1663, 2018](#) – 1st, 2nd and 3rd readings

Memo from Chief Financial Officer dated

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8. REPORTS

[Mayor and Council](#)

[RDNO Building Permit Report for September, 2018](#)

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9. NEW BUSINESS

[Appointment of Municipal Auditor](#)

Memo from Chief Financial Officer dated October 9, 2018

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[Royal Canadian Legion Branch #98 – Road Closure Application](#)
Memo from Planner and Deputy Corporate Officer dated October 11, 2018

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[Auxiliary Constable Uniforms](#)
Correspondence from the Union of BC Municipalities dated August 29, 2018

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[Provincial Cannabis Licensing and Local Government Approvals](#)
Correspondence from the Ministry Attorney General dated October 4, 2018

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

Closed to the public, pursuant to Section 90 (1) (e) of the *Community Charter*

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, October 1, 2018 at 4:30 p.m. in the Council Chambers of City Hall

Present: Mayor Greg McCune
Councillor Tundra Baird
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Brian Schreiner
Councillor Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Recording Secretary – Laurel Grimm

Other: The Press and Public

APPROVAL OF AGENDA

An In-Camera Agenda was added under Section 90 (1) (j) of the *Community Charter*.

Moved by Councillor Baird, seconded by Councillor Davyduke
“*That the October 1, 2018 Council Meeting agenda be approved as amended.*”

CARRIED

ADOPTION OF MINUTES

Regular Meeting Minutes of September 17, 2018

Moved by Councillor Shishido, seconded by Councillor Case
“*That the September 17, 2018 Council Meeting minutes be adopted as circulated.*”

CARRIED

PUBLIC AND STATUTORY HEARINGS

None

PETITIONS AND DELEGATIONS

Enderby & District Chamber of Commerce

Earl Shipmaker gave a brief report on the Enderby & District Chamber of Commerce including:

- 40 Volunteers present at Rivers Day
- Working with Armstrong and Spallumcheen for the upcoming job fair

- Upcoming All Candidates Forum
- Discussion on noise complaints at the Riverside RV Park. Chamber staff is looking to engage with neighbours.

DEVELOPMENT MATTERS

None

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

[Ministry of Transportation and Infrastructure](#) – Letter Re: Uneven Pavement

Moved by Councillor Baird, seconded by Councillor Knust

“Staff to request that the Ministry of Transportation and Infrastructure confirm the timeline and nature of interim and permanent solutions, as well as invite a Ministry representative to attend a Council meeting and speak on pavement condition.”

CARRIED

BYLAWS

[Tax Exemption Bylaw No. 1662, 2018](#)

A bylaw of the Corporation of the City of Enderby to exempt certain properties from taxation for the year 2019

Moved by Councillor Schreiner, seconded by Councillor Davyduke

“That the Tax Exemption Bylaw No. 1662, 2018 be adopted this 1st day of October, 2018 “

CARRIED

REPORTS

Councillor Schreiner

None

Councillor Knust

None

Councillor Case

- Had over 100 residents at the Salmon Arm Drive wrap-up BBQ
- Great turnout at River Days. Lots of participation and less garbage than previous years.

Councillor Davyduke

None

Councillor Shishido

- Attended the Enderby and District Arts Committee Meeting (EDAC)
- Looking at flower themed murals in empty alleyways
- Exploring some grant funding available
- Chamber of Commerce is working on Business Awards
- Discussion on the north end pull-out.
- 36 participants at the two fitness classes held this morning
-

Councillor Baird

- Would like to see the pool season extended to include some evenings and weekends.
- EDAC looking into Interactive Murals. Would be a great addition to the Community.

Mayor McCune

None

Chief Administrative Officer

- Attended Rivers Day
- Update on Salmon Arm Drive inspections including the hydro connection

NEW BUSINESS

[Residential Refuse Collection Contract – Extension](#)

Moved by Councillor Shishido, seconded by Councillor Knust

“That Council authorizes Staff to extend the Residential Refuse Collection Contract for an additional year with Tip-It Waste Solutions, with a 4% increase to the residential refuse rate.”

CARRIED

[Revitalization Tax Exemptions – Brownfield Revitalization](#)

Moved by Councillor Knust, seconded by Councillor Schreiner

“That Council directs Staff to prepare a Revitalization Tax Exemption Bylaw for brownfield revitalization.”

CARRIED

[Enderby Memorial Terrace – Letter Re: 2019 Permissive Tax Exemptions](#)

Moved by Councillor Knust, seconded by Councillor Shishido

“That this letter be received for filing”

CARRIED

PUBLIC QUESTION PERIOD

Mary Jane Resource Centre invited Council to ask them about cannabis legalization.

CLOSED MEETING RESOLUTION

Moved by Councillor Davyduke, seconded by Councillor Shishido (5:07 p.m.)

“That, pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (j) of the Community Charter.”

CARRIED

ADJOURNMENT

The regular meeting reconvened at 5:45 p.m.

Moved by Councillor Shishido, seconded by Councillor Davyduke
"That the regular meeting of October 1, 2018 adjourn at 5:45 p.m."

CARRIED

MAYOR

CHIEF ADMINISTRATIVE OFFICER



**The Board of Education of
School District No. 83 (North Okanagan-Shuswap)**

341 Shuswap Street SW, Box 129, Salmon Arm, BC, V1E 4N2
Phone: (250) 832 2157 Fax: (250) 832 9428

October 4, 2018

Tate Bengston, CAO
City of Enderby
619 Cliff Avenue
Enderby, BC
VOE 1V0

Re: Overcapacity Issues at M.V. Beattie Elementary School

Dear Mr. Bengston,

Thank you for your letter dated September 24, 2018, regarding capacity issues at M.V. Beattie in Enderby. In response to previous enrollment growth in the area, School District No. 83 (North Okanagan-Shuswap) has responded in the following ways:

- Moved the grade 7 classes from M.V. Beattie to A.L. Fortune Secondary, which has the additional capacity to enroll these students;
- Expanded a bus route from Enderby to Grindrod, diverting some enrollment to Grindrod School, now at 124 students;
- Purchased and installed a portable for the M.V. Beattie site, increasing school capacity.

The school's capacity in the current configuration, including the new portable, is 291 students. There is one additional interior classroom space that could be utilized if needed, which would increase capacity to 315 students. As of today, the school enrollment at M.V. Beattie is 281 students, and projections developed in consultation with Baragar Systems show flat or negative growth over the next five years leading to an estimated enrollment of 269 students in September 2023. That being said, District staff is always interested in working with our partner communities, and would be willing to meet to discuss factors that could potentially impact future school enrollment.

We look forward to hearing from you in regard to these conversations.

Respectfully,

Mike McKay, Official Trustee

cc: P. Jory, Superintendent/CEO
B. Hunt, Acting Secretary-Treasurer

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

Agenda

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: October 5, 2018
Subject: Revitalization Tax Exemption Bylaw

RECOMMENDATION

THAT Council give first, second, and third readings of the bylaw cited as "City of Enderby Revitalization Tax Exemption Bylaw No. 1663, 2018";

AND THAT Council approves the terms and conditions to be included in each Revitalization Tax Exemption Agreement as outlined in this memorandum.

BACKGROUND

At the October 1, 2018 Council meeting, Council directed staff to prepare a Revitalization Tax Exemption Bylaw for brownfield revitalization. Attached is a draft of the bylaw for Council's consideration.

The proposed Bylaw encourages the remediation and redevelopment of vacant brownfield lots by providing a tax exemption for new improvements directly attributable to the remediation and redevelopment. By only having the tax exemption apply to new improvements, there is no decrease to the City's current taxation revenue (no cost to current taxpayers) but the community benefits as new development will increase future taxation revenue, which will help reduce the overall cost burden for tax payers and create new employment opportunities. Below is a summary of the provisions included in the Bylaw:

- Eligibility - the exemption is only available to vacant brownfield properties that are remediated AND where a construction value of no less than \$150,000 is undertaken. A minimum construction value has been included to promote a structure that will provide value to the community as something that will increase assessment, create employment and ensure that the administration burden is offset with the increased taxation revenue.
- Term and Extent of Exemption - the term of the exemption is for a full ten years on a declining basis. A 100% tax exemption will be provided in the first five years and will be reduced thereafter to transition the property into paying the full value of property taxes. The first years of the 100% exemption may be used during the construction phase to help the property owner with costs while the property is not yet generating income.
- Timeline - the property owner will be required to submit a written application prior to the remediation and redevelopment. As the program is designed to stimulate remediation and redevelopment, no encouragement is needed if the property owner has already started or has completed a portion of this process; the existing market forces have already created sufficient incentive to make for a viable business case. Once an application is received by the City, a Revitalization Tax Exemption Agreement will be entered into that outlines the exemption conditions.

For the Revitalization Tax Exemption Agreement, it is recommended that the following be included:

- Eligibility - the conditions that must be met to satisfy the requirements of "remediation" and "redevelopment" are:
 - Remediation - a copy of the certificate of compliance for the property issued under the Environmental Management Act must be provided to the City along with receipts or other financial statements to provide evidence of payment of remediation costs.
 - Development - a building permit must be issued for the new construction within two years of remediation. A timeline has been introduced here as the remediation and redevelopment are meant to be a continuous process. This will discourage projects from being started then subsequently abandoned.
- Timeline - A Tax Exemption Certificate will be issued in the year that construction has started. If issued before October 31st of the year, the tax exemption term will begin in the following year. If issued between November 1st and December 31st the tax exemption term will begin in the second subsequent year. This provision will be added for clarity for the property owner as these deadlines are from the *Community Charter* and BC Assessment.
- Transfer of Ownership - the exemption will remain with the property in the event of a transfer of ownership as long as the terms and conditions of the Bylaw and Agreement continue to be maintained.
- Cancellation of Certificate - in addition to the terms stated in the Bylaw, an Owner must also not allow the building permit to expire. As stated above, this is an additional provision to help discourage projects from being started then subsequently abandoned.
- Recapture Provisions - relates to the City's ability to recover the taxes that were previously exempt from the owner in the event that the property no longer meets the conditions on the Bylaw and/or the Agreement. It is recommended that no recapture provisions are included in the Agreement. As the Certificate will not be issued until the land has been remediated and construction has begun, a community benefit has already been realized. The tax exemption is also only on the value of the new improvements so there is no cost to the taxpayer.

Before a Revitalization Tax Exemption Program Bylaw is adopted, Council must first:

- provide public notice of the proposed bylaw in accordance with Section 227 of the *Community Charter*, and
- consider the bylaw with the objectives and policies for permissive tax exemptions as set out in its financial plan.

The City's objectives and policies for permissive tax exemptions, as set out in the City's financial plan, state that tax exemptions must demonstrate a benefit to the community and residents by enhancing the quality of life (economically, socially and culturally) and delivering services economically within the community. The proposed revitalization program benefits the community by encouraging the remediation of contaminated properties and promotes economic development which helps deliver services economically as new development provides for a larger tax base to reduce the overall cost burden to the City's taxpayers.

Should Council give three readings to the Bylaw, staff will complete the notice requirements before the Bylaw is brought before Council for adoption.

Respectfully submitted,



Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY
BYLAW NO. 1663

A BYLAW TO PROVIDE FOR A REVITALIZATION TAX EXEMPTION PROGRAM

WHEREAS under the provisions of Section 226 of the *Community Charter*, Council may by bylaw adopt a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption program to encourage environmental remediation and redevelopment within the municipality;

AND WHEREAS Council has considered this Bylaw in conjunction with the objectives and policies set out under Section 165 of the *Community Charter* in its financial plan;

AND WHEREAS notice of the proposed bylaw has been given in accordance with Section 227 of the *Community Charter*;

NOW THEREFORE, the Council of the City of Enderby enacts in open meeting as follows:

1. CITATION

- a. This Bylaw may be cited as "City of Enderby Revitalization Tax Exemption Bylaw No. 1663, 2018".

2. DEFINITIONS

"**Assessed Value**" has the same meaning as set out in the *Assessment Act* of British Columbia;

"**Brownfield**" means an abandoned, idle or underutilized property where past actions have caused known or suspected environmental contamination;

"**Building Permit**" means a permit issued by the *City* that authorizes the construction, alteration or extension of a building or structure;

"**City**" means the City of Enderby;

"**Construction Value**" means the total cost of a proposed building or structure as indicated on the respective Building Permit;

"**Council**" means the duly elected Council of the *City*;

"**Exemption Certificate**" means a Revitalization Tax Exemption Certificate issued by the *City* under this bylaw in respect of an eligible property;

"**Owner**" means the registered owner in fee simple of a property;

"Revitalization Tax Exemption Agreement" means an agreement between the *City* and an owner of an eligible property under this program in respect of the matters described in Section 226(7) of the *Community Charter*.

3. REVITALIZATION TAX EXEMPTION PROGRAM

- a. The reasons for, and objectives of, the Revitalization Tax Exemption Program established under this Bylaw is intended to encourage remediation and redevelopment of vacant brownfield properties located within the City limits.
- b. The Revitalization Tax Exemption Program is intended to accomplish Council's objectives by providing property tax relief to property owners who:
 - remediate vacant brownfield properties, AND
 - undertake construction to the newly remediated vacant lot with a construction value of no less than \$150,000.
- c. A property owner must enter into a Revitalization Tax Exemption Agreement with the City that determines the conditions for eligibility for a specific property.
- d. The extent of the tax exemptions available under the Revitalization Tax Exemption Program is the municipal portion of the tax increase directly attributable to the increase in assessed value of improvements on the property resulting from the construction as outlined in Section 3(b).
- e. The amount of the tax exemption that may be provided under this bylaw is calculated as follows:
 - Years 1-5: 100% of the increase in assessed improvement value
 - Year 6: 80% of the increase in assessed improvement value
 - Year 7: 60% of the increase in assessed improvement value
 - Year 8: 40% of the increase in assessed improvement value
 - Year 9: 20% of the increase in assessed improvement value
 - Year 10: 10% of the increase in assessed improvement value

Year 1 is deemed to begin the year following the year the Building Permit for the eligible construction has been issued and the Revitalization Tax Exemption Certificate has been issued.

- f. The maximum term of a tax exemption that may be provided is 10 years.

- g. The Revitalization Tax Exemption Program established herein does not apply retroactively.

4. APPLICATION PROCESS

- a. An owner of a property who wishes to apply for a tax exemption under this Bylaw must, prior to remediation and construction, submit a written application to the City.
- b. Once an application is received by the City, a Revitalization Tax Exemption Agreement must be entered into between the City and the Owner.

5. REVITALIZATION TAX EXEMPTION CERTIFICATE

- a. Once the conditions established under this Bylaw and the Revitalization Tax Exemption Agreement have been met, a Revitalization Tax Exemption Certificate will be issued.

6. CANCELLATION OF AN EXEMPTION CERTIFICATE

- a. An Exemption Certificate may be cancelled by the City if any of the following occur:
 - the Owner breaches any conditions of this Bylaw, the Agreement, or the Exemption Certificate;
 - the Owner allows the property taxes to go into arrears; or
 - the Owner requests the Exemption Certificate to be cancelled.

7. BYLAW REVISIONS

- a. Council authorizes the revision of City of Enderby Revitalization Tax Exemption Bylaw No. 1663, 2018 in accordance with the revisions authorized pursuant to Section 1(2) of Bylaw Revision Regulation 367/2003.
- b. The Revitalization Tax Exemption Bylaw, as revised under a revision Bylaw, shall be brought before Council for consideration of first, second and third readings and adoption in accordance with Part 5 of the City of Enderby Council Procedure Bylaw No. 1502, 2012, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revised bylaw has been revised in accordance with Section 3 of Bylaw Revision Regulation 367/2003.

8. SEVERABILITY

- a. If any section, subsection or phrase of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the section, subsection or phrase may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.
- b. Any enactments referred to herein is a reference to an enactment of British Columbia and regulation thereto, as amended, revised, consolidated or replaced from time to time.

READ a FIRST time this ____ day of _____, 201_.

READ a SECOND time this ____ day of _____, 201_.

READ a THIRD time this ____ day of _____, 201_.

NOTICE pursuant to Section 227(3) of the Community Charter provided on the ____ day of _____, 201_, and the ____ day of _____, 201_.

ADOPTED this ____ day of _____, 201_.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2018 Month: 09

| Folder Type | 2018 / 09 | | | 2017 / 09 | | | 2018 to 09 | | | 2017 to 09 | | |
|------------------------------|----------------|--------------------|----------------|----------------|--------------------|----------------|----------------|--------------------|------------------|----------------|--------------------|-------------------|
| | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value |
| ACCESSORY BUILDING | 0 | 0 | 0 | 1 | 0 | 27,000 | 0 | 0 | 0 | 4 | 0 | 61,000 |
| AGRICULTURAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| COMMERCIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 4,800 |
| DEMOLITION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| END - ACCESSORY BUILDING | 1 | 0 | 10,000 | 0 | 0 | 0 | 3 | 0 | 26,000 | 0 | 0 | 0 |
| END - COMMERCIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 50,000 | 0 | 0 | 0 |
| END - DEMOLITION | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| END - INDUSTRIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 200,000 | 0 | 0 | 0 |
| END - MODULAR HOME | 1 | 0 | 14,000 | 0 | 0 | 0 | 4 | 1 | 192,000 | 0 | 0 | 0 |
| END - MULTI FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 302,000 | 0 | 0 | 0 |
| END - SINGLE FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 3 | 1,584,318 | 0 | 0 | 0 |
| INDUSTRIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| INSTITUTIONAL | 0 | 0 | 0 | 1 | 0 | 160,000 | 0 | 0 | 0 | 1 | 0 | 160,000 |
| MANUFACTURED HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MODULAR HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 160,000 |
| MULTI FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 36 | 7,964,000 |
| PLUMBING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| POOL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RETAINING WALL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SIGN | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SINGLE FAMILY DWELLING | 0 | 0 | 0 | 1 | 1 | 218,000 | 0 | 0 | 0 | 11 | 5 | 2,020,500 |
| SOLID FUEL BURNING APPLIANC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Report Totals | 2 | 0 | 24,000 | 3 | 1 | 405,000 | 22 | 6 | 2,354,318 | 21 | 41 | 10,370,300 |

RDNO Building Permits Issued by Date Range

Category: BUILDING PERMITS

Type: ALL

Area: CITY OF ENDERBY

From Date: Sep 1, 2018 To Date: Sep 30, 2018

| Report Code | Folder Number / Ref. / Folio | Status | Issued Date | Completed Date | Unit | House | Street | New Units / SQM | Value |
|-------------|------------------------------|--------|-------------|----------------|------|-------|--------|-----------------|-------|
|-------------|------------------------------|--------|-------------|----------------|------|-------|--------|-----------------|-------|

END - ACCESSORY BUILDING

| | | | | | | | | | |
|--------|--|--------|-------------|--|--|--|-------------------|----------|-----------|
| NEWACC | BP024945 18-0669-END-BP 208.0633.002 | ACTIVE | Sep 4, 2018 | | | | 137 SALMON ARM DR | 0 111 | 10,000.00 |
|--------|--|--------|-------------|--|--|--|-------------------|----------|-----------|

Report Code Totals Permits: 1 0 10,000.00

Folder Type Totals Permits: 1 0 10,000.00

RDNO Building Permits Issued by Date Range

Category: BUILDING PERMITS

Type: ALL

Area: CITY OF ENDERBY

From Date: Sep 1, 2018 To Date: Sep 30, 2018

| Report Code | Folder Number / Ref. / Folio | Status | Issued Date | Completed Date | Unit | House | Street | New Units / SQM | Value |
|-------------|------------------------------|--------|-------------|----------------|------|-------|--------|-----------------|-------|
|-------------|------------------------------|--------|-------------|----------------|------|-------|--------|-----------------|-------|

END - MODULAR HOME

| | | | | | | | | | |
|--------|--|--------|--------------|--|----|-----|----------------|--------|-----------|
| ADDMOD | BP024947 18-0671-END-BP 208.7002.350 | ACTIVE | Sep 14, 2018 | | 35 | 130 | CLIFFVIEW LANE | 0 0 | 14,000.00 |
|--------|--|--------|--------------|--|----|-----|----------------|--------|-----------|

| | | | |
|---------------------------|-------------------|----------|------------------|
| Report Code Totals | Permits: 1 | 0 | 14,000.00 |
| Folder Type Totals | Permits: 1 | 0 | 14,000.00 |
| Report Totals | Permits: 2 | 0 | 24,000.00 |

Agenda

THE CORPORATION OF THE CITY OF ENDERBY
MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: October 9, 2018
Subject: Appointment of Municipal Auditor

RECOMMENDATION

THAT Council appoints BDO Canada LLP as the City's municipal auditor.

BACKGROUND

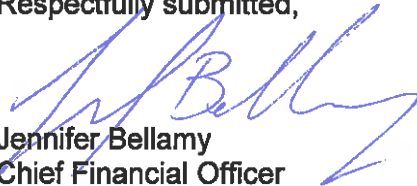
The City was recently notified that its current auditor will no longer be conducting municipal audits. In response, staff issued a formal Request for Proposals, which closed on October 5, 2018. Two proposals were received for the 2018 to 2020 period:

| | 2018 | 2019 | 2020 |
|----------------|-----------|-----------|-----------|
| BDO Canada LLP | \$ 14,840 | \$ 15,370 | \$ 15,900 |
| KPMG LLP | \$ 19,900 | \$ 20,200 | \$ 20,500 |

Both audit firms have comparable knowledge and expertise in municipal audits. The audit fee for the 2017 audit was \$15,390.

Although the amount of the proposals falls below the City's purchasing policy threshold for requiring Council approval, section 169 of the *Community Charter* states that Council must appoint an auditor for the municipality.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: October 11, 2018
Subject: Royal Canadian Legion Branch #98 - Road Closure Application

RECOMMENDATION

THAT Council receives the Royal Canadian Legion Branch #98's Road Closure Application for information.

BACKGROUND

The Royal Canadian Legion Branch #98 has submitted a Road Closure Application (attached) related to the Remembrance Day Service on November 11, 2018.

As this is not a first-time event and all requirements for road closure have been met consistent with the Temporary Road Closures for Community Events policy, Staff have approved the application.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

| | |
|--------------|--|
| Policy Title | Temporary Road Closures for Community Events |
|--------------|--|

| | | |
|---------------------------------|---|---------------------------------|
| Adopted: August 13, 2012 | <u>Authorized By:</u> Mayor and Council Regular Meeting of August 13, 2012 | Replaces: Not applicable |
|---------------------------------|---|---------------------------------|

PURPOSE:

The City will consider approving the temporary closure of municipal roads for a community event.

POLICY:

Temporary road closures will only be considered for community events which are sponsored by a recognized organization.

The Chief Administrative Officer or designate is granted the authority to approve a Temporary Road Closure Permit on behalf of Council, subject to the applicant meeting all the requirements of this policy. First time events must be approved by City Council.

A completed Schedule A, "Application for Temporary Road Closure," shall be submitted to City Hall at least 21 days prior to the closure. The application must include a map of the proposed road closure and emergency access through the closure. Applications for first-time or relocated events requiring Council approval must be submitted two months prior to the closure.

The organizer shall notify and consult with business owners within a one-block radius of the proposed road closure and residents adjacent to the proposed road closure. The organizer agrees to take reasonable steps to mitigate disruption for affected business owners and residents. Failure to adequately notify and consult affected businesses and residents may result in revocation of permit or refusal of future applications. Unless exempted by Council, all first-time or relocated event applications must include a petition signed by a majority of affected business owners agreeing to the proposed event.

The applicant for a Temporary Road Closure must submit proof of public liability and property damage insurance in a form acceptable to the City. The applicant may request that insurance requirements be waived based on the risk profile of the event. Such waiver does not affect any other responsibility of the applicant to obtain insurance.

The applicant shall be responsible for all traffic management, including the provision, set up, and removal of signs and barricades on the same day as the road closure.

The applicant shall be responsible for ensuring that all food service establishments, including but not limited to mobile vending units, food services at temporary events, and sellers of home-prepared foods, shall have the appropriate authorization or permit from Interior Health.

The applicant shall be responsible for emptying municipal garbage receptacles and cleaning up litter from the road closure area on the same day as the closure.

As a condition of permit, the City of Enderby will not be liable or otherwise responsible for any scheduling conflict, revocation, refusal, maintenance closure or other damage or harm related to the issuance of this permit.

**Schedule A
Application for a Temporary Road Closure for a Community Event**

Is this a first-time or relocated event? Yes No

Name of Sponsoring Organization ROYAL CANADIAN LEGION, BR # 98

Name of Contact Person CINDY TOTTENHAM

Telephone or Email (250) 838-7283 (250) 550-5363 (cell) enderbylegion@gmail.com

Name of Event REMEMBRANCE DAY

Date(s) of Closure NOVEMBER 11, 2018

Start time for Closure 10:00 End time for Closure 11:30

Location of Closure BELVEDERE (IN FRONT OF LEGION) / MILL AVE (VETERAN'S WAY)

IN FRONT OF CENOTAPH TO MAUD ST

Required Attachments

- Map showing closure and emergency access route
- Petition of affected business owners (if applicable)
- Certificate of insurance (if applicable)

Indemnity: The applicant agrees to indemnify and save harmless the City of Enderby from and against any and all claims, including but not limited to harm, damage, injury, or loss to body or property caused by, arising from, or connected with any act or omission of the applicant or any agent, employee, customer licensee or invitee of the applicant, and against and from all liabilities, expense costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the property, facilities, or services of the City. The applicant will be required to obtain and keep in force throughout the period of use insurance in a form specified by the City of Enderby unless waived in writing.

Authorized Signatory [Signature] Date 28 SEP 18

| | | | |
|---|--------------------------------------|------|--------------------------------------|
| Do Not Complete - For Administrative Purposes | | | |
| Approved by | <u>[Signature]</u> | Date | <u>Oct 1, 2018</u> |
| Certificate of Insurance | <input checked="" type="radio"/> Yes | No | N/A |
| Map | <input checked="" type="radio"/> Yes | No | N/A |
| Petition of Affected Business Owners | <input type="radio"/> Yes | No | <input checked="" type="radio"/> N/A |

August 29, 2018

Agenda

Commissioner Brenda Lucki
Royal Canadian Mounted Police
RCMP National Headquarters
73 Leikin Drive
Ottawa, Ontario K1A 0R2

Re: Auxiliary Constable Uniforms

Dear Commissioner Lucki,

On behalf of the Union of B.C. Municipalities (UBCM) and B.C. RCMP Local Government Contract Management Committee (LGCMC), we write to you today to express our reservations regarding the RCMP's proposed Auxiliary Constable uniform. It is our hope that you will introduce a new uniform that visually conveys the professionalism and authority held by Auxiliary Constables.

Local government concerns are consistent with those expressed by the Province of British Columbia (see attachment). These concerns relate to the use of the word "volunteer," which we believe fails to reflect the importance of the position of Auxiliary Constable. A uniform that projects a sense of professionalism to the public is highly beneficial, especially as it relates to some of the security duties (e.g. managing large-scale public events) that Auxiliary Constables often perform.

LGCMC members have also reported a large number of Auxiliary Constables leaving the RCMP, beginning in 2016 when a series of changes limiting the scope of the Auxiliary Program were introduced. Adopting a uniform that conveys a professional image may help to reverse the trend, and bring Auxiliaries back to the RCMP.

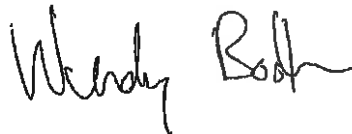
With many local governments having lost Auxiliary Constables, UBCM and the LGCMC seek an immediate solution. We would be pleased to meet with you at a time of your convenience to discuss this issue in greater detail. Bhar Sihota, UBCM Policy Analyst, may be reached at bsihota@ubcm.ca or (604) 270-8226 Ext. 114 to arrange a meeting.

We look forward to your response.

Kind Regards,



Councillor Bruce Hayne
Co-Chair, LGCMC



Director Wendy Booth
President, UBCM

cc: *Clayton J.D. Pecknold, Assistant Deputy Minister and Director of Police Services,
Ministry of Public Safety and Solicitor General*

Brenda Butterworth-Carr, Commanding Officer, RCMP 'E' Division

Kevin Brosseau, Deputy Commissioner, Contract and Aboriginal Policing, RCMP



June 13, 2018
Ref: 544615

Deputy Commissioner Brenda Butterworth-Carr
Commanding Officer, RCMP "E" Division
Mailstop 308
14200 Green Timbers Way
Surrey BC V3T 6P3

Dear Deputy Commissioner Butterworth-Carr:

I am writing with regard to the future of the Auxiliary Constable Program in British Columbia.

I appreciate the work that has gone into developing the new Program and that its roll-out in British Columbia is much anticipated. I can also appreciate that the safety of Auxiliary Constables is paramount. However, there are still aspects of the new Program that are not acceptable to the Ministry, including the uniform proposals. British Columbia will have a uniformed Auxiliary Constable Program. Auxiliaries in British Columbia will continue to be appointed as Auxiliary Constables under the *Police Act* and the uniform they wear should portray the status they hold. While we have expressed our dissatisfaction with the use of "Volunteer" being so predominantly displayed on the uniform, the modifications to add "Auxiliary" identifiers fell short. As well, the requirement to wear a high visibility vest or yellow patrol jacket with large "Volunteer" wording does not, in our view, portray a professional image. As such, we do not support the uniform specifications proposed by NHQ.

I want to also reiterate that the Ministry does not support a Tier 1 uniform for Auxiliary Constables in British Columbia, nor would we pay for the Tier 1 uniform. It is expected that any Tier 1 duties would be done in uniform under the appropriate supervision.

Until the uniform is addressed, we are not in a position to respond to other outstanding issues, such as who will pay for the revised uniform. We are currently reviewing the new National Insurance Standards and will respond to that in the near future.

.../2

Ministry of Public Safety and
Solicitor General

Policing and Security Branch

Mailing Address:
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Telephone: 250 387-1100
Facsimile: 250 356-7747
Website: www.gov.bc.ca/pssg

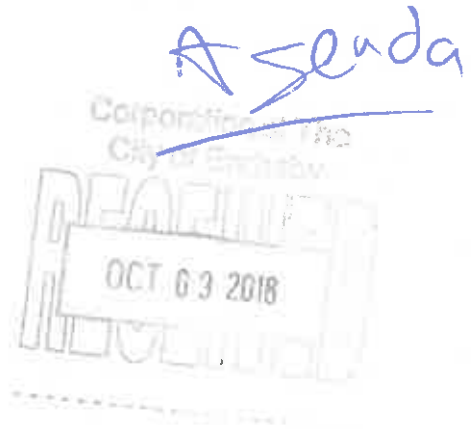
Deputy Commissioner Butterworth-Carr
Page 2

We look forward to resolving these outstanding issues and re-building the Auxiliary Program in British Columbia.

Yours truly,

A handwritten signature in black ink, appearing to read 'Clayton J.D. Pecknold', written in a cursive style.

Clayton J.D. Pecknold
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch



October 4, 2018

Mayor and Council
City of Enderby
PO Box 400
Enderby BC V0E 1V0

Dear Mayor and Council:

The Province will be able to issue licences for the retail sale of non-medical cannabis on or after October 17, 2018, and we are currently in the process of assessing the applications that have been submitted to us.

Our consultations with local governments indicated you wanted to ensure that the needs of your communities were considered as part of the licensing process. We would like to take this opportunity to explain the important role local governments have in cannabis licensing.

It will be up to each municipality to determine if and where non-medical cannabis can be sold, and whether it is sold in private or government stores, or a mixture of both.

Once an application is received by the provincial government and it is deemed to contain the required information, the Province will notify the respective local government of the area where the proposed store is located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the Province cannot issue a licence unless the local government gives a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence.

If the local government makes a recommendation to deny the application then the Province may not issue the licence, and if a recommendation in favour of the application is made, then the Province has discretion whether or not to issue the licence, but must consider the local government's recommendation in the decision whether to issue a licence.

.../2

Mayor and Council
Page 2

The Province will notify local governments about applications in the order that they are confirmed as complete. This ensures that you will have all the information you need to begin your process of making a recommendation.

We would also like to remind local governments that they may delegate the recommendation decision to staff.

We invite you to review the enclosed Local Government's Role in Licensing Cannabis Retail Stores for detailed information that will help you navigate the recommendation process. If after reviewing this information you have any questions, please email Cannabis.Licensing@gov.bc.ca.

Thank you for your consideration in this important new process.

Yours truly,



David Eby, QC
Attorney General



Mike Farnworth
Minister of Public Safety
and Solicitor General

Enclosure

pc: Chief Administrative Officer Tate Bengtson



Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 28 September, 2018)

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issue)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents
 - if it makes a recommendation to deny the application then the LCRB may not issue the licence
 - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

What must the local government's recommendation include?

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

What if the local government does not want to provide a recommendation?

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

How long does the local government have to provide comments?

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

Can the local government recommend approval subject to certain conditions?

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

Council as defined in the Vancouver Charter:

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

Right of reconsideration:

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

How local governments inform the LCRB of delegation:

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at Cannabis.Licensing@gov.bc.ca.

Revised
September
2018