

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: October 4, 2021
TIME: 4:30 p.m.
LOCATION: Enderby City Hall

Please contact Enderby City Hall at 250-838-7230 or info@cityofenderby.com by **3:30 pm on the day of the meeting** to obtain access codes to attend the meeting electronically.

The City of Enderby uses Zoom for its electronic facilities and encourages members of the public unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

If you do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

When applicable, public hearing materials are available for inspection at www.cityofenderby.com/hearings/

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

2.1. Meeting Minutes of September 20, 2021 Page 1

3. DEVELOPMENT MATTERS AND RELATED BYLAWS

0038-21-DVP-END (Borhaven) Page 11

Legal: LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE
6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN
KAP92074

Address: 17 Preston Drive West, Enderby BC

Applicant: Eric Borhaven (Tonka Construction Ltd.)

Owner(s): Deborah and Joseph Deveau

**4. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES
AND DELEGATIONS**

4.1. Committee of the Whole

5. REPORTS

5.1. Mayor and Council Reports Verbal

5.2. Area F Director Report Verbal

5.3. Chief Administrative Officer Report Verbal

6. NEW BUSINESS

6.1. Fire Department Engine 12 Replacement Purchase Page 12

Memo prepared by Chief Administrative Officer dated September 30, 2021

7. CORRESPONDENCE AND INFORMATION ITEMS

7.1. Bylaw Enforcement Statistics for Second Period of 2021 (May-Aug) Page 16
Memo prepared by Planner and Deputy Corporate Officer dated September 28, 2021

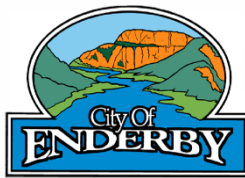
7.2. City of Langley: Appointment of Directors to Regional District Board Page 20
Correspondence dated September 15, 2021

8. PUBLIC QUESTION PERIOD

9. CLOSED MEETING RESOLUTION

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

10. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Monday, September 20, 2021 at 4:30 p.m. in Council Chambers.

Present: Councillor Tundra Baird
Councillor Brad Case (Acting Mayor)
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Shawn Shishido
Councillor Brian Schreiner

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

Other: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Davyduke, seconded by Councillor Knust
“THAT the September 20, 2021 Council Meeting agenda be approved as circulated.”
CARRIED

ADOPTION OF MINUTES

Meeting Minutes of July 12, 2021 – Amended (Administrative Error)
Moved by Councillor Shishido, seconded by Councillor Case
“THAT the July 12, 2021 Council Meeting minutes be approved as amended.”
CARRIED

Meeting Minutes of September 7, 2021
Moved by Councillor Shishido, seconded by Councillor Case
“THAT the September 7, 2021 Council Meeting minutes be approved as circulated.”
CARRIED

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

None

REPORTS**Councillor Schreiner**

The Splat-sin Walking their Children’s Spirits Home Journey from the Kamloops Indian Residential School to Enderby took place from September 8-10. Councillor Schreiner was able to attend the ceremony on September 10.

RDNO Rail Trail Meeting on Wednesday, September 22, 2021.

RDNO Building Permit Report – August 2021

Moved by Councillor Shishido, seconded by Councillor Baird

“THAT Council receives and files the RDNO Building Permit Report for August 2021.”

CARRIED

Chief Administrative Officer

- After Action Review management team meeting completed following heavy wildfire activity throughout the summer.
- Lots of new development happening in the community which involves extensive City Staff time.
- Working with Recreation Services to implement new regulations at out facilities.
- Water leak in the Curling Club lounge has resulted in damage to the concession and hallway area at the Arena; repairs will be needed and hazardous material assessment in progress.
- Kick-off meeting for arena condition assessment is scheduled, with a site visit to follow shortly thereafter.
- Diamond 2 infield at Riverside RV Park is being renewed.
- Sanitary sewer flushing is being performed this week.
- Granville Getaway Boulevard Enhancement project scheduled for the end of September.
- Water leak at River RV Park campground repaired.
- Met the new Chief Executive Officer for Splat-sin Development Corporation.

Councillor Knust

Requested an update on the next planned C2C meeting with Splat-sin. Staff is waiting to hear back from Council on the agenda items that it would like to discuss.

NEW BUSINESS**Regulations Relating to the Keeping of Chickens and Bees**

Moved by Councillor Baird, seconded by Councillor Knust

“THAT Council directs Staff to implement both of the proposed regulatory frameworks for backyard chickens and beekeeping, which would be accompanied by a permitting system, as outlined in Schedules ‘A’ and ‘B’ respectively;

AND THAT Council supports a 6-month grace period for property owners who currently have non-compliant backyard chickens or bees to bring their property into compliance with the new regulatory frameworks, prior to any enforcement occurring.”

CARRIED

Council discussed inspection process, permitting standards and 6-month grace period. Staff are

anticipating that the permit application process will be fairly high level but would trigger an inspection process to ensure applicants are meeting regulations. This would help with enforcement should there be any compliance issues. Council discussed Temporary Use Permits for those who wish to keep more than the allotted number of chickens or bees. There were some concerns about rats and the pros and cons of regulating animals within City limits.

Council discussed the additional demand on Staff capacity and strategic planning initiatives. While there is a desire to encourage sustainable living, the additional Staff hours required to regulate a permitting process will have an impact. Residents are already keeping chickens and bees in single family residential lots. This allows for a proper framework to inspect and regulate them while supporting food initiatives in our community.

Review of North Okanagan Regional Housing Strategy

Moved by Councillor Case, seconded by Councillor Baird

“THAT Council directs Staff to send correspondence to the Regional District of North Okanagan stating that City of Enderby supports the draft North Okanagan Regional Housing Strategy, but requests that the Strategy emphasizes that a regional approach to housing must consider the context of each community when determining the types of housing that are appropriate, in order to ensure that the types of housing within each community is matched to the social supports that occupants may need in order to maintain their quality of life.”

CARRIED

PUBLIC QUESTION PERIOD

Heather Black, Okanagan Advertiser, requested clarification regarding the Temporary Use Permit for chickens in residential areas. This would be required for those wishing to have more than five (5) chickens, or those wishing to go outside of the permitted regulations. The application fee for a Temporary Use Permit is \$650.00.

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Baird (5:09 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) (k) of the Community Charter.”

CARRIED

ADJOURNMENT

Moved by Councillor Davyduke, seconded by Councillor Knust

“That the regular meeting of September 20, 2021 adjourn at 6:07 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No: 0038-21-DVP-END

September 23, 2021

APPLICANT: Eric Borhaven (Tonka Construction Ltd.)

OWNER: Deborah and Joseph Deveau

LEGAL DESCRIPTION: LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN KAP92074

PID #: 028-605-497

LOCATION: 17 Preston Drive West, Enderby BC

PROPERTY SIZE: 567 m² (0.14 acres)

ZONING: Residential Single Family (R.1-A)

O.C.P DESIGNATION: Residential Low Density

PROPOSAL: Construct a single-family dwelling

PROPOSED VARIANCE: Vary Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet)

RECOMMENDATIONS:

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 6 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP92074 and located at 17 Preston Drive West, Enderby B.C. to permit a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on the attached Schedule 'A'.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 17 Preston Drive West, Enderby BC. The applicant is proposing to construct a single-family dwelling and in order to accommodate the proposed siting of the dwelling the applicant is requesting a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback

from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on the site plan attached to this memorandum as Schedule 'A'.

Site Context

The 567 m² (0.14 acre) subject property is undeveloped and is located on the eastern side of Preston Drive West, on the inside corner of a sharp curve in the road. The property slopes in an easterly and northerly direction. The eastern portion of the property abuts a drainage ditch, which is encumbered by a 3.0 m (9.84 feet) statutory right-of-way permitting the City to access the drainage ditch.

The subject property and properties to the west, north, east, and southeast are all zoned Residential Single Family (R.1-A) and are designated in the Official Community Plan (OCP) as Residential Low Density, while the property to the southwest is zoned Country Residential (C.R) and is designated in the OCP as Residential Low Density.

The following figure shows the zoning designations of the subject and surrounding properties:

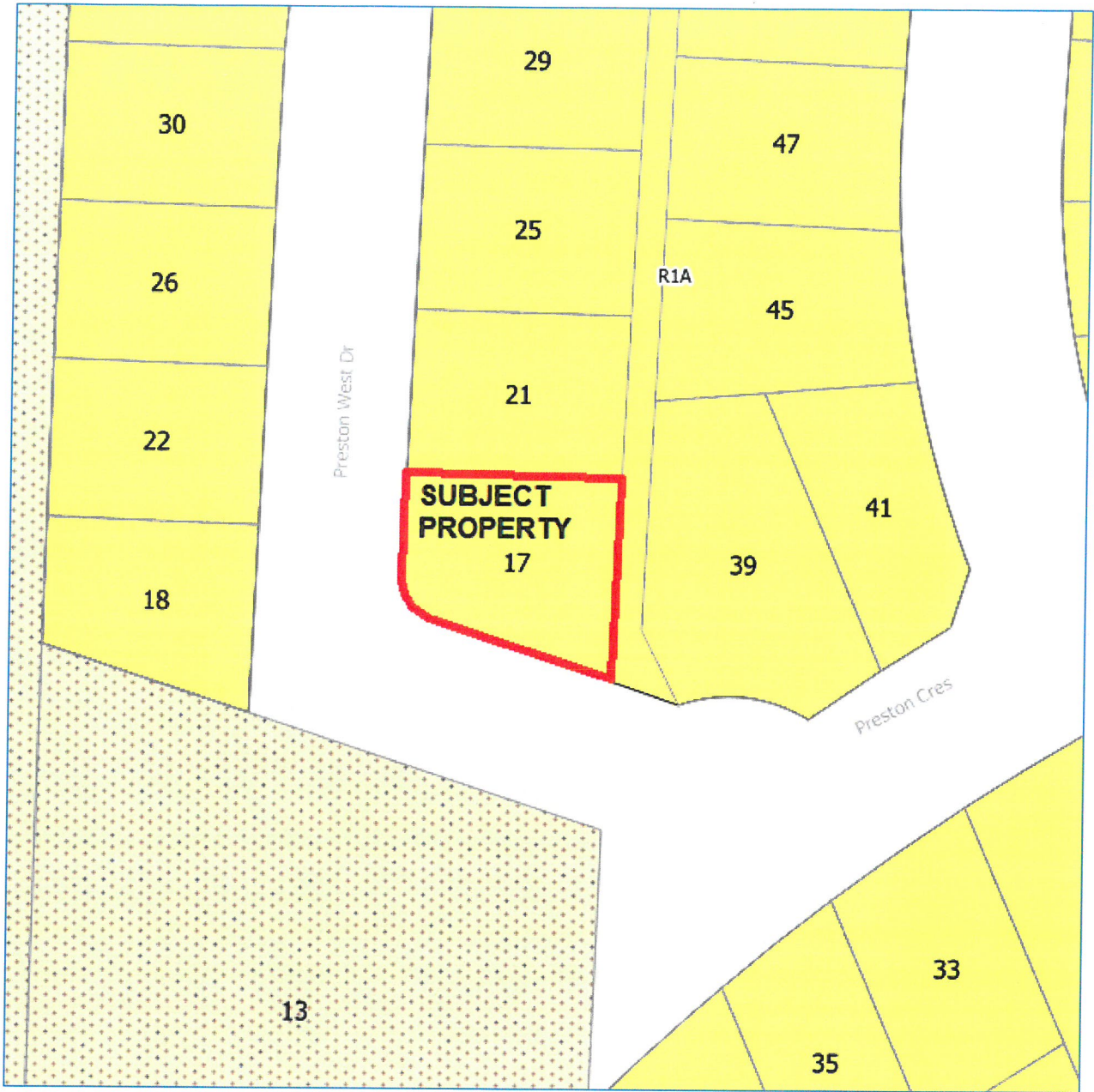


Figure 1: Zoning Map

Yellow - Residential Single Family (R.1-A) Zone
 Dotted - Country Residential (C.R) Zone

The following orthophoto of the subject and surrounding properties was taken in 2019:



Figure 2: Orthophoto

The Proposal

The applicant is proposing to construct a single-family dwelling on the subject property and is proposing a variance to the Zoning Bylaw in order to reduce the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on Schedule 'A'.

ZONING BYLAW:

The subject property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential buildings, single-family dwellings, secondary suites, bed and breakfasts, civic

and public service use, and restricted agricultural use. The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted items require a variance):

CRITERIA	R.1-A ZONE REQUIREMENTS	PROPOSAL
Floor Area (min.)	60 m ² (645.8 square feet)	> 60 m ² (645.8 square feet)
Building Height (max.)	9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 8 m (26.25 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 8 m (26.25 feet) above the midpoint of the rear property line on which the residence is located	< 9 m (29.53 feet) or 8 m (26.25 feet) above the centre line of the road immediately adjacent to the center of the front of the residence
Lot Area (min.)	450 m ² (4,844 square feet)	567 m ² (6,100 square feet)
Lot Coverage (max.)	50%	< 50%
Lot Frontage (min.)	15 m (49.21 feet)	> 15 m (49.21 feet)
Setbacks (min.)		
Front Yard	6 m (19.68 feet)	6 m (19.68 feet)
Rear Yard	6 m (19.68 feet)	5.58 m (18.31 feet)
Side Yard	1.2 m (3.94 feet)	1.22 m (4.00 feet)
Exterior Side Yard	5 m (16.40 feet)	5.39 m (17.69 feet)
Other buildings	3 m (9.842 feet)	N/A

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief. No concerns were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to vary Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet), as shown on Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- The proposed setback reduction is relatively minor in nature (i.e. 0.42 m/1.38 feet), and thus the proposed dwelling will be sited in a manner similar to the neighbouring dwellings and will not detract from the built form of the neighbourhood;
- Given the subject property's location on the inside corner of a sharp curve along Preston Drive West, coupled with the lot's irregular shape, it significantly reduces the ability to construct a dwelling without requiring variances to either the front, rear, or exterior side yard setbacks;
- A reduced rear yard setback will not impact the use and enjoyment of the residential property to the east, given that the proposed reduction is relatively minor and nature and there is a 3 m (9.842 feet) wide dedication between the properties that acts as a buffer;
- It is not anticipated that the proposed variances would negatively affect the use and enjoyment of the subject or neighbouring properties.

SUMMARY

This is an application for a Development Variance Permit for the property located at 17 Preston Drive West, Enderby BC. The applicant is proposing to construct a single-family dwelling and in order to accommodate the proposed siting of the dwelling the applicant is requesting a variance to Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback from 6 m (19.68 feet) to 5.58 m (18.31 feet).

The City of Enderby Planner is supportive of the variance request and is recommending that Council authorize the issuance of a Development Variance Permit.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:

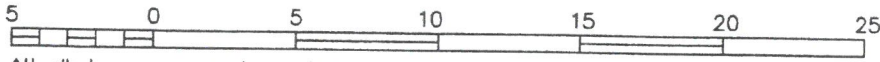


Tate Bengtson
Chief Administrative Officer

Schedule 'A'

Plan Showing Proposed Building
on Lot 6, Sec 27, Tp 18, Rge 9,
W6M, KDYD, Plan KAP92074

Scale 1: 250



All distances are in metres.

The intended plot size of this plan is 215mm in width by 280mm in height (A size) when plotted at a scale of 1:250



- Date of Plan August 4, 2021
- Dimensions derived from Plan KAP92074

Civic Address: 17 Preston Drive West, Enderby

Parcel Identifier(PID): 028-605-497

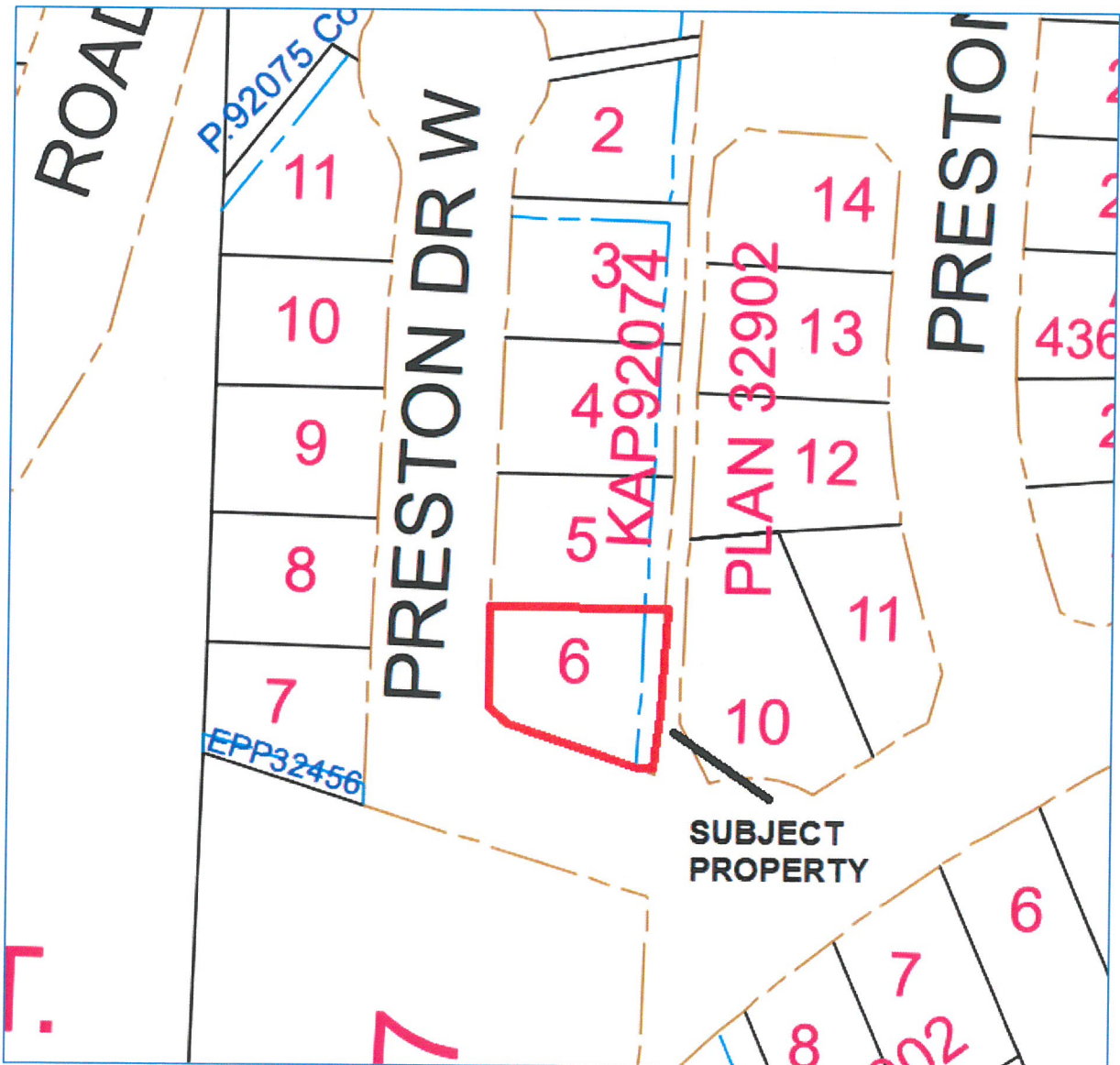
List of documents registered on title which may affect the location of improvements:
Statutory Building Scheme LB465516
Statutory Right of Way LB465515
Permit under Part 26 of the LGA LB240036

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B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 29-21

THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0038-21-DVP-END
Applicant: Eric Borhaven (Tonka Construction Ltd.)
Owner: Deborah and Joseph Deveau
Location: 17 Preston Drive West, Enderby BC



MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: September 30, 2021
Subject: Fire Department Engine 12 Replacement Purchase

RECOMMENDATION

THAT Council approves the purchase of the replacement for Engine 12 from HUB Fire Engines and Equipment Ltd., valued at \$709,774.00 plus taxes.

BACKGROUND

Context

Firefighting capacity is rated by the Fire Underwriters Society (“FUS”), which determines the protection rating for areas with fire department coverage. In addition to providing an objective metric for assessing needs, the property insurance industry uses the FUS ratings to determine rate discounts.

Internal factors considered by FUS include the number and type of apparatus, number of firefighters, response times, apparatus age, and engine pumping capacity. External factors considered by FUS include proximity to a fire hall, distribution system pump sizes and redundancy, fire flows, reservoir storage capacity, and hydrant locations and maintenance.

FUS has established a 2,500 Imperial Gallons Per Minute (“IGPM”) Basic Fire Flow rate and a 3,200 IGPM Industrial Fire Flow rate for engine pumping capacity, based on its 2008 assessment of the fire protection area (which includes the City of Enderby and the Shuswap River Fire Protection District; there is a fire suppression municipal-type servicing agreement for Splatsin IR#2). At the time, FUS did not anticipate a need for a significant increase over the engine pumping rate criteria over the medium-term horizon, but this could be impacted by significant residential and commercial/industrial growth.

Existing Engine 12

Engine 12 was constructed in 1992. Engine 12 has a pump rate of 1,050 IGPM and a tank size of 800 gallons. Engine 12 is critical to the department’s firefighting capabilities.

Engine 12 has been in service for 29 years. 25 years is the typical accreditation limit for small communities. The City applied for a 5-year accreditation extension on Engine 12 from FUS. This application, which is available to smaller communities that log lower service hours on apparatus, subject to a rigorous demonstration of the apparatus' reliability, was successful.

Without Engine 12 being replaced, the fire department would be credited with 2,090 IGPM engine pumping capacity. This is below the recommended 2,500 IGPM Basic Fire Flow and 3,200 IGPM Industrial Fire Flows established by FUS for the fire protection area.

In anticipation of the retirement date for Engine 12, a fleet assessment was commissioned through Mitchell and Associates. The assessor was tasked with making a recommendation on the current and future needs of the protection area based on a variety of factors, including relevant FUS criteria.

The assessment recommended that "Engine 12 be replaced with another Engine with a minimum of 1,250 IGPM but considering a higher capacity of 1,500 IGPM" due to anticipated changes in FUS assessment criteria and new growth. Under the recommended configuration, the fire department would have an engine pumping capacity of 3,590 IGPM.

The assessment also recommended that the new Engine be "configured as a Rescue Engine with appropriate rescue tools, given that Rescue 17 carries no on-board water, nor does it have pumping capacity." A Rescue Engine configuration gives the fire department more response flexibility, particularly when triaging multiple incidents, dealing with a road rescue involving an engulfed vehicle, or maintaining fire protection capacity within the fire protection area while responding to a road rescue at the fringes of the road protection area (which is significantly larger than the fire protection area).

Consistent with the assessment's recommendations, the replacement unit that is being recommended in this memorandum will have the following capabilities:

- 1,500 IGPM pumps
- 700 gallon tank
- Rescue Engine configuration

Selection Process

A Fire Department selection team engaged with leading apparatus suppliers to prequalify for technical consultation. A fundamental value that was considered during this early stage was whether the apparatus supplier had a service outlet close to the Fire Hall, as this is critical for minimizing out-of-service time for emergency vehicles.

Three apparatus suppliers were engaged: E1 (Safetek), HUB, and Rosenbauer. After the initial engagement, the two suppliers with the lowest bids were deemed to be most suitable for further technical engagement (the third supplier was approximately \$100,000 over the other suppliers on the base unit, prior to any technical modifications).

The two apparatus suppliers qualified for technical engagement were E1 (Safetek) and HUB.

Prices (before taxes; note that the City gets the GST rebated):

- E1 (Safetek) 674,292
- HUB 709,744

The selection team evaluated the proposals and has recommended that the purchase order be awarded to HUB, for the following reasons:

- Quality parts and components – HUB offers higher quality parts that will be more durable and resilient, which will save on maintenance costs over the long term while providing more reliability during emergency responses.
 - Among other things, the HUB unit comes with a double frame that is hot-dip galvanized and powder-coated, with a lifetime warranty; the E1 (Safetek) unit comes with a single frame that is painted, with a one-year warranty.
- Customizations – HUB offers a significant degree of customization and builds its cabinetry to specification, which has enabled the selection team to build the unit with improvements particular to the department’s firefighting responsibilities, technical needs, and capacity, including:
 - Compartment sizes – compartments have been configured to avoid equipment stacking and layering through size specifications and custom mounting racks, which improves the speed of access to firefighting equipment.
 - Flexibility with the preconnect hose (the first hose pulled when arrive on scene) – due to the customized build of the tank, the preconnect hose can be deployed from either side of the apparatus, which provides for a better range of staging options at the incident scene.
 - Tower lighting rather than pole lighting – the vertical tower lights can be operated remotely, so the apparatus operator can extend the lights without requiring two firefighters to manually deploy the pole lights; the lights will also be LED powered and capable of running off the apparatus’ battery rather than a generator.
 - Unit controls are enclosed to eliminate water and weather impacts.
 - Top storage area is enclosed to protect its contents, which normally includes extra hoses, cylinders, etc.
 - Hose reel located to create an additional compartment in support of the Rescue Engine configuration.

The selection team’s assessment evaluated the competing unit prices over and against other values, such as component quality and the ability to customize the unit to make emergency response more effective and efficient.

For the above reasons, the selection team is recommending that Council authorize the purchase of the HUB model.

Partner Engagement

The City of Enderby has an operating agreement with the Shuswap River Fire Protection District. This partnership cost-shares the operating and capital costs of the department.

A discussion with the Shuswap River Fire Protection District board has occurred; its support for the recommendation to Council has been affirmed.

Financial Implications

HUB has guaranteed its price until October 19, 2021. Due to fluctuations in the supply chain and currency, the price is subject to change if not confirmed by that date.

The City's Chief Financial Officer has advised that there are sufficient funds in the Fire Department equipment reserve to fund the City's portion of the replacement for Engine 12 without any increase to taxation.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: September 28, 2021
Subject: Bylaw Enforcement Statistics for Second Period of 2021 (May-Aug)

RECOMMENDATION

THAT Council receives this memorandum for information.

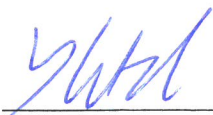
BACKGROUND

The bylaw enforcement statistics for the second period of 2021 (May-Aug) are attached to this memorandum as Appendix "A"; the highlights of these statistics are as follows:

- A total of 105 complaints were received between May 1, 2021 and August 31, 2021, which is slightly less than the second period of 2020 (118 complaints);
- The most common complaints were related to unsightly properties, excessive barking, and unlawful parking (combined 54.3% of complaints);
- Of the 105 complaints, 77 (73.3.0%) were resolved through voluntary compliance or were already compliant upon investigation;
- The following enforcement measures were undertaken:
 - 15 warnings issued;
 - 5 Bylaw Notices issued;
 - 6 Orders to Comply issued;
 - 2 placement/renewal of property on Enhanced Compliance Schedule; and
 - 1 vehicle towed.

The City received 1 COVID-19 related complaint in the second period of 2021, which was a report of a local business not adhering to WorkSafe BC requirements with respect to masks; City Staff followed up with the business and determined that they were compliant with WorkSafe BC requirements and were adhering to their COVID-19 Safety Plan.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

Appendix "A" - BYLAW COMPLAINT STATISTICS FOR SECOND PERIOD OF 2021 (MAY-AUG)

BREAKDOWN OF COMPLAINTS		
Category	No. of Complaints	Percentage of Complaints
Property	44	41.9%
Parking/traffic	24	22.9%
Dogs	17	16.2%
Zoning	11	10.5%
Public Spaces	5	4.8%
Nuisance	2	1.9%
COVID-19	1	1.0%
Building	1	1.0%
TOTAL	105	
Identified By	Bylaw Enforcement / Staff	Public
	64 (61.0%)	41 (39.0%)

PROPERTY COMPLAINTS		
Type	No. of Complaints	Percentage of Property Complaints
Unightly Property	40	90.9%
Sprinkling Outside of Permitted Days/Times	4	9.1%
TOTAL	44	

PARKING/TRAFFIC COMPLAINTS		
Type	No. of Complaints	Percentage of Parking/Traffic Complaints
Unlawful Parking	7	29.2%
Obstructing flow of vehicular traffic	5	20.8%
Derelict vehicle	4	16.6%
Vegetation overhanging on to sidewalk	4	16.6%
Deposit material on to roadway/boulevard	2	8.3%
Obstruct flow of pedestrian traffic	1	4.2%
Vegetation overhanging on to roadway	1	4.2%
TOTAL	24	

DOG COMPLAINTS		
Type	No. of Complaints	Percentage of Dog Complaints
Excessive Barking	10	58.8%
Aggressive Dog	2	11.8%
Dog on Dog Attack	2	11.8%
Dog on Animal Attack	1	5.9%
Dog at Large	1	5.9%
Dog Off-Leash on Riverwalk	1	5.9%
TOTAL	17	
Complaints Per Jurisdiction	Enderby	Area 'F'
	17 (100.0%)	0 (0.0%)

ZONING COMPLAINTS		
Type	No. of Complaints	Percentage of Zoning Complaints
Unlawful Use	4	36.4%
Unlawful Shipping Container	4	36.4%
Unlawful Trailer	3	27.3%
TOTAL	11	

PUBLIC SPACES COMPLAINTS		
Type	No. of Complaints	Percentage of Public Spaces Complaints
Taking Abode in Public Space	2	40.0%
Smoking Within 6 m of Door, Window or Air Intake of Public Place	2	40.0%
Defacing Public Property	1	20.0%
TOTAL	5	

NUISANCE COMPLAINTS		
Type	No. of Complaints	Percentage of Nuisance Complaints
Excessive Noise	1	50.0%
Construction Outside of Permitted Hours	1	50.0%
TOTAL	2	

COVID-19 COMPLAINTS		
Type	No. of Complaints	Percentage of COVID-19 Complaints
Business not adhering to WorkSafe BC Requirements	1	100.0%
TOTAL	1	

BUILDING COMPLAINTS		
Type	No. of Complaints	Percentage of Building Complaints
Demolition Without a Permit	1	100.0%
TOTAL	1	

File: 0410.03

September 15, 2021

Honourable Josie Osborne
Minister of Municipal Affairs

VIA Email: MAH.Minister@gov.bc.ca

Dear Minister:

Re: Appointment of Directors to Regional District Board

The following resolution was passed by the Metro Vancouver Regional District Board at its July 30, 2021 meeting:

That the MVRD Board request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board

Metro Vancouver's background report to this motion, entitled "Municipal Director Appointment Process", is attached for reference.

At its September 13, 2021 Regular Council meeting, the Council for the City of Langley passed the following resolution:

WHEREAS the Local Government Act sets out the procedure for the appointment of directors to the regional district board;

WHEREAS section 198 of the Local Government Act states: After the first appointment under section 41 (2) (e) [first board for regional district], each municipal director is to be appointed at pleasure by the council from among its members and that the Local Government Act does not stipulate any criteria in making those appointment decisions;

WHEREAS the appointment of directors to the regional district board under the Municipal Act (now Local Government Act) was changed after 2000 to "at the pleasure of Council" and that there have been no criteria constraining municipal council's appointment decision since 1965;

WHEREAS the governance structure of regional districts has been lauded as a model structure that provides for "a regional federation of autonomous partners, representing both municipal and non-municipal territory and allows each Regional District to tailor most of its individual functions, both regionally and sub-regionally, to its own evolving needs. The Regional District legislation was designed to promote inter-municipal cooperation, to provide services to non-municipal urban fringe or rural communities, and to stimulate consensus-based planning and co-ordination across regions;"¹

WHEREAS regional districts are "part of the municipal system not separate from it. The regional district does not sit over the municipalities with the municipal units serving the region. Rather it is the reverse: the regional district exists to further the interests of its municipal members;"²



WHEREAS the current section 198 of the Local Government Act provides ability, accountability, autonomy, and a democratic process for each municipal council to appoint the director to the regional board that best represents the views of majority of council on regional-scale services matters;

WHEREAS the Metro Vancouver Regional District is a federation of 21 municipalities, one Electoral Area and one Treaty First Nation that collaboratively plans for and delivers regional-scale services;

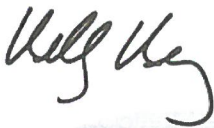
WHEREAS the Metro Vancouver Regional District Board, at its July 30, 2021 meeting, passed a resolution to request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board;

WHEREAS Metro Vancouver Regional District Board has not outlined the impetus and rationale for the proposed amendment to section 198 of the Local Government Act;

WHEREAS the proposed resolution passed by the Metro Vancouver Regional Board to amend the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board would affect all regional district boards in BC and that a broad consultation with all local governments in BC is necessary and required to consider this amendment;

THEREFORE, BE IT RESOLVED THAT the Ministry of Municipal Affairs conduct a broad consultative process in partnership with the Union of British Columbia Municipalities, Lower Mainland Local Government Association, and all local governments in BC to solicit feedback with tangible and objective rationale to support the amendment to section 19 of the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board; and that this motion be forwarded to Honourable Josie Osborne, Minister of Municipal Affairs, and all municipal councils in BC.

Yours truly,
CITY OF LANGLEY



Kelly Kenney
Corporate Officer

Cc BC Municipalities

Enclosure

Footnotes in Resolution:

1 *40 Years: A Regional District Retrospective Summary of Proceedings, Local Government Knowledge Partnership, Ministry of Community & Rural Development, Local Government Management Association of British Columbia, 2009,*
<https://www.uvic.ca/hsd/publicadmin/assets/docs/LGI/RetrospectiveMar2009/Summary.pdf>

2 *A Primer on Regional Districts in British Columbia, Ministry of Community Services, 2006,*
https://www.regionaldistrict.com/media/28095/Primer_on_Regional_Districts_in_BC.pdf

To: MVRD Board of Directors

From: Mayors Committee

Date: July 9, 2021 Meeting Date: July 30, 2021

Subject: **Municipal Director Appointment Process**

MAYORS COMMITTEE RECOMMENDATION

That the MVRD Board request the Ministry of Municipal Affairs to amend the *Local Government Act*, in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board.

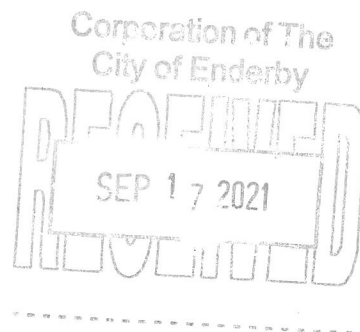
At its July 9, 2021 meeting, the Mayors Committee considered the attached report titled "Municipal Director Appointment Process", dated June 18, 2021. The committee discussed seeking a statutory amendment to the provisions in the *Local Government Act* to require the appointment of the Mayor or designate as the municipal director on the regional district board. The Committee subsequently adopted the recommendation as presented above in underline style.

This matter is now before the Board for its consideration.

Attachment

"Municipal Director Appointment Process", dated June 18, 2021

46632665



To: Mayors Committee

From: Chris Plagnol, Corporate Officer

Date: June 18, 2021 Meeting Date: July 9, 2021

Subject: **Municipal Director Appointment Process**

RECOMMENDATION

That the Mayors Committee receive for information the report dated June 18, 2021, titled "Municipal Director Appointment Process".

EXECUTIVE SUMMARY

BC's regional districts are each governed by a board of directors which is composed of municipal directors, Treaty First Nations directors, and electoral area directors representing their local jurisdictions. As set out in the *Local Government Act*, the electoral area director is elected to the board, while the other directors are appointed. The decision to appoint rests with the municipal council or the treaty first nation governing body. The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor should be the default appointment. To do so would require a statutory amendment to the *Local Government Act*.

PURPOSE

To outline the process and procedures related to the appointment of municipal directors to the Metro Vancouver board.

BACKGROUND

At its meeting of May 26, 2021, the Mayors Committee discussed the process by which directors, particularly Mayors or their designates, are appointed to the regional district board, and adopted the following resolution:

That the Mayors Committee direct staff to review the process and procedures for Mayor or their designate and Director appointments and report back.

This report provides for the committee's consideration information on the municipal director appointment process.

REGIONAL DISTRICT GOVERNANCE

The 27 regional districts in BC are modeled as a federation composed of municipalities, electoral areas, and Treaty First Nations, each of which has representation on the regional district board. The board is the governing body of the regional district, and is ultimately responsible for the services provided and the actions taken. This board is composed of one or more directors appointed from each member municipal council and each Treaty First Nation governing body, and of one or more directors elected from each electoral area, based on the population of the jurisdiction represented.

Metro Vancouver's Boards

In Metro Vancouver's case, the MVRD board represents 21 municipalities, one Electoral Area and one Treaty First Nation, composed of 40 directors as follows:

- 38 municipal directors
- 1 treaty first nation director
- 1 electoral area director

It is important to note that in addition to the MVRD Board, Metro Vancouver is also governed by 3 other boards. The *GVS&DD Act* provides that the GVS&DD board comprises those persons who are directors for each jurisdiction within the GVS&DD on the MVRD board, together with the electoral area director. The *GVWD Act* contains a similar provision. Finally, the *MVHC Articles of the Company* stipulate that the directors for the MVHC board will mirror those appointed to the MVRD board.

Appointment Process

The *Local Government Acts* sets out the procedure for the appointment of directors. For municipal directors, section 198 of the Act states:

After the first appointment under section 41 (2) (e) [*first board for regional district*], each municipal director is to be appointed at pleasure by the council from among its member.

There is a significant phrase in this section and that is that each municipal director is to be appointed at pleasure by the council from among its members. This means that the decision to appoint (or remove) municipal directors rests entirely with the municipal council (as does the appointment of Alternate Directors, which is not addressed in this report). The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor or Mayor's designate should be the default appointment, followed by councillors.

Since 1965, the *Municipal Act* (now *Local Government Act*) stipulated that municipal directors were appointed annually (after 2000, this provision was changed to "at the pleasure of council"). And since 1965, there have been no criteria constraining municipal council's appointment decision.

Electoral area directors and treaty first nation directors follow different provisions. The electoral area director is directly elected for a four-year term until the next general local election, as set out in section 199 of the Act. The treaty first nation director is appointed by the nation's governing body and does not follow the "at pleasure" provision described above, but rather the term is set in accordance with section 254 of the Act.

If the MVRD Board wishes to make changes to the appointment process presented above, the next step would be to seek legislative change to the *Local Government Act*. In this case, the statutory change would affect all regional district boards in BC. The Ministry would have to consider the effect of this more global change, and may restrict this provision to Metro Vancouver only and/or conclude that the same amendment is appropriate for other regional district boards.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

Directors appointed to the regional district board are remunerated in accordance with the Remuneration Bylaw. The process to appoint directors to the board does not affect the remuneration budget.

CONCLUSION

The process to appoint directors (municipal directors, treaty first nation directors, and electoral area directors) to regional district boards is prescribed by the *Local Government Act*. While the electoral area directors are directly elected to the boards, the municipal directors and treaty first nation directors are appointed by their municipal council and governing body respectively. The Act does not stipulate that the municipal director appointment must be the Mayor or the Mayor's designate. As such, to introduce any appointment selection criteria for municipal directors would require a statutory amendment. This information is brought forward for the committee's information.

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