



**SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
REGULAR BOARD MEETING**

AMENDED AGENDA

Held at 344 2nd Avenue West in Prince Rupert, B.C.
Friday, May 27, 2016 immediately following the Regular Meeting of the
Skeena-Queen Charlotte Regional Hospital District Board

- 1. CALL TO ORDER**
- 2. CONSIDERATION OF AGENDA (additions/deletions)**
- 3. BOARD MINUTES & BUSINESS ARISING FROM MINUTES**

3.1	Minutes of the Regular Meeting of the Skeena-Queen Charlotte Regional District Board held April 15, 2016	Pg 1-8
3.2	<p>Rise and Report – April 15, 2016 <i>(to be read by Chair – no motion required)</i></p> <p>MOVED by Director Beldessi, SECONDED by Director Nobels, that the report from staff entitled “Law Kw’alaams Recycling Services Agreement” be received;</p> <p>AND THAT the Board authorize the Corporate Officer to sign the solid waste service agreement between the Skeena-Queen Charlotte Regional District and the Lax Kw’alaams Band.</p> <p>IC019-2016 CARRIED</p> <p>MOVED by Director Beldessi, SECONDED by Director Gould, that the report from staff entitled “Old Masset Village Council and Skidegate Band Council Solid Waste Service Agreements” be received;</p> <p>AND THAT the Board authorize the Corporate Officer to sign a two-year agreement with the Old Massett Village Council for the provision of solid waste services;</p> <p>AND FURTHER THAT the Board authorize the Corporate Officer to sign a one-year agreement with the Skidegate Band Council for the provision of solid waste services.</p> <p>IC020-2016 CARRIED</p>	

4. STANDING COMMITTEE/COMMISSION MINUTES – BUSINESS ARISING

4.1	Minutes of the Regular Committee of the Whole Meeting held November 21, 2016	Pg 9-12
4.2	Minutes of the Regular Meeting of the Moresby Island Management Standing Committee held April 5, 2016	Pg 13-15

5. DELEGATIONS

5.1	S. Kietzmann, Senior Accountant, Carlyle Shepherd & Co. – Presentation of the Draft Audited Financial Statements for the Period Ending December 31, 2015	Pg 16-31
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6. FINANCE

6.1	J. Musgrave, Administrative Assistant – Cheques Payable over \$5,000 for April, 2016	Pg 32
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7. CORRESPONDENCE

7.1	Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development – Sharing Service Economies Consultation	Pg 33-34
7.2	Board of Education School District No. 50 Haida Gwaii – Public Transportation	Pg 35
7.3	Northern Development Initiative Trust – 2016 Economic Development Capacity Building	Pg 36
7.4	Northern Development Initiative Trust – 2016 Grant Writing Support Funding	Pg 37
7.5	BC Emergency Health Services – Community Paramedicine Initiative	Pg 38-39
7.6	Municipal Finance Authority of BC – Report from the Chair and Vice-Chair on Activities for the period of October 2015 – March 2016	Pg 40-42
7.7	Misty Isles Economic Development Society – Community Forest Consultant	Pg 43
7.8	Northern Health Authority – Primary and Community Care	Pg 44-45
<u>Add:</u> <u>7.9</u>	Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development – RE: Canadian Fishing Company Salmon Fishing Licenses and Quota	Pg 45a-45d
<u>Add:</u> <u>7.10</u>	Honourable Marc Garneau, Minister of Transport – RE: Prince Rupert & Region LNG Tanker Hazard Zones	Pg 45e-45i

8. REPORTS / RESOLUTIONS

8.1	C. Bell, Economic Development Officer, Misty Isles Economic Development Society – Economic Development Officer's Report	Pg 46-49
8.2	D. Fish, Deputy Corporate Officer – B.C. Spill Response Regime Symposium	Pg 50-60
8.3	D. Fish, Deputy Corporate Officer – Municipal Name Change Alternative Approval Process Results and Request to Minister	Pg 61-63
8.4	D. Fish, Deputy Corporate Officer – 2016 UBCM Convention Meeting Requests	Pg 64-65
8.5	D. Chapman, Chief Administrative Officer – Sandspit Community Water Supply System Interim Site Assessment Report and Recommendations	Pg 66-106

9. BYLAWS

9.1	Bylaw No. 604, 2016 – Being a bylaw to amend the Rural Graham Island Official Community Plan Bylaw No. 532, 2011 <i>Prior to being adopted.</i>	Pg 107-108
9.2	Bylaw No. 605, 2016 – Being a bylaw to amend the Graham Island Interim Zoning Bylaw No. 192, 1993 <i>Prior to being adopted.</i>	Pg 109-113

10. LAND REFERRALS / PLANNING (*Voting restricted to Electoral Area Directors*)

None.	---
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11. NEW BUSINESS

11.1	Directors' Reports	Verbal
11.2	Valkyrie Law Group LLP – Conflict of Interest for Local Government Elected Officials	Pg 114-164
11.3	Skidegate Saints Basketball Club Application to Northern Development Initiative Trust's Marketing Initiatives Program	Pg 165-176
11.4	L. Wiedeman, Chief Administrative Officer, Village of Queen Charlotte – Rural Dividend Fund Haida Gwaii CAO's Meeting May 2, 2016	Pg 177-193

12. OLD BUSINESS

12.1	Environmental Assessment Information Session: LNG Marine Transport and Facility Public Safety – April 13, 2016 Information Session Summary Notes	Pg 194-201
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13. PUBLIC INPUT**14. IN-CAMERA**

That the public be excluded from the meeting according to section 90(1)(c) and (k) of the <i>Community Charter</i> “labour relations or other employee relations” and “negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public”.	---
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15. ADJOURNMENT



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

MINUTES of the Regular Meeting of the Board of Directors of the Skeena-Queen Charlotte Regional District (SQCRD) held at 903 A Oceanview Dr., Queen Charlotte, B.C. on Friday, April 15, 2016 at 7:00 PM.

PRESENT

PRIOR TO ADOPTION

Chair	B. Pages, Village of Masset
Directors	L. Brain, City of Prince Rupert B. Mirau, Alternate, City of Prince Rupert D. Franzen, District of Port Edward I. Gould, Village of Port Clements G. Martin, Village of Queen Charlotte D. Nobels, Electoral Area A K. Bergman, Electoral Area C B. Beldessi, Electoral Area E
Regrets	N. Kinney, City of Prince Rupert M. Racz, Electoral Area D
Staff	D. Chapman, Chief Administrative Officer D. Fish, Deputy Corporate Officer
Public	3
Media	1

1. CALL TO ORDER 7:00 p.m.

2. AGENDA

MOVED by Director Franzen, SECONDED by Director Brain, that the April 15, 2016 Skeena-Queen Charlotte Regional District amended Regular agenda be further amended and adopted to include the following:

- 5.2 Angus Wilson, Superintendent, School District No. 50 – Public Transportation
- 7.0 Director Racz, Electoral Area D – Gwaii Trust Vibrant Communities Fund
- 8.2 Director Nobels, Electoral Area A – Environmental Assessment Office Information Session held April 13, 2016

160-2016

CARRIED

3. MINUTES & BUSINESS ARISING FROM MINUTES

- 3.1 Minutes of the Regular Meeting of the Skeena-Queen Charlotte Regional District Board held March 18, 2016

MOVED by Director Martin, SECONDED by Director Beldessi, that the minutes of the March 18, 2016 Skeena-Queen Charlotte Regional District Regular Board meeting be adopted as presented.

161-2016

CARRIED

- 3.2 Minutes of the Parcel tax Roll Review Panel Meeting of the Skeena-Queen Charlotte Regional District held March 18, 2016

MOVED by Director Nobels, SECONDED by Director Franzen, that the minutes of the Parcel tax Roll Review Panel Meeting of the Skeena-Queen Charlotte Regional District held March 18, 2016 be adopted as presented.

162-2016

CARRIED

4. STANDING COMMITTEE/COMMISSION MINUTES – BUSINESS ARISING

- 4.1 Minutes of the Regular Meeting of the Electoral Area Advisory Committee held February 19, 2016

MOVED by Director Franzen, SECONDED by Director Nobels, that the minutes from the February 19, 2016 Electoral Area Advisory Committee regular meeting be received as presented.

163-2016

CARRIED

- 4.2 Minutes of the Regular Meeting of the Regional Recycling Advisory Committee held January 13, 2016

MOVED by Director Nobels, SECONDED by Director Franzen, that the minutes from the January 13, 2016 Regional Recycling Advisory Committee regular meeting be received as presented.

164-2016

CARRIED

- 4.3 Minutes of the Regular Meeting of the Moresby Island Management Standing Committee held March 1, 2016

MOVED by Director Beldessi, SECONDED by Director Franzen, that the minutes from the March 1, 2016 Moresby Island Management Standing Committee regular meeting be received as presented.

165-2016

CARRIED

5. DELEGATIONS

- 5.1 Haida Gwaii Regional Recreation Commission – Haida Gwaii Regional Recreation Update

Members from the Haida Gwaii Regional Recreation Commission, as well as the Haida Gwaii Regional Recreation Commission's bookkeeper, addressed the Board with regard to the Haida Gwaii Regional Recreation service. Members of the Haida Gwaii Regional Recreation Commission discussed recreation services, value of services to communities, community partnerships and financial considerations of the Haida Gwaii Regional Recreation Commission.

The Chair thanked the Haida Gwaii Regional Recreation Commission for its presentation.

5.2 Angus Wilson, Superintendent, School District No. 50 – Public Transportation

Mr. Wilson addressed the Board with regard to School District No. 50's budgeting challenges, specifically as it pertains to the issue of public transportation. Mr. Wilson stated that the School District Board feels as though there is an opportunity to address transportation issues through a regional public transportation service, and has requested that municipal councils on island and the Skeena-Queen Charlotte Regional District Board consider their involvement in the development of a regional solution to public transportation.

The Chair thanked Mr. Wilson for his presentation and asked that a formal request for consideration on the matter be referred to a future Skeena-Queen Charlotte Regional District Board meeting.

6. FINANCE**6.1 J. Musgrave, Administrative Assistant - Cheques Payable over \$5,000 for March, 2016**

MOVED by Director Beldessi, SECONDED by Director Gould, that the staff report on Cheques Payable over \$5,000 issued by the Skeena-Queen Charlotte Regional District for March, 2016 be received and filed.

166-2016**CARRIED****7. CORRESPONDENCE****7.0 Director Racz, Electoral Area D – Gwaii Trust Vibrant Communities Fund**

Moved by Director Franzen, SECONDED by Director Brain, that the correspondence from Director Racz with regard to the Gwaii Trust Vibrant Communities fund be received.

167-2016**CARRIED**

Director Martin declared a conflict of interest and left the meeting at 7:47 p.m.

Director Gould declared a conflict of interest and left the meeting at 7:47 p.m.

7.1 Village of Queen Charlotte – Letter of Support for the Village of Queen Charlotte's Application to Gwaii Trust Vibrant Communities

MOVED by Director Brain, SECONDED by Director Nobels, that the correspondence from the Village of Queen Charlotte with regard to the Village of Queen Charlotte's application to Gwaii Trust's Vibrant Communities program be received;

AND THAT the Board of the Skeena-Queen Charlotte Regional District support the Village of Queen Charlotte's application to Gwaii Trust's Vibrant Communities Fund in the amount of \$225,233 to be used for the completion of Phase 2 of the Village of Queen Charlotte's boat launch project.

168-2016**CARRIED**

- 7.2 Village of Port Clements – Letter of Support for the Village of Port Clements' Application to Gwaii Trust Vibrant Communities

MOVED by Director Franzen, SECONDED by Director Brain, that the correspondence from the Village of Port Clements with regard to the Village of Port Clements' application to Gwaii Trust's Vibrant Communities program be received;

AND THAT the Board of the Skeena-Queen Charlotte Regional District support the Village of Port Clements' application to Gwaii Trust's Vibrant Communities funding program in the amount of \$20,000.

169-2016

CARRIED

Director Martin joined the meeting at 7:50 p.m.

Director Gould joined the meeting at 7:50 p.m.

- 7.3 Honourable Hunter Tootoo, Minister of Fisheries, Oceans and the Canadian Coast Guard – RE: Canadian Fishing Company Salmon Fishing Licenses and Quota

MOVED by Director Nobels, SECONDED by Director Franzen, that the correspondence from the Minister of Fisheries, Oceans and the Canadian Coast Guard with regard to the Canadian Fishing Company Salmon Fishing Licenses and Quota be received.

170-2016

CARRIED

- 7.4 Child Find British Columbia – Proclamation for National Missing Children's Month and Missing Children's Day

MOVED by Director Franzen, SECONDED by Director Nobels, that the correspondence from Child Find British Columbia with regard to a proclamation for national missing children's month and missing children's day be received;

AND THAT the Skeena-Queen Charlotte Regional District hereby proclaims May as Child Find's Green Ribbon of Hope month and May 25th as National Missing Children's day.

171-2016

CARRIED

- 7.5 Northern Development Initiative Trust – Community Land Use Planning Program – Planning Grant

MOVED by Director Franzen, SECONDED by Director Nobels, that the correspondence from Northern Development Initiative Trust with regard to the Community Land Use Planning Program be received.

172-2016

CARRIED

- 7.6 Chief Forester, Ministry of Forests, Lands and Natural Resource Operations – RE: Skeena-Queen Charlotte Regional District Board Delegation – Pacific TSA

MOVED by Director Franzen, SECONDED by Director Nobels, that the correspondence from the Chief Forester with regard to the Pacific Timber Supply Area be received.

173-2016

CARRIED

The Board directed staff to follow-up with the Chief Forester to invite her to appear before the Board as a delegation at the August 12th, 2016 Skeena-Queen Charlotte Regional District Regular Board meeting.

7.7 Coastal Community Network – Coastal Community Network April Roundtable Notes

MOVED by Director Nobels, SECONDED by Director Beldessi, that the correspondence from the Coastal Community Network with regard to the Coastal Community Network's April Meeting notes be received.

174-2016

CARRIED

8. REPORTS – RESOLUTIONS

8.1 D. Fish, Deputy Corporate Officer – Bylaws No. 604, 2016 and No. 605, 2016 – Public Hearing Information

MOVED by Director Beldessi, SECONDED by Director Nobels, that the report from staff entitled "Bylaws No. 604, 2016 and No. 605, 2016 – Public Hearing Information" be received for information.

175-2016

CARRIED

8.2 Director Nobels, Electoral Area A - Environmental Assessment Office Information Session held April 13, 2016

MOVED by Director Gould, SECONDED by Director Brain, that the verbal report from Director Nobels entitled "Environmental Assessment Office Information Session held April 13, 2016" be received for information.

176-2016

CARRIED

9. BYLAWS

9.1 Bylaw No. 604, 2016 – Being a bylaw to amend the Rural Graham Island Official Community Plan Bylaw No. 532, 2011

MOVED by Director Franzen, SECONDED by Director Brain, that Bylaw No. 604, 2016 be given second reading.

177-2016

CARRIED

MOVED by Director Gould, SECONDED by Director Beldessi, that Bylaw No. 604, 2016 be given third reading.

178-2016

CARRIED

9.2 Bylaw No. 605, 2016 – Being a bylaw to amend the Graham Island Interim Zoning Bylaw No. 192, 1993

MOVED by Director Beldessi, SECONDED by Director Franzen, that Bylaw No. 605, 2016 be given second reading.

179-2016

CARRIED

- 9.3 Bylaw No. 587.1, 2016 – Being a bylaw to amend the Skeena-Queen Charlotte Regional District Regional Recycling Fees and Charges Bylaw No. 587, 2014

MOVED by Director Beldessi, SECONDED by Director Brain, that Bylaw No. 587.1, 2016 be given first reading.

180-2016

CARRIED

MOVED by Director Franzen, SECONDED by Director Brain, that Bylaw No. 587.1, 2016 be given second reading.

181-2016

CARRIED

MOVED by Director Gould, SECONDED by Director Brain, that Bylaw No. 587.1, 2016 be given third reading.

182-2016

CARRIED

MOVED by Director Franzen, SECONDED by Director Beldessi, that Bylaw No. 587.1, 2016 be adopted.

183-2016

CARRIED

10. LAND REFERRALS / PLANNING

- 10.1 M. Williams, Planning Consultant – Land Referral: BC Timber Sales Marine Log Handling Plans

MOVED by Director Bergman, SECONDED by Director Nobels, that the referral memo from staff entitled “Land Referral: BC Timber Sales Marine Log Handling Plans” be received;

AND THAT the Board of the Skeena-Queen Charlotte Regional District not support the Land Referral regarding the Ministry of Forests, Lands and Natural Resource Operations Request;

AND FURTHER THAT the Board of the Skeena-Queen Charlotte Regional District request from the Ministry of Forests, Lands and Natural Resource Operations the business and management plans for individual projects identified in the land referral.

184-2016

CARRIED

11. NEW BUSINESS

11.1 Director's Reports

MOVED by Director Franzen, SECONDED by Director Brain, that the verbal reports from the Directors, as follows, be received:

Director Nobels, Electoral Area A

- Liquefied Natural Gas proponents with proposed projects in Electoral Area A have been relatively inactive as of late, with the exception of Nexen which will be commencing drill testing in the near future; and
- The Prince Rupert Port Authority has called on the Lelu Island encampment to cease construction activities.

Alternate Director Mirau, City of Prince Rupert

- The City established a small business advisory committee;
- The City recently celebrated the grand opening of the Cow Bay marina.

Director Martin, Village of Queen Charlotte

- Director Martin welcomed the Board of the Skeena-Queen Charlotte Regional District to the Village of Queen Charlotte;
- The Queen Charlotte Hospital project is slated for completion in September 2016;
- Director Martin has been attending public Gwaii Tel meetings which have indicated that the fiber optic project on Haida Gwaii is moving along; and
- The Village has recently completed a bike network plan for the community.

Director Brain, City of Prince Rupert

- The City continues to work on the decommissioning of Watson Island and anticipates this work to be completed in 1.5 years;
- The Province of BC has committed \$1 million toward the Prince Rupert Area Corridor Analysis project; and
- Renovations at the Prince Rupert Airport are near completion.

Director Gould, Village of Port Clements

- A tourism group in the Village is working with the historical society on the restoration of the St. Mark's Church in the Village and intends to develop a gift and coffee shop in the facility.

Director Beldessi, Electoral Area E

- The community of Sandspit has developed a process for the community to provide support for various projects making application to Gwaii Trust's Vibrant Communities fund;
- The water treatment options report, undertaken by Stantec Consulting Ltd., has been drafted and is being reviewed by the Sandspit Water System Review Advisory Committee;
- Air Canada will commence the operation of a second daily flight into Sandspit during summer season;
- The wharf in Sandspit is dilapidated; and
- BC Ferries scheduling continues to be a challenge for the community. Director Beldessi met with First Nations stakeholders to discuss the BC Ferries issue and the need for a unified voice on the matter.

Chair Pages, Village of Masset

- Gwaii Tel continues to work on the fiber optics project in the community; and
- Village Council sent correspondence to Gwaii Trust with regard to its Vibrant Communities fund and requested clarification with respect to community allocations.

185-2016**CARRIED****12. OLD BUSINESS****12.1 Ministry of Environment – Spill Preparedness and Response in BC**

MOVED by Director Nobels, SECONDED by Director Brain, that the Spill Preparedness and Response in BC discussion paper be received for information.

186-2016**CARRIED****13. PUBLIC INPUT**

There were 3 questions from the public.

14. IN CAMERA

MOVED by Director Franzen, SECONDED by Director Brain, that the Board move to the In-Camera meeting following the Regular meeting according to section 90(1)(k) of the *Community Charter* “negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public”.

187-2016**CARRIED****15. ADJOURNMENT**

MOVED by Director Franzen, SECONDED by Director Nobels, that the Skeena-Queen Charlotte Regional District Regular Board meeting be adjourned at 10:06 p.m.

188-2016**CARRIED**

Approved and adopted:

Certified correct:

Chair

Chief Administrative Officer



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

MINUTES of the Committee of the Whole (CoW) meeting held at 344 2nd Avenue West in Prince Rupert, B.C. on Saturday, November 21, 2015 at 1:00 pm.

PRESENT

PRIOR TO ADOPTION

Members	B. Pages, Village of Masset D. Nobels, Electoral Area A L. Brain, City of Prince Rupert N. Kinney, City of Prince Rupert D. Franzen, District of Port Edward G. Martin, Village of Queen Charlotte I. Gould, Village of Port Clements K. Bergman, Electoral Area C M. Racz, Electoral Area D B. Beldessi, Electoral Area E
Staff	D. Chapman, Chief Administrative Officer D. Fish, Deputy Corporate Officer
Public	0
Media	0

1. CALL TO ORDER 1:03 p.m.

2. AGENDA

MOVED by Director Martin, SECONDED by Director Kinney, that the November 21, 2015 Committee of the Whole meeting agenda be adopted as presented.

001-2015

CARRIED

3. MINUTES & BUSINESS ARISING FROM MINUTES

None.

4. DELEGATIONS

None.

5. CORRESPONDENCE

None.

6. REPORTS – RESOLUTIONS

6.1 D. Chapman, Chief Administrative Officer – Strategic Priorities Tracking Report

Staff proposed to the Board that each objective within the Strategic Priorities Tracking Report be reviewed separately and that the Board provide input with regard to the action steps listed under each objective.

Organizational Development

Staff provided an update to the Board with regard to the status on the outcomes of objectives Organizational Development including:

- Advertising for the joint-position of Planning-Economic Development Technician underway, with the competition closing November 27th, 2015 and staff to review applications thereafter;
- The Treasurer position is no longer vacant and the successful candidate will begin January 4th, 2016;
- Staff are continually working toward furthering education and building skillset through enrolment in public administration courses, and will capitalize on further online training and “bootcamps” for new and existing staff; will be reviewed during budget discussions;
- Staff will establish market rates to be budgeted for and reviewed in the 2016-2020 Five Year Financial Plan discussions;

Director Brain joined the meeting at 1:19 PM.

- Where possible, staff will hire local employees and provide further career training opportunities with the aim of retaining staff for periods of five years and beyond;
- For 2015, the services of a grant writer had been retained and additional revenues secured through grant funding opportunities, with grant writing services expected to be secured for 2016;
- The Skeena-Queen Charlotte Regional District continues to participate in the Northwest B.C. Resource Benefits Alliance with a goal of reaching an equitable revenue sharing agreement with the Province of B.C. with respect to resource development in the region;
- Staff are working on policy development with regard to purchasing and tangible capital assets; and
- Staff is underway with implementing a process of consultation with regard to a municipal name change for the Skeena-Queen Charlotte Regional District before requesting that the Minister make recommendation to the Cabinet to implement said name change.

With regard to the objectives of Organizational Development, the Board directed staff to investigate:

- Skeena-Queen Charlotte Regional District funds contributed in 2015 toward the ongoing operational costs of the Northwest B.C. Resource Benefits Alliance;
- The amount of provincial revenue generated from resource development in the northwest B.C. region throughout 2015;
- The possibility of hosting an all-staff annual Christmas party on December 12th, 2015;
- The property located at 1135 Chamberlin Avenue, Prince Rupert, B.C. as a potential future administration office location; and
- In consultation with Haida Gwaii municipal Chief Administrative Officers, bylaw enforcement as a Skeena-Queen Charlotte Regional District service.

Integrated Regional Planning

Staff provided an update to the Board with regard to the status on the outcomes of objectives Integrated Regional Planning including:

- An outline on the process to initiate and implement a Regional Growth Strategy in accordance with Part 25 of the *Local Government Act*; and
- A request for proposal to complete general land use planning bylaws to Electoral Areas A and C had been issued with a proposal closing date of January 30th, 2015.

With regard to the objectives of Integrated Regional Planning, the Board provided the following direction to staff:

- The Regional Growth Strategy be deferred until such a time that the development of a regional growth strategy for the region is warranted and stakeholders wish to engage in the process; and
- The Ministry of Environment B.C. had commissioned Nuka Research to complete a West Coast Spill Response study, of which the most recent volume should be available for information. The Board requested that staff look into the matter.

Regional Collaboration

Staff provided an update to the Board with regard to the status on the outcomes of objectives Regional Collaboration including:

- A community to community forum for the region has been scheduled for January 28-29, 2015 and staff will remain in contact with District of Port Edward staff on the matter;
- Staff have sent two requests to First Nations groups in the mainland region requesting participation on the Regional Recycling Advisory Committee; and
- The Skeena-Queen Charlotte Regional District continues to collaborate with local governments in the northwest B.C. region on the Northwest B.C. Resource Benefits Alliance.

With regard to the objectives of Regional Collaboration, the Board provided the following direction to staff:

- Continue working on relationship building with member municipalities and other stakeholder groups of the Regional District; and
- Working collaboratively with varying levels of government on major developments in the region is based on each individual development and the level of Regional District involvement may vary with each.

Regional Leadership and Advocacy

Staff provided an update to the Board with regard to the status on the outcomes of objectives Regional Leadership and Advocacy including:

- With regard to achieving a fair and equitable distribution of wealth from resource developments in the region, the Board had formally entered into a Memorandum of Understanding with the Northwest B.C. Resource Benefits Alliance in August 2015.

With regard to the objectives of Regional Leadership and Advocacy, the Board provided the following direction to staff:

- With regard to BC Ferries, the Board attended a UBCM meeting with the Minister of Transportation and Infrastructure to discuss current issues; the BC Ferries Advisory Committee has invited Minister Stone to visit Haida Gwaii in April 2016 to view ferry system; this is a potential issue to be addressed at an upcoming community to community forum; and the Regional District may wish to explore a protocol agreement with the Council of the Haida Nation on the matter or BC Ferries scheduling;
- With regard to maintaining and enhancing the region's health service levels the Board indicated that the Northwest Regional Hospital District is the appropriate forum to address the desired outcomes of this particular objective;
- With regard to improving access to the Prince Rupert Airport, the City of Prince Rupert is in the process of developing an "Airport Master Plan" which addresses, among other things, improved access between the City of Prince Rupert and Digby Island;
- With regard to developing leadership and advocacy methods in advancing key regional issues, the Board indicated that the community to community meetings are a good forum to address key regional issues; and requested staff further investigate the development of a Regional District Board advocacy approach.

7. NEW BUSINESS

None.

8. OLD BUSINESS

None.

9. PUBLIC INPUT

There were 0 questions from the public.

10. IN CAMERA

None.

11. ADJOURNMENT

MOVED by Director Brain, SECONDED by Director Nobels, that the Committee of the Whole meeting be adjourned at 3:53 p.m.

002-2015

CARRIED

Approved and adopted:

Certified correct:

Chair

Chief Administrative Officer



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
MORESBY ISLAND MANAGEMENT STANDING COMMITTEE

MINUTES of the Regular Meeting of the Moresby Island Management Standing Committee (MIMSC) held at Sandspit Community Hall, Sandspit, B.C. on April 5, 2016 at 7:00 PM.

Adopted May 3, 2016

PRESENT Heron Wier, Bill Quaas, Bill Beldessi, Stan Hovde

LATE Behn Cochrane arrived at 7:25 PM

ABSENT Gail Henry

Chair Heron Wier

Vice Chair Behn Cochrane

Staff Barb Parser

Public Gord Usher, Monty Hobbs, Evan Putterill, John Gambel, Bob Ells, Alan Hunt, Ludi Hunt, Gail Hoss, Doug Gould, Robert Price, Bob Kussy, Carole Bowler, Pat Bowler, Carol Wagner, Betsy Cranmer, Jason Wourms, Amber Faktor, Gene Hainstock, Warren Foster

1. **CALL TO ORDER** 7:06 PM

2. **CONSIDERATION OF AGENDA (ADDITIONS/DELETIONS)**

022-2016 Motion to approve agenda as amended, Moved by Bill Quaas, seconded by Stan Hovde, Carried

3. **MINUTES & BUSINESS ARISING FROM MINUTES**

023-2016 Motion to approve February 2016 Minutes, moved by Bill Beldessi, seconded by Bill Quaas, Carried

4. DELEGATIONS

5. CORRESPONDENCE

Haida Gwaii Debris Management Program

024-2016 Motion to receive and file correspondence moved by Heron Wier, seconded by Bill Beldessi, Carried

6. REPORTS – RESOLUTIONS

6.1 Water System Report and Recommendations

6.2 SQCRD Director's Report

025-2016 Motion to receive and file reports moved by Bill Quaas, seconded by Bill Beldessi, Carried

7. OLD BUSINESS

7.1 Office 1 year lease - Lease being dealt with by SQCRD

7.2 Land Use Planning Committee issues need to be addressed with SQCRD

7.3 RCMP Visits - Letter of invitation and meeting schedule have been sent via mail to Sergeant Hromatnik RCMP Queen Charlotte detachment

7.3.1 Received Email from RCMP to accept invitation.

7.4 Vibrant Haida Gwaii - Judging Proposals

7.4.1 **026-2016** Motion to hold in-camera meeting April 19 (2 weeks prior to regular meeting to look at proposal applications that are submitted to date, moved by Bill Quaas, seconded by Behn Cochrane, Carried

7.5 **027-2016** Motion that proposal applications need to be in by the Friday before MIMSC regular meetings moved by Behn Cochrane, seconded by Stan Hovde, Carried

8. NEW BUSINESS

9. PUBLIC INPUT

10. IN CAMERA

11. ADJOURNMENT

028-20165 9:00 PM, Motion to adjourn by Behn Cochrane, carried

Approved and adopted:

Certified correct:

Chair

Secretary

**SKEENA-QUEEN CHARLOTTE
REGIONAL DISTRICT**

FINANCIAL STATEMENTS

DECEMBER 31, 2015

**SKEENA-QUEEN CHARLOTTE
REGIONAL DISTRICT**

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DECEMBER 31, 2015

INDEPENDENT AUDITOR'S REPORT

- A STATEMENT OF FINANCIAL POSITION**
- B STATEMENT OF FINANCIAL ACTIVITIES**
- C STATEMENT OF CASH FLOWS**
- D STATEMENT OF CHANGES IN NET FINANCIAL ASSETS**

NOTES

SCHEDULES

- 1 STATEMENT OF SURPLUS**
- 2 STATEMENT OF RESERVE FUNDS**
- 3 STATEMENT OF CHANGES IN EQUITY IN PHYSICAL ASSETS**
- 4 STATEMENT OF PHYSICAL ASSETS**

INDEPENDENT AUDITOR'S REPORT

**To the Directors
Skeena-Queen Charlotte Regional District**

Report on the Financial Statements

We have audited the accompanying statement of financial position of Skeena-Queen Charlotte Regional District as at December 31, 2015 and the statements of financial activities, cash flows and changes in net financial assets for the year then ended and a summary of significant accounting policies.

Management Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards and for such internal controls as management determines are necessary to enable the preparation of financial statements that are free of material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted the audit in accordance with Canadian generally accepted auditing standards. These standards require that we comply with ethical requirements and plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures depend on the auditor's judgment, including the assessment of the risks of material misstatement, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate for the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Regional District as at December 31, 2015 and the results of its operations, cash flows and changes in net financial assets for the year then ended in accordance with Canadian public sector accounting standards.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the basic financial statements of the Regional District taken as a whole. The current year's supplementary information included in Schedules one to four is presented for purposes of additional analysis. Such supplementary information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated in all material respects, in relation to the financial statements taken as a whole.

Prince Rupert, BC
TBC

DRAFT

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF FINANCIAL POSITION

DECEMBER 31

STATEMENT A

	2015	2014
	\$	\$
FINANCIAL ASSETS		
Cash and investments (note 1)	3,201,941	2,417,010
Trade and other receivables (note 2)	307,154	489,806
MFA deposit (note 3)	358,446	373,143
Due from Municipalities	<u>15,930,540</u>	<u>19,220,618</u>
	<u>19,798,081</u>	<u>22,500,577</u>
LIABILITIES		
Accounts payable and accruals (note 4)	312,828	402,887
Landfill closure costs accrual (note 5)	247,778	218,663
Deferred revenue (note 6)	1,384,025	1,199,355
MFA debt reserve (note 3)	358,446	373,143
MFA debentures/leases/loan for Regional District (note 7)	144,677	296,679
Debentures issued for Municipalities (note 8)	<u>15,930,540</u>	<u>19,220,618</u>
	<u>18,378,294</u>	<u>21,711,345</u>
NET FINANCIAL ASSETS	1,419,787	789,232
Physical assets (schedule 4 and note 1)	3,292,085	3,381,419
Prepaid expenses	<u>23,437</u>	<u>27,960</u>
NET POSITION	<u>4,735,309</u>	<u>4,198,611</u>
REGIONAL DISTRICT POSITION		
Operating surplus (schedule 1)	952,350	513,763
Reserve funds (schedule 2)	635,550	600,108
Equity in Physical Assets (schedule 3)	<u>3,147,409</u>	<u>3,084,740</u>
	<u>4,735,309</u>	<u>4,198,611</u>

APPROVED BY THE BOARD

_____ Chair

_____ Treasurer

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF FINANCIAL ACTIVITIES

YEAR ENDED DECEMBER 31

STATEMENT B

	Unaudited Budget 2015 \$	Actual 2015 \$	Actual 2014 \$
REVENUE			
Taxation	1,379,838	1,379,581	1,373,247
Grants in lieu	65,223	148,928	232,063
Sales, fees and other	1,612,973	1,874,164	1,383,813
Provincial, federal and other grants	463,000	304,081	393,801
Municipal debt payments	<u>1,974,601</u>	<u>4,075,371</u>	<u>1,635,405</u>
	<u>5,495,635</u>	<u>7,782,125</u>	<u>5,018,329</u>
EXPENDITURE			
Administration	794,985	692,854	468,859
Electoral areas	200,562	125,785	210,805
Grant-in-aid	20,329	5,250	6,424
Municipal debt service	1,974,601	4,075,371	1,635,405
Sandspit fire protection	54,238	28,667	26,569
Emergency programming	82,339	20,839	1,889
Islands solid waste	980,934	866,382	882,815
Regional recycling	732,388	703,191	572,119
Regional waste management	-	-	11,782
Planning	196,095	30,685	75,046
Economic development	68,327	27,081	32,332
Prince Rupert Regional Archives	79,712	79,712	77,224
North Pacific Cannery	101,952	101,952	102,124
Haida Gwaii Museum	71,012	71,012	71,203
Vancouver Island Regional Library	41,820	41,820	42,848
Haida Gwaii recreation	132,990	133,223	116,889
Mainland recreation	11,800	11,800	11,720
Sandspit water utility	140,065	74,378	87,044
Oona River telephone	975	975	5,172
Sandspit hall	15,698	11,514	2,402
Amortization	<u>-</u>	<u>142,936</u>	<u>137,917</u>
	<u>5,700,822</u>	<u>7,245,427</u>	<u>4,578,588</u>
REVENUE OVER EXPENDITURE	- 205,187	536,698	439,741
OPENING REGIONAL DISTRICT POSITION	<u>4,198,611</u>	<u>4,198,611</u>	<u>3,758,870</u>
CLOSING REGIONAL DISTRICT POSITION	<u>3,993,424</u>	<u>4,735,309</u>	<u>4,198,611</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF CASH FLOWS

YEAR ENDED DECEMBER 31

STATEMENT C

	2015	2014
	\$	\$
OPERATING ACTIVITIES		
Revenue over expenditure	536,698	439,741
Amortization	142,936	137,917
Landfill closure costs accrual	29,115	86,861
Accounts payables and accruals	- 90,059	165,165
Trade and other receivables	182,652	- 257,696
Deferred revenue	184,670	78,096
Prepaid expenses	<u>4,523</u>	<u>- 16,759</u>
	<u>990,535</u>	<u>633,325</u>
FINANCING ACTIVITIES		
Debt repayment	- 195,512	- 102,088
Debt financing	<u>43,510</u>	<u>-</u>
	<u>- 152,002</u>	<u>- 102,088</u>
INVESTING ACTIVITIES		
Physical asset purchases	- 57,127	- 194,130
Sale of physical assets	<u>3,525</u>	<u>4,000</u>
	<u>- 53,602</u>	<u>- 190,130</u>
CHANGE IN CASH	784,931	341,107
OPENING CASH AND INVESTMENTS	<u>2,417,010</u>	<u>2,075,903</u>
CLOSING CASH AND INVESTMENTS	<u>3,201,941</u>	<u>2,417,010</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
STATEMENT OF CHANGES IN NET FINANCIAL ASSETS
YEAR ENDED DECEMBER 31

STATEMENT D

	2015	2014
	\$	\$
Revenue over expenditure	536,698	439,741
Amortization of physical assets	142,936	137,917
Purchase of physical assets	- 57,127	- 194,130
Sale of physical assets	3,525	4,000
Prepaid expenses	<u>4,523</u>	<u>- 16,759</u>
Increase in net financial assets	630,555	370,769
Opening net financial assets	<u>789,232</u>	<u>418,463</u>
Closing net financial assets	<u>1,419,787</u>	<u>789,232</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

NOTES

DECEMBER 31, 2015

1. SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The Regional District has adopted the reporting format from the recommendations by the Public Sector Accounting Board.

The Regional District maintains the following funds that are combined in the financial statements:

- Operating fund reports the general activities of the Regional District.
- Capital fund reports the physical assets of the Regional District together with the related financing.
- Reserve fund reports the activities of the funds established by bylaw for specific purposes.

Basis of accounting

Revenue and expenditures are reported on an accrual basis.

Revenue recognition

Taxation revenues are recognized when requisitioned from the Province of British Columbia and member Municipalities. Sale of services and user fee revenues are recognized when the service or product is provided by the Regional District. Grant revenues are recognized when the commitments are met.

Financial instruments

The Regional District measures financial assets and liabilities at market value at the date of acquisition except for those investments quoted in an active market, which are reported as market value.

It is management's opinion that the Regional District's financial instruments are not exposed to significant interest rate, liquidity, market or other price risks.

Cash and investments

Cash and investments are reported at market value which approximates cost.

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

NOTES

DECEMBER 31, 2015

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

Physical assets

Physical assets are recorded at cost and are amortized using the straight-line method as follows:

Buildings	40 years
Automotive	10 and 20 years
Equipment	10 and 20 years
Infrastructure	40 years

Equity in Physical Assets

Equity in Physical Assets reports the accumulated funded historical cost of physical assets less accumulated amortization.

Use of estimates

The preparation of financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the amounts reported. Actual results could differ from those estimates. Adjustments, if any, will be reflected in operations in the period of settlement.

2. TRADE AND OTHER RECEIVABLES

	2015	2014
Provincial and Federal governments	\$ 135,341	\$ 152,825
Regional and local governments	120,504	302,012
Trade receivables and other	51,309	34,969
	<u>\$ 307,154</u>	<u>\$ 489,806</u>

3. MFA DEPOSIT AND DEBT RESERVE

A condition of MFA borrowings stipulates that a portion of the debenture proceeds be withheld as a security deposit and a debt reserve fund.

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

NOTES

DECEMBER 31, 2015

4. ACCOUNTS PAYABLE AND ACCRUALS

	2015	2014
Provincial and Federal governments	\$ 5,971	\$ 31,762
Regional and local governments	40,264	125
Payroll	113,497	107,240
Trade payables and other	153,096	263,760
	<u>\$ 312,828</u>	<u>\$ 402,887</u>

5. LANDFILL CLOSURE COST ACCRUAL

The Regional District is responsible for closing a landfill on Haida Gwaii in accordance with Ministry of Environment regulations. Management has prepared its estimates using a provisional phased closure plan.

6. DEFERRED REVENUE

Revenues received in advance of expenses that will be incurred in a later period are deferred until they are matched against those expenses.

	2015	2014
Provincial operating grant	\$ -	\$ 24,718
Gas tax	1,324,768	1,120,654
Other	59,257	53,983
	<u>\$ 1,384,025</u>	<u>\$ 1,199,355</u>

7. MFA DEBENTURES/LEASES/LOAN FOR THE REGIONAL DISTRICT

Debenture debt, leases and the loan are with the Municipal Finance Authority and are being repaid in accordance with approved bylaws and agreements.

When a member municipality within the Regional District wishes to issue debenture debt through the Municipal Finance Authority of BC (MFA), the borrowing is done through the Regional District. The Regional District is therefore responsible for repayment of the debt to MFA. When payments (principal and interest) are made on this debt, the Regional District pays MFA and is reimbursed by the municipality.

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

NOTES

DECEMBER 31, 2015

8. DEBENTURES ISSUED FOR MUNICIPALITIES

The Regional District reports the outstanding debt borrowed on behalf of the member municipalities as both a financial asset and financial liability. Municipal debt payments are shown as revenue and offsetting expenditure.

9. CONSOLIDATED EXPENDITURES BY TYPE

	2015	2014
Director remuneration	\$ 152,183	\$ 147,663
Director travel	49,148	41,380
Staff remuneration and benefits	1,150,822	1,210,845
Staff travel and education	46,093	41,780
Interest	31,329	34,736
Purchased services, grants and supplies	1,597,545	1,328,862
Municipal debt payments	4,075,371	1,635,405
Amortization	142,936	137,917
	<u>\$ 7,245,427</u>	<u>\$ 4,578,588</u>

10. PENSION INFORMATION

The Regional District and its employees contribute to the Municipal Pension Plan (the Plan), a jointly-trusted pension plan. The board of trustees, representing plan members and employers, is responsible for overseeing the management of the Plan, including investment of the assets and administration of benefits. The Plan is a multi-employer contributory pension plan. Basic pension benefits provided are based on a formula. The Plan has about 185,000 active members and approximately 80,000 retired members.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the plan. This rate is then adjusted to the extent there is amortization of any funding deficit.

The most recent actuarial valuation as at December 31, 2012 indicated an unfunded liability of \$1,370 million funding deficit for basic pension benefits. The next valuation will be as at December 31, 2015 with results available in 2016.

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

NOTES

DECEMBER 31, 2015

10. PENSION INFORMATION (continued)

Employers participating in the Plan record their pension expenses as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the Plan records accrued liabilities and accrued assets for the Plan in aggregate with the result that there is no consistent and reliable basis for allocating the obligation, assets and cost to the individual employers participating in the plan.

The Regional District paid \$ 67,332 (2014 - \$ 77,190) for employer contributions to the plan in fiscal 2015.

11. PURPOSE OF ORGANIZATION

The Skeena-Queen Charlotte Regional District is a partnership of four electoral areas and five municipalities that provide local government services to approximately 20,000 residents living on the North Coast of British Columbia and Haida Gwaii.

The Regional District administers service ranging from solid waste management and recycling to land use planning, water supply and public safety.

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF SURPLUS

YEAR ENDED DECEMBER 31

SCHEDULE 1

	2015	2014
	\$	\$
Administration	192,716	100,632
Electoral areas	142,721	20,829
Grant-in-aid	11,067	5,951
Sandspit fire protection	738	1,905
Emergency programming	80,228	79,463
Islands solid waste	202,830	136,436
Regional recycling	98,436	48,910
Regional waste management		-
Planning	66,729	30,227
Economic development	17,480	16,599
Prince Rupert Regional Archives	17,258	16,373
North Pacific Cannery	26,372	21,095
Haida Gwaii Museum	6,070	4,871
Vancouver Island Regional Library	4,416	2,068
Haida Gwaii recreation	12,519	11,150
Mainland recreation	1,164	750
Sandspit water utility	59,614	17,782
Oona River telephone	-	787
Sandspit hall	6,439	- 2,402
Feasibility studies	<u>5,553</u>	<u>337</u>
	<u>952,350</u>	<u>513,763</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF RESERVE FUNDS

YEAR ENDED DECEMBER 31

SCHEDULE 2

	2015	2014
	\$	\$
Opening balance	600,108	324,623
Interest	17,192	10,400
Transfer to Operating Fund	- 31,898	- 50,178
Transfer from Operating Fund	<u>50,148</u>	<u>315,263</u>
Closing balance	<u>635,550</u>	<u>600,108</u>

Represented by the following reserve funds

Bylaw 486 Sandspit Water	87,606	39,127
Bylaw 561 Electoral Area Administration	38,180	37,120
Bylaw 566 General Administration	82,725	80,431
Bylaw 567 Feasibility Studies	25,927	25,208
Bylaw 568 Regional Recycling - Other	35,704	34,714
Bylaw 568 Regional Recycling - Building	116,032	112,815
Bylaw 569 Island Solid Waste	220,378	214,268
Bylaw 569 Landfill Closure	28,919	56,425
Bylaw 602 Haida Gwaii Recreation	<u>79</u>	<u>-</u>
	<u>635,550</u>	<u>600,108</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
STATEMENT OF CHANGES IN EQUITY IN PHYSICAL ASSETS
YEAR ENDED DECEMBER 31
SCHEDULE 3

	2015	2014
	\$	\$
Opening balance	<u>3,084,740</u>	<u>2,934,490</u>
Increase (decrease) in equity		
Contribution from operations	13,618	194,130
Physical asset disposals	- 3,525	- 4,000
Debt repayment	59,783	72,092
Actuarial additions	135,729	25,945
Amortization	<u>- 142,936</u>	<u>- 137,917</u>
	<u>62,669</u>	<u>150,250</u>
Closing balance	<u>3,147,409</u>	<u>3,084,740</u>

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

STATEMENT OF PHYSICAL ASSETS

YEAR ENDED DECEMBER 31

SCHEDULE 4

	COST				ACCUMULATED AMORTIZATION				NET BOOK VALUE	
	Opening Balance	Additions	Disposals	Closing Balance	Opening Balance	Annual Amortization	Disposals	Closing Balance	Total 2015	Total 2014
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Land	279,748	-	-	279,748	-	-	-	-	279,748	279,748
Buildings	1,540,484	15,559	-	1,556,043	300,736	38,901	-	339,637	1,216,406	1,239,748
Automotive	244,506	41,568	- 35,268	250,806	99,882	22,719	- 31,743	90,858	159,948	144,624
Equipment	482,672	-	-	482,672	183,291	35,577	-	218,868	263,804	299,381
Infrastructure	<u>1,829,571</u>	<u>-</u>	<u>-</u>	<u>1,829,571</u>	<u>411,653</u>	<u>45,739</u>	<u>-</u>	<u>457,392</u>	<u>1,372,179</u>	<u>1,417,918</u>
	<u>4,376,981</u>	<u>57,127</u>	<u>- 35,268</u>	<u>4,398,840</u>	<u>995,562</u>	<u>142,936</u>	<u>- 31,743</u>	<u>1,106,755</u>	<u>3,292,085</u>	<u>3,381,419</u>

Skeena-Queen Charlotte Regional District
Cheques payable over \$5,000 - APRIL, 2016

Payable To	Date	Amount	Purpose
Misty Isles EcoDev Society	11-Apr	\$ 25,000.00	2015 NDIT Economic Development Funding
Big Red Enterprises Ltd.	18-Apr	\$ 15,506.07	March Garbage Collection Contract
C & C Beachy Contracting	18-Apr	\$ 5,071.50	Move dirt, sand & rock - Landfill repairs
Pacific Blue Cross	18-Apr	\$ 5,400.20	April PBC/BC Life Premiums
Stantec Consulting Ltd.	18-Apr	\$ 6,443.48	Sandspit Water Filtration to Mar 31/16
Ticker's Hauling & Storage	18-Apr	\$ 7,618.10	Transport March recyclables, Excavator rental & 1 pallet jack (Landfill)
Joanne Ikert	25-Apr	\$ 14,064.75	Purchase of 2007 Cube Van for Landfill
Municipal Pension Plan	18-Apr	\$ 6,028.86	Payroll Remittance (PP7-2016)
Receiver General	18-Apr	\$ 11,385.81	Payroll Remittance (PP7-2016)
Municipal Pension Plan	18-Apr	\$ 5,665.60	Payroll Remittance (PP8-2016)
Receiver General	18-Apr	\$ 12,845.71	Payroll Remittance (PP8-2016)

CHEQUES OVER \$5,000:	\$ 115,030.08
CHEQUES UNDER \$5,000:	\$ 52,280.36
TOTAL CHEQUES:	<u>\$ 167,310.44</u>



April 8, 2016

Ref: 166815

Mr. Barry Pages
Skeena-Queen Charlotte Regional District
14 - 342 3rd Ave W
Prince Rupert, BC V8J 1L5

RECEIVED APR 14 2016

Dear Chair Pages:

The Province of British Columbia knows that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

In considering the opportunities that these services may provide, it is important that the Province understands any impacts that could result for consumers, host communities and existing service providers. The many people currently providing passenger and accommodation services in British Columbia have made investments, providing jobs and valuable contributions to the economy. Thought must be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any possible new entrants to these sectors.

To this end, over the coming months, I will be meeting with a wide array of stakeholders to explore issues pertaining to the sharing economy and develop a better understanding of the opportunities and challenges that they provide for citizens and communities.

Locally elected officials from both urban and rural regions will have important perspectives on the issues and opportunities surrounding the sharing economy, and I am eager to draw these out as part of the consultation process. It is my hope that I will be able to engage with as many local governments as possible in person over the coming months. Regardless of whether we are able to undertake this discussion in person, I would also value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca.

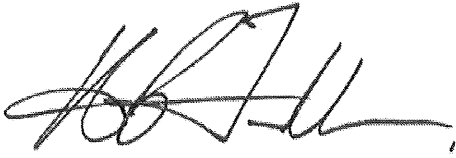
Your perspectives could include ideas on how sharing and existing service economies could be integrated, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any changes we might contemplate.

.../2

Mr. Barry Pages
Page 2

I look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Fassbender', with a stylized, cursive script.

Peter Fassbender
Minister



**BOARD OF EDUCATION
SCHOOL DISTRICT NO. 50
HAIDA GWAI**

107 Third Avenue, PO Box 69
Village of Queen Charlotte BC V0T 1S0
Tel: (250)559-8471 Fax: (250)559-8849
www.sd50.bc.ca

RECEIVED APR 21 2016

April 6th, 2016

Regional District, Village & Band Councils

Dear members of Councils and Boards:

At the recent budget consultation meetings of the Board of Education of School District 50, considerable discussion ensued around the topic of transportation. School District 50 spends tremendous resources on transporting students to school - in excess of \$500 000- and many feel there is a place for an island wide solution to the issue of public transportation.

I would like to request to attend your next council meeting (or another of your convenience) as a delegate to discuss with you the possibility of all our communities coming together to create a unique 'made in Haida Gwaii' solution to the issue of public transportation. Certainly the District is committed to being part of this process and a major contributor to its success. After I have met with all respective councils and boards, I would suggest a summit meeting where we can come together, with other off island partners, and build a public transportation plan for Haida Gwaii over the coming year.

If you have questions about what some of the possibilities are, do not hesitate to contact me at econdrotte@sd50.bc.ca. I look forward to meeting with you all soon.

Sincerely,

Elizabeth Condrotte
Board Chair



April 8, 2016

ITEM 7.3

301 - 1268 Fifth Avenue
Prince George, BC V2L 3L2
Tel: 250-561-2525
Fax: 250-561-2563
info@northernddevelopment.bc.ca
www.northernddevelopment.bc.ca

CONFIDENTIAL

Skeena-Queen Charlotte Regional District
Suite 14 - 342 3rd Avenue West
Prince Rupert, BC V8J 1L5

RECEIVED APR 20 2016

Attention: Chair Barry Pages

Dear Chair Pages:

**Subject: 2016 Economic Development Capacity Building
Northern Development Project Number 4264 20**

Thank you for your application to the 2016 Economic Development Capacity Building program. Northern Development is pleased to advise you that your application has been approved up to \$50,000 to support your community in its efforts to develop the local and regional economy.

Funding under the 2016 Economic Development Capacity Building program is provided as a reimbursement upon Northern Development's receipt of reporting documents. Complete reporting is required prior to January 31st, 2017. Reporting must include a completed Economic Development Capacity Building program reporting form which can be found on Northern Development's website at <http://www.northernddevelopment.bc.ca/funding-programs/capacity-building/economic-development-capacity-building/>, as well as a supporting ledger and pay stub(s) if applicable.

The Northern Development Board wants to see the Skeena-Queen Charlotte Regional District reach its economic potential and we look forward to being a partner in that endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Gendron".

Brenda Gendron
Chief Financial Officer

c: Doug Chapman, Chief Administrative Officer, Skeena-Queen Charlotte Regional District
Daniel Fish, Deputy Corporate Officer, Skeena-Queen Charlotte Regional District



ITEM 7.4

301 - 1268 Fifth Avenue
Prince George, BC V2L 3L2
Tel: 250-561-2525
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www.northernddevelopment.bc.ca

April 8, 2016

CONFIDENTIAL

Skeena-Queen Charlotte Regional District
Suite 14 - 342 3rd Avenue West
Prince Rupert, BC V8J 1L5

Attention: Chair Barry Pages

RECEIVED APR 20 2016

Dear Chair Pages:

**Subject: 2016 Grant Writing Support Funding
Northern Development Project Number 4262 20**

The Northern Development Initiative Trust board appreciates your interest and application to the 2016 Grant Writing Support program. The purpose of this funding is to provide grant writing support for priority community projects and to provide assistance to non-profits and First Nations located in or near your community. We are pleased to advise you that your application has been approved for a rebate grant of up to \$8,000 toward a community grant writing position. Northern Development is flexible as to when you contract or hire these services during 2016.

The Skeena-Queen Charlotte Regional District must submit a completed Grant Writing Support program reporting form which can be found on Northern Development's website at <http://www.northernddevelopment.bc.ca/funding-programs/capacity-building/grant-writing-support/>.

This report must verify a minimum of \$10,500 in wages or contract payments, a minimum of 400 hours spent on grant writing services, and a minimum of \$200,000 of grant applications during the approved calendar year. The minimum requirements must be met in order for Northern Development to issue the full \$8,000 rebate. Complete reporting is required prior to January 31st, 2017.

The Northern Development Board wants to see the Skeena-Queen Charlotte Regional District reach its economic potential and we look forward to being a partner in that endeavor.

Sincerely,

A handwritten signature in blue ink that reads "Brenda Gendron".

Brenda Gendron
Chief Financial Officer

c: Doug Chapman, Chief Administrative Officer, Skeena-Queen Charlotte Regional District
Daniel Fish, Deputy Corporate Officer, Skeena-Queen Charlotte Regional District



May 3, 2016

CLIFF: 1025030

File: 400-01

Chair Barry Pages and Board
Skeena-Queen Charlotte Regional District

bpages@mhtv.ca

Dear Chair Pages and Board:

Health Minister Terry Lake has announced the 73 communities selected for the provincial rollout of British Columbia's Community Paramedicine Initiative. We are pleased to advise that Haida Gwaii in your regional district is among those selected.

Community paramedicine will provide British Columbians in rural and remote communities with enhanced access to community health services and a more stabilized paramedic presence for emergency response. BC Emergency Health Services has been working closely with the Ministry of Health, the regional Health Authorities, the Ambulance Paramedics of BC (Local 873), the First Nations Health Authority and others to implement this initiative, which is the first in Canada to be introduced as a province-wide program.

Positions will be posted in a series of cohorts across the Health Authorities, beginning in Northern Health. The selection, orientation and placement process is expected to take about four months for each cohort.

It is expected that community paramedics in Northern Health will be hired, have completed the orientation program and be ready to begin providing services in patients' homes by **October 2016**. These patients will be referred by their family physician or other local health care provider.

Additional information is available by visiting bcehs.ca and clicking on Our Services/Programs & Services/Community Paramedicine. You may also contact us at CommunityParamedicine@bcehs.ca.

Sincerely,

Linda M. Lupini
Executive Vice President
Provincial Health Services Authority
and BC Emergency Health Services

Cathy Ulrich
President and CEO
Northern Health

cc: Doug Chapman, Chief Administrative Officer
Jodi Jensen, Chief Operating Officer, BCEHS
Michael McMillan, Chief Operating Officer, Northern Health
Nancy Kotani, Executive Director, Strategic Planning and Implementation, BCEHS
Rita Jervis, Project Director, Community Paramedicine Initiative, BCEHS
Rick Mowles, Area Director, Northern Region, BCEHS



MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA

REPORT FROM THE CHAIR and VICE-CHAIR

ON ACTIVITIES FOR THE PERIOD OF OCTOBER 2015 – MARCH 2016

PURPOSE

This report is intended to provide a summary of the activities and performance of the Municipal Finance Authority of British Columbia (“MFA”) for the six-month period of October 2015 to March 2016.

BOARD OF TRUSTEES MEETINGS

The Board of Trustees attended three meetings.

The Investment Advisory Committee, comprising all trustees, held one meeting. The purpose of these meetings is to receive reports and analysis from management and our pooled investment fund manager Phillips, Hager & North (PH&N).

The Annual General Meeting of all Members was held on March 31, 2016. Malcolm Brodie (Metro Vancouver) and Al Richmond (Cariboo Regional District) were re-elected as the Chair and Vice-Chair of the MFA, respectively. Derek Corrigan, Greg Moore and Richard Walton (from Metro Vancouver) were re-elected as Trustees. Also re-elected as Trustees were Joe Stanhope (Nanaimo Regional District), Rob Gay (East Kootenay Regional District), Ron Toyota (Central Kootenay Regional District) and Sharon Gaetz (Fraser Valley Regional District). David Howe (Capital Regional District) is a new Trustee, replacing Susan Brice. Trustees are elected annually.

2015 FINANCIAL RESULTS

Our Retention Fund grew to \$47 million at the end of 2015, a \$6.9 million increase from 2014. This was accomplished by a combination of income from operations of \$2.3 million, short-term debt fund earnings of \$3.4 million, and interest earned on the Fund itself of \$1.2 million. The Retention Fund is unrestricted and is available for operating activities, debt obligations, and distributions to clients and members.

FINANCING

Spring Refinancing:

On February 23, MFA BC issued a \$515 million 5-year new issue priced at +104 bps over the Government of Canada bond (or +24 bps to Ontario) for a coupon of 1.65% (and an all-in yield of 1.682%). The issue was among the largest and lowest coupon offerings in the history of MFABC.

The MFA continues to achieve lower interest rates when compared to all other municipal participants in the bond market across Canada, particularly in current challenging market conditions. This reflects our triple A credit ratings and the strong local governments throughout B.C. We are able to lend to all our members at the same low rate, regardless of the size of each community we serve in BC.

At the end of 2015, the MFA finances 1,875 long-term loans through 28 regional districts and three other entities.

The short-term borrowing program is currently maintaining a balance of \$550 million in Commercial Paper outstanding. This program provides interim financing for capital projects during construction, as well as our equipment financing (formerly leasing) program. The current offered rate is 1.41%. At the end of 2015, we have 649 short-term lending agreements with an outstanding balance of \$327 million.

POOLED INVESTMENT FUNDS

The 2015 gross results for the three managed funds are all positive relative to the benchmark indexes. These are Money Market Fund, 1.01 % (Index 0.56%), Intermediate Fund, 1.65% (Index 1.04%) and Bond Fund, 2.67% (Index 2.61%).

The total pooled funds at year end was \$2.254 billion (2014, \$2.184 billion), with the Money Market Fund at \$1.116 billion (\$1.236 billion), the Intermediate Fund at \$0.374 billion (\$0.328 billion) and the Bond Fund at \$0.764 billion (\$0.620 billion).

MUNICIPAL INVESTMENT PLAN

The Municipal Investment Plan is an individual investment plan accessible to all municipal employees, elected officials, and their spouses. A broad selection of funds eligible for RRSP, TFSA (tax free savings accounts), and non-registered accounts are available through Sun Life Financial. These funds are offered at a substantial reduction in management fees for plan members. The MFA facilitates contributions via payroll deduction or individual pre-authorized debit arrangements.

As at December 31, 2015 we had 401 participants and \$3.87 million invested with Sun Life. There has been steady growth in participant numbers for this program throughout 2015, and we

are booking retirement planning education sessions or informational web conferences for staff and council members.

MFA SEMI-ANNUAL MEETING – 2016

The MFA Semi-Annual Meeting of Members will be held Tuesday, September 27, 2016, in Victoria.

Submitted by:

A handwritten signature in black ink, appearing to read 'Malcolm Brodie', written in a cursive style.

Malcolm Brodie
Chair

A handwritten signature in blue ink, appearing to read 'Al Richmond', written in a cursive style.

Al Richmond
Vice-Chair



Village of Masset
 Village of Port Clements
 Village of Queen Charlotte
 Skeena Queen-Charlotte Regional District
 Council of the Haida Nation
 Ministry of Forests, Lands, and Natural Resource Operations
 BC Timber Sales

May 13, 2016

Re: Community Forest Consultant

To MIEDS' members and partners in working towards a Community Forest,

MIEDS has recently hired Keith Moore of Moore Resource Management to assist in our efforts to establish a community forest tenure on Haida Gwaii. With his extensive experience and connections both on and off-island, we feel that he will contribute valuable insight and capacity to this initiative.

The deliverables of his contract include identifying the goals and perspective of each of the MIEDS communities, and describing our options to move forward. MIEDS and the member communities will then evaluate the costs and benefits of these options, and work towards agreement on the best structure for the implementation and management of this tenure.

Keith will be contacting you in the near future, and plans to have a report completed by the end of July. Presentations will be made to the MIEDS Board and the municipal councils in August/September. As the Economic Development Officer position will be vacant until the fall of 2016, Keith will liaise with Chair Merilees and the MIEDS Board throughout the course of this contract.

Working with the various partners in this project and immersing myself in the world of forestry tenures has been a valuable experience. I wish you all the best in pursuing this exciting opportunity.

Sincerely,

A handwritten signature in black ink that reads "Cameron Bell".

Cameron Bell
 Economic Development Officer

113 Oceanview Drive • Box 652 • Queen Charlotte, BC • V0T 1S0
 250.559.8050 • edo@mieds.ca • www.mieds.ca

May 16, 2016

Chair Barry Pages
Skeena Queen Charlotte Regional District
100-1st Avenue East
Prince Rupert , BC V8J 1A6
bpages@mhtv.ca
cao@sqcrd.bc.ca

Dear Chair Pages,

Re: Primary and Community Care

Northern Health has been in the process of transforming our system to improve the care and services we provide to the people we serve. This work has been happening since 2008, but we are entering the stage where a significant part of this change is shifting how community services are organized and delivered throughout our region. These changes are an important part of creating a system of services that puts the person and family at the centre of the system, and supports the development of a healthy community.

We will improve the quality of care and services for people in our communities by:

- Developing seamless and coordinated health services that wrap around and support people to manage their own health care needs and be healthier in their communities.
- The people we serve will experience quality in care, have better health outcomes, and be satisfied with the community services received.
- Identifying service gaps and developing health care delivery solutions.
- By committing to partnering with First Nations and Aboriginal communities, to build a health system that honors diversity and provides services in a culturally safe manner.

Over the coming months we will be undertaking the necessary work to implement the next steps in this redesign of community services across Northern Health. Our first step includes transitioning identified nursing, clinician and administrative positions into new roles and assigning them to Interprofessional Teams that are closely connected to Primary Care providers including physicians and nurse practitioners. This process will be implemented community-by-community and staff in some communities may not start in their new position right away. We are planning for a smooth transition, but if challenges arise we will keep you informed and updated as we work through them.

Throughout May and June, we will work with managers and staff that will be impacted to help them navigate through the change to the new structure.

Northern Health's leaders and managers will be actively seeking the input and involvement of staff and physicians throughout the transition as implementation proceeds.

I encourage you to reach out to your local Health Service Administrator if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Ulrich". The signature is fluid and cursive, with the first name "Cathy" and last name "Ulrich" clearly distinguishable.

Cathy Ulrich
President and Chief Executive Officer
Northern Health

Minister of
Innovation, Science and
Economic Development



Ministre de
l'Innovation, des Sciences et du
Développement économique

Ottawa, Canada K1A 0H5

MAY 13 2016

RECEIVED MAY 23 2016

Mr. Barry Pages
Chair
Skeena-Queen Charlotte Regional District
14-342 3rd Avenue West
Prince Rupert, British Columbia V8J 1L5

Dear Mr. Pages:

On March 14, 2016, the Honourable Hunter Tootoo, Minister of Fisheries, Oceans and the Canadian Coast Guard, forwarded to me a copy of your letter regarding the closure of the Canfisco cannery in Prince Rupert, British Columbia. I regret the delay in replying to you.

I fully appreciate the impact of job losses on workers and their families and sympathize with those affected by this closure. I understand that Canfisco has already contacted Service Canada, and that support is being offered to workers who have lost their job.

Manufacturing plays a vital role in many local communities across Canada, and our government is committed to helping Canadian businesses grow, innovate and export so that they can maintain and create good-quality jobs and wealth for Canadians.

My department, along with Fisheries and Oceans Canada and Agriculture and Agri-Food Canada, are working with the fish and seafood industry and the Province of British Columbia to maximize the industry's potential as a world leader and supplier of high-value fish and seafood, domestically and internationally. I am also working with my officials and industry stakeholders to develop an Innovation Agenda that will, among other things, support strategic investments that build on competitive regional advantages and economic opportunities for communities across Canada.

...2

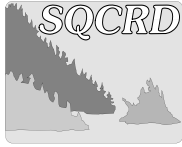
Budget 2016 proposes to provide an additional \$125 million in 2016–17 for Labour Market Development Agreements, and an additional \$50 million in 2016–17 for Canada Job Fund Agreements. These investments will help ensure that unemployed and underemployed Canadians can access the training and support they need to develop their skills and pursue opportunities for a better future. In Budget 2016, the government is also defining a new vision for Canada's economy with a view to build Canada as a centre of global innovation.

I trust that this information is helpful. Please accept my best wishes.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Bains". The signature is fluid and cursive, with the first letter "N" being large and prominent.

The Honourable Navdeep Bains, P.C., M.P.



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

14 – 342 3rd Avenue West Prince Rupert, BC V8J 1L5

Phone: (250) 624-2002 Fax: (250) 627-8493

Website: www.sqcrd.bc.ca

November 24, 2015

The Honourable Hunter Tootoo
Minister of Fisheries, Oceans and the Canadian Coast Guard
200 Kent Street
Ottawa, Ontario
K1A 0A6

Attention: Honourable Hunter Tootoo

Dear Minister:

Re: Canadian Fishing Company Salmon Fishing Licenses and Quota

The Board of the Skeena-Queen Charlotte Regional District would like to take this opportunity to congratulate you and your party on forming Canada's federal government.

We would like to further congratulate you on your appointment as Minister of Fisheries, Oceans and the Canadian Coast Guard.

We are writing to you to add our support to the call, from many in our region, for a review of Jim Pattison Group's Canadian Fishing Company's control of salmon fishing licenses and quota. With the proposed closure of the Canadian Fishing Company's salmon canning facility in Prince Rupert, B.C., upwards of 500 people will lose all or part of their livelihoods. This is because the Canadian Fishing Company controls the vast majority of harvestable salmon in B.C. through ownership of licenses and quota that they can simply take this production elsewhere, regardless of the impacts to workers or their communities; this is a common property resource for all Canadians and should remain so.

We firmly believe that a portion of the Canadian Fishing Company's quotas should remain in the region so that the people of the region continue to benefit from the resource on their doorstep.

There is precedent for such a move in Canada and we would draw your attention to the "Ground Fish Development Quota" that was established in 1997 to address the loss of work in B.C. shore plants after quotas were established in the B.C. ground fishery and resources sent to the United States for processing.

We thank you for your consideration in the matter and place ourselves at your disposal to further discuss possible solutions.

Sincerely,

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT



Barry Pages
Chair

:df

Cc: Honourable Minister Mary Polak
Honourable Minister Peter Fassbender
Jennifer Rice, MLA, North Coast
Nathan Cullen, MP, Skeena-Bulkley Valley

Minister of Transport



Ministre des Transports

Ottawa, Canada K1A 0N5

MAY 13 2016

RECEIVED MAY 23 2016

Mr. Barry Pages
Chair
Skeena-Queen Charlotte Regional District
14-342 3rd Avenue West
Prince Rupert BC V8J 1L5

Dear Mr. Pages:

Thank you for your correspondence of February 26, 2016, regarding the Skeena-Queen Charlotte Regional District's concerns associated with the liquefied natural gas (LNG) tanker hazard zones in Prince Rupert, British Columbia, identified by the Wilderness Committee. Please accept my apology for the delay in replying.

Transport Canada is committed to protecting Canada's waters from pollution by ensuring that marine transportation is safe and secure. To do so, the department has regulations, voluntary measures, and compliance and enforcement activities in place that are based on international standards and proven best practices from around the world.

As of 2004, Transport Canada became the lead regulatory agency for the preparation and response to ship-source oil pollution spills. Transport Canada is also responsible for making sure that the necessary resources are in place to establish the national response capacity for the following:

- creating ship pollution response plans;
- handling facility pollution response plans;
- monitoring response organization exercises; and
- enforcing and ensuring compliance.

Transport Canada has a number of roles and responsibilities with respect to LNG projects, including marine safety and security, navigation safety and environmental protection. LNG carriers must meet stringent safety standards in terms of design, construction, crew qualifications and operation under the *Canada Shipping Act, 2001*. Regulations under the Act also require appropriate navigation equipment, navigational rules and procedures, and effective means of communication.

In addition, there are international regulations designed specifically for LNG tankers, as established by the International Maritime Organization under the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (commonly referred to as the International Gas Carrier Code). LNG tanker vessels must meet rigorous international standards and are purpose-built to transport only LNG cargo. LNG carriers are modern and constructed with an insulated containment tank system that is effectively similar to an oil tanker's double-hulled design.

With respect to LNG, Transport Canada is leading the development of an LNG spill preparedness and response regime and is currently in the process of consulting with other government departments and stakeholders, such as the Pacific Pilotage Authority; Fisheries and Oceans and the Canadian Coast Guard; Environment and Climate Change Canada; and the Prince Rupert Port Authority. This regime will be based on existing regulations and international frameworks and will be subjected to continual improvement.

I should also note that the proposed LNG projects in Prince Rupert or any LNG project proposals are subject to standard environmental reviews in accordance with the *Canadian Environmental Assessment Act, 2012*, including when a substitution of the federal environmental assessment is granted to a provincial jurisdiction. These proposals are carefully evaluated and approved by the Canadian Environmental Assessment Agency to protect the environment from significant adverse environmental effects. As part of the environmental assessment process, input from the general public and Indigenous peoples is sought in order to promote sustainable development and maintain healthy environments. Once the environmental assessment of the proposed LNG facilities in the Prince Rupert area is completed, Transport Canada will ensure that the proposed LNG facilities comply with federal legislation under its mandate.

From a risk assessment perspective, site-specific Gas Cloud Modelling is the most effective tool for assessing the hazards and risk to the public from an accidental release of LNG. Accordingly, the TERMPOL Review Guide recommends including Gas Cloud Modelling as part of a proponent's risk analysis. For instance, I can confirm that the Pacific North West LNG and the Prince Rupert LNG projects have jointly submitted to the TERMPOL Review Committee detailed Gas Cloud Modelling simulations for each proposed terminal in the Prince Rupert Area. The TERMPOL review of this submission is underway.

I should also note that the BC Oil and Gas Commission (BCOGC), a provincial Crown corporation, is the provincial regulator of safety and environmental standards for proposed LNG terminals/projects in British Columbia. As part of the BCOGC permit process, a proponent must demonstrate that its project meets acceptable criteria for tolerable risks to the public. Should you require additional information about this risk criteria, you may wish to contact the BCOGC at the following coordinates:

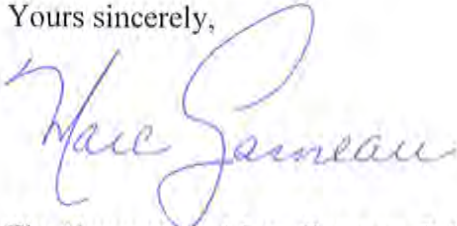
300-298 Harbour Road
Victoria BC V9A 0B7

Telephone: 250-419-4400
Email: **ogc.fileroom@bcogc.ca**

Finally, I would also encourage you to contact the Prince Rupert Port Authority, which is responsible for the planning and development of port facilities within Prince Rupert Harbour. This matter is pertinent to its oversight of the inner harbour under its jurisdiction.

Thank you again for writing.

Yours sincerely,

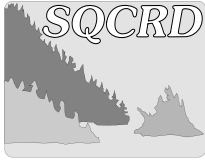
A handwritten signature in blue ink, reading "Marc Garneau". The signature is fluid and cursive, with the first name "Marc" and last name "Garneau" clearly legible.

The Honourable Marc Garneau, P.C., M.P.
Minister of Transport

c.c. The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

Mr. Nathan Cullen, M.P.
Skeena-Bulkley Valley

Ms. Jennifer Rice, M.L.A.
North Coast



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

14-342 3rd Avenue West Prince Rupert, BC V8J 1L5

Phone: (250) 624-2002 Fax: (250) 627-8493

Website: www.sqcrd.bc.ca

February 26, 2016

Minister of Transport
House of Commons
Ottawa, Ontario
K1A 0A6

Attention: Honourable Marc Garneau, Minister of Transport

Dear Minister:

Re: Prince Rupert & Region LNG Tanker Hazard Zones

At its January 22, 2016 Regular meeting, the Board of the Skeena-Queen Charlotte Regional District (SQCRD) discussed LNG tanker hazard zones in Prince Rupert and the surrounding region, with the discussion centering on mapping received from the Wilderness Committee (enclosed).

As the SQCRD is the governing body responsible for the delivery of emergency programming to a number of communities throughout the region, the Board has serious concerns with respect to the identified LNG tanker hazard zones and their proximity to these communities.

Of particular concern is the proximity of these hazard zones to major industrial infrastructure such as the Fairview Container Terminal, CN Rail line, the Prince Rupert Port Authority with its Port Security Operations Centre and Emergency Operations Centre, BC Ferries, and the Alaska Marine Highway terminal.

Further to these concerns, the identified hazard zones also pose a risk to a number of emergency services such as the Coast Guard base, City Hall and its emergency operations centre, the Fire Hall and its 911 call centre, the Seal Cove Coast Guard Search and Rescue base, the BC Ambulance Medivac base, the RCMP detachment, the Prince Rupert Regional Hospital and the BC Ambulance station.

At this time, the Board wishes to inquire as to whether or not your Ministry is aware of the LNG tanker hazard zones identified in the Prince Rupert region. If so, does your Ministry have any concerns with those hazard zones and their proximity to vital community and industrial infrastructure?

As the SQCRD is the governing body responsible for the delivery of emergency programming to a number of communities throughout the region, the Board is requesting that, should your Ministry have any emergency response plans prepared to address those hazards outlined in the enclosed, that those be shared with the SQCRD for its emergency planning purposes.

If you have any further questions, comments or would like to make arrangements to continue discussion on the above, please do not hesitate to contact the office of the SQCRD.

Best Regards,

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT



Barry Pages
Chair

:df

Cc: Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness
Jennifer Rice, North Coast MLA
Nathan Cullen, Skeena-Bulkley Valley MP

April 8, 2016

To: MIEDS Board of Directors

From: Cameron Bell, Economic Development Officer

Re: EDO Report

Introduction to Marc von der Gonna

Marc is the new North Coast Regional Manager for the Ministry of JTST (formerly Danielle Myles). He will be attending the meeting to introduce himself and learn more about MIEDS. He is on Haida Gwaii for 4 days, meeting with CAOs and other key players on the islands.

Office Location

Our landlord has allowed us to stay in our current location until renovations on the new office are complete. However, Jonathan may require a few more months to finish renovations, and other options are available. Ray Pelletier has a small office in the Causeway building, which would provide space for 2 employees and MIEDS supplies and documents. Our options include:

1. Rent Jonathan's space when it is available, \$1000+/month for 1 year
2. Rent Ray's space May 1, \$800/month for 1 year
3. Rent a storage shed (not heated) at Ticker's for MIEDS documents and equipment, \$125/month, have staff work from home
4. Discuss office sharing options with the municipalities

MIEDS needs to dispose of a few assets, including the archway in front of our current building. Al West (landlord) has expressed some interest in keeping it. In order to maintain transparency, posting the arch for sale by auction on a fixed timeline may be the best approach. Other assets, including unneeded furniture and electronics, could be donated or sold as appropriate.

Recommendation: That MIEDS advertise an auction for the sale of the arch, with the successful bidder to transport the arch before MIEDS leaves our current office.

Volunteer Haida Gwaii

The Village of Queen Charlotte initiated Volunteer Haida Gwaii last year with support from the MIEDS community allocation funding. This online platform currently includes over 20 organizations in QC-Skidegate-Sandspit, and has over 25 volunteers signed up. Some VoQC representatives have suggested transitioning the management of this project to MIEDS, and expanding it islands-wide.

If the Board feels that this is a worthwhile initiative for MIEDS, the Grant Writer could be a good fit for the role, given their regular interaction with NFPs. MIEDS could allocate \$2000 from next year's budget to cover the licensing fee, and assign this task to either the new EDO in the fall, or the Grant Writer in the near future, with additional hours added to her contract.

Finances

The fiscal years of both MIEDS and the numbered company have been changed to the calendar year. The 2015-16 Financial Report will be available at the Board meeting, once staff have finished reconciliation.

Audit Quotes

Staff have obtained four quotes from accounting firms. These quotes include an audit of the 2015-16 fiscal year for both MIEDS and the numbered company.

Audit Quotes – Comparison

Firm	Location	Cost	Notes
Chan Nowosad Boates	Campbell River	\$5,500	Conducted QCHA audit
FBB CPA	Prince George	\$3,000	Conducted VoM and VoPC audits
Vohora	Vancouver	\$6,250	Conducted HGCF audit
Renaissance Group	Vancouver	\$18,450	Maintains # co. records

Recommendation: That the Board propose appointing FBB CPA as the MIEDS auditor for 2015-16 at the upcoming AGM.

Tourism

Co-operative Marketing Program

The contract for 2015 destination marketing funding has been signed. Cameron and Mary Lou will be selecting photos and text for all 2016 ads this month. Additional detail is available in the attached Haida Gwaii Tourism 2016 Marketing Plan.

Marketing Initiatives

Traffic on the website and following on our social media channels continues to grow. The final ads using 2015-16 funding have been submitted. Three students from the Haida Gwaii Higher Education Society submitted 3 blogs each for the website through their Community Service Learning projects this semester. The quantity of info requests is increasing, requiring up to 2 hours of Mary Lou's time per day, including phone calls and emails. This may be due to the off-season schedule of the Visitor Centre, which would normally handle more of these requests.

Tourism Partnerships

A Spring Haida Gwaii Tourism Forum was proposed, but not organized due to CHN Tourism Committee capacity and scheduling limitations. A group of 15-20 tourism businesses on the islands are working on creating a Haida Gwaii Passport, in which visitors are given a "passport" listing discounts at local businesses when obtaining a rental car at National in Masset. If a visitor shows that they have visited a certain number of businesses during their trip, they would receive 100km free on their rental car. MIEDS plans to support this initiative through online promotion, and providing the Go Haida Gwaii and Love Haida Gwaii logos for inclusion on the passport. We are waiting for clarification of details from the group of businesses.

Love Haida Gwaii

The Spring Trade Show is scheduled for May 1, 1-4 PM, at the Community Hall in Masset. The morning will feature a Grant Writing for Small Business workshop hosted by Community Futures, facilitated by Alissa MacMullin through her private consulting business. All tables are booked, and almost all participating vendors are Love Haida Gwaii businesses.

Grant Writer

Two applications totaling \$33,104 were submitted this month, as per the attached report. Assisting SD50 with a local food programming application was quite time-consuming, and Alissa has expressed concerns about her capacity. As neither a government nor a non-profit, we decided to provide Alissa's services as a pilot project, but may wish to consider limiting grant writing assistance to only NFPs and local governments in the future.

Alissa requires that NFPs sign a "Grant Writing Assistance Agreement" to set clear expectations, but we could also draft a policy to clearly specify which organizations are eligible for assistance, and under what conditions. This also depends on capacity at different times of year. For example, Alissa had very few other applications to write in March. If NDIT, Gwaii Trust, or other major applications are due, Alissa would likely not have the capacity to assist with SD50 or NFP applications.

Community Forest

The BC Government has recently introduced Bill 12 to the legislature, which would allow the Province to mandate that a new CFA must reserve a portion of its volume for BCTS. The BCCFA has voiced their concerns about this new legislation, which would undermine a tenet of CFAs; that they have exclusive control over their area-based tenure.

Another meeting with the CHN is scheduled for April 27. It is expected that the CHN will wish to continue discussing the MoU regarding the Community Forest. No new information from CHN, FLNRO, or BCTS staff has been sent to MIEDS.

Mobile Business Licensing

Draft Bylaws and staff reports were sent to the Councils for consideration last week.

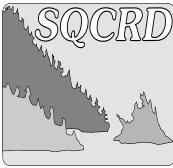
Strategic Planning

An Interim Strategy has been drafted, to provide guidance for the society until a new comprehensive strategic plan is created. It consists of goals and guiding statements from previously approved MIEDS documents. Comments and suggestions are welcome.

AGM

The AGMs for MIEDS and the numbered company will be held Tuesday May 3, at 3 PM in Port Clements. The MIEDS Board and each Council should approve the Annual Plan, Report, Financial Statement, and budget prior to the AGM.

MIEDS has not received notice that any Directors are changing this year. The Board must decide if any officers (Chair, Vice-chair, and Secretary/Treasurer) are changing for the upcoming year. The Board may also wish to discuss increasing the involvement of Directors in some affairs of the society, given the diversity of projects and lack of an EDO in the near future.



STAFF MEMORANDUM

DATE: May 27, 2016

TO: D. Chapman, Chief Administrative Officer

FROM: D. Fish, Deputy Corporate Officer

SUBJECT: B.C. Spill Response Regime Symposium

Recommendation:

THAT the Board receives the memorandum from staff entitled “B.C. Spill Response Regime Symposium”, dated May 27, 2016, be received for information.

BACKGROUND:

At its March 18, 2016 Regular meeting, the Board of the Skeena-Queen Charlotte Regional District (SQCRD) received correspondence from the Ministry of Environment with regard to its Spill Response Regime Engagement Workshop being held in Richmond, B.C. on April 20-21, 2016 to receive comment from stakeholders on the proposed spill response regime as outlined in the Ministry’s “Spill Preparedness and Response in BC Intentions Paper”.

At that time, the Board resolved to send a staff member to attend the B.C. Spill Response Regime Symposium (Symposium) in the event that a Director was unable to attend.

PURPOSE:

On April 20-21, 2016 the Deputy Corporate Officer attended the Symposium in Richmond, B.C. The purpose of this memorandum is to provide further information to the Board with regard to the Symposium.

DISCUSSION:

The Symposium included breakout sessions for seven topic areas the Ministry intends to act on first, which included:

1. Who is a Regulated Person?
2. Spill Contingency Plans
3. Drills, Exercises and Substance Reporting
4. Geographic Response Plans
5. Response Reporting and Times
6. Recovery and Restoration
7. Preparedness and Response Organization (PRO)

Attachment A of this memorandum includes a summary report of the Symposium. It is expected that a comprehensive report of the Symposium will be available for review in the coming weeks.

Symposium on Land Based Spill Preparedness and Response in British Columbia

Preliminary Summary Report
April 27, 2016



Introduction

In 2010, the Ministry of Environment (MOE) began work on the development of a world leading spill response regime. Over the last several years, MOE engaged industry, First Nations and communities through a series of workshops, advisory groups and policy papers. The third Intentions Paper entitled *Spill Preparedness and Response in BC: Proposed Amendments to the Environmental Management Act and Proposed Regulations* (IP3) was released in April 2016. IP3 lays out the ministry's intent for legislative, regulatory and policy changes across key components of the regime. Feedback on this paper from First Nations, industry, local governments, other government agencies and the public will be used to support the development of the regulations and policies needed to implement the regime.

As one of the methods for gathering feedback and advice on the regulations, the ministry hosted a two-day symposium in Richmond on April 20 and 21, 2016. The ministry invited just under 1,800 participants and approximately 275 attended, including representatives from:

- 28 companies from the mining, forestry, oil and gas, and energy industries
- 18 First Nations bands
- 37 local governments
- 6 federal government organizations
- 7 provincial government ministries
- 34 professional associations
- 24 environmental non-governmental organizations.

The symposium was designed to provide information on the ministry's intentions for continued development and implementation of the spill response regime, to solicit feedback, to identify topics for discussion and to identify participants for upcoming technical working groups.

This report includes a summary of what was discussed during the symposium, including themes the facilitation teams noted during the session. It does not include a full analysis of all the questions and concerns raised by participants. A more comprehensive analysis will be included in the full Symposium Report to be made available in the summer.

The symposium included plenary sessions at the beginning of day one and day two and at the closing of day two. The plenaries were designed to provide an overview of why the government is pursuing world leading spill response and begin the conversation on how to get there.

Most of the symposium was dedicated to breakout sessions for seven topic areas the ministry intends to move forward on first. Over the two days, all participants had an opportunity to attend every breakout session. Each breakout included a presentation and a question and answer period on the following key components of the proposed changes in legislation:

1. Who is a Regulated Person?
2. Spill Contingency Plans
3. Drills, Exercises and Substance Reporting
4. Geographic Response Plans
5. Response Reporting and Times
6. Recovery and Restoration
7. Preparedness and Response Organization (PRO)

Day One: The session opened with a welcome to the traditional territories of the Coast Salish peoples from Debra Sparrow, Musqueam First Nation. Wes Shoemaker, Deputy Minister, Ministry of Environment, thanked Debra and provided opening remarks about the purpose of the symposium.

Anthony Danks, Executive Director, Ministry of Environment, then presented an overview of the Spill Response Regime. Next, Daphne Dolhaine, Legislation, Regulation and Policy Lead, Ministry of Environment, highlighted the key changes in the legislation and proposed regulations.

During the morning plenary, participants had table discussions about their expectations for the symposium and had an opportunity to note any questions or comments they had on post-it notes. The remainder of the day included four breakout sessions.

Day Two: Day two began with Anthony Danks responding to some of the frequently raised questions during day one, including requests for further details about the technical working groups and general queries about why the Ministry is pursuing world leading spill response.

Daphne Dolhaine and Ian Sharpe, Preparedness and Response Organization (PRO) Lead, Ministry of Environment, then led a plenary on the PRO. Following the plenary, participants went to their breakout rooms to ask questions and provide comments on what they heard about the PRO. After the PRO breakout session, participants attended two more breakout sessions and the symposium closed with the facilitation teams offering a summary of the themes in the seven topic areas.

The remainder of this report summarizes some of the questions, concerns and suggestions raised by participants for each of the topic areas.

1. Who is a Regulated Person?

Ben Vander Steen, Duncan Ferguson and Curtis Smith from the Ministry of Environment presented this session on the proposed definition of a Regulated Person. During the question and answer period, the following questions, concerns and suggestions were noted:

General Questions

There were a number of questions about how the Ministry of Environment arrived at the threshold, which was explained; the ministry is committed to exploring the threshold methodology in greater detail at the upcoming technical working group.

Topics Raised

- The focus on liquid as the way to define who is a regulated person may leave risks from gases and solids without sufficient coverage.
- While there was a recognition that volume thresholds could be one method for identifying regulated persons, there was concern the approach could have unintended consequences (i.e., a carrier moving 9,999 litres of a hazardous substance may not have to demonstrate preparedness where as a carrier with 10,000 litres would).
- There was confusion as to why the ministry would not count different substances together to work towards the threshold total for a given operation (i.e., if a facility had 40,000 litres of one prescribed substance in one tank, and 35,000 litres of another prescribed substance in another tank, it would not be counted as a regulated person even though it had 75,000 litres of prescribed substances, which exceeds the fixed facility threshold).
- There were conflicting views: some people thought the focus on prescribed substances should be limited to those that spill most often, whereas others felt we should capture more substances than the 140 listed.

Suggestions

- Participants expressed surprise the definition of a regulated person appeared to be limited to businesses, to the exclusion of local governments. A strong suggestion from the participants was local governments should be included if they meet the substance/volume criteria.
- Participants also suggested volume thresholds could be designed to differ based on the sensitivity of a receiving environment (i.e., use/transport of hazardous substances through a sensitive area or nearer to a waterway could trigger the status as a regulated person at a lower threshold than in other areas).

2. Spill Contingency Plans

Dave Maedel and Jennifer Wilson from the Ministry of Environment presented on spill contingency plans, including the rationale for the plans, who the persons responsible for producing the plans are, ideas about plan content and timing, and the process to ensure alignment with other requirements. During the question and answer period, the following questions and suggestions were shared:

General Questions

- Who would be required to prepare a spill contingency plan?
- What will be the content requirements and how will these plans be integrated with the Area Response Plans and the Geographic Response Plans?
- What is a worst case scenario and how will that be addressed by the Technical Working Group?
- Who will be involved in the Technical Working Groups?
- How will the ministry be overseeing plans and making sure they are adequate and in place?

Suggestions

- Ensure the spill contingency plans have the appropriate level of detail (i.e., not too much detail and only the information required for the first hours of a spill) and contain only relevant information (i.e., training may not be a subject required in a spill contingency plan).
- Plans should be based on risk.

3. Drills, Exercises and Substance Reporting

D'Arcy Sego and Kelli Kryzanowski from the Ministry of Environment presented a session on the requirements being considered for drills and exercises, and for substance reporting. Their presentation included information on the requirements being envisioned for drills and exercises, including the types and frequencies, meetings and evaluation, coordination and scheduling. A second discussion topic was proposed reporting requirements for substances and transporting. During the question and answer period, the following questions, concerns and suggestions were commonly shared:

Questions

- How is non-compliance with exercises and drills going to be enforced?
- How is the ministry going to deal with allowing agencies to complete exercises in different jurisdictions given the environmental response differs depending on the resources at risk which may be different in BC (terrain, weather etc.) in comparison to where the agencies are doing their exercises?
- What is the policy intent and what is considered a meaningful report when an industry transports prescribed substances that may be constantly changing in volume, composition and transport routes? How frequently does that need to be reported to the regulator?
- What is going to be required to provide those reports?

Topics Raised

- Concern was expressed about the resource requirements for local governments.
- There have been experiences where the results of the drills were different for the responsible party than they were for the municipality.
 - What is going to be the measurement tool for success?
 - Is there going to be a regulated authority to ensure things are done correctly?
 - Is it only a self-evaluation process?
- Tracking the movement of products will be challenging given truck routes can change at a moment's notice.

Suggestions

- Local government representatives noted there needs to be more communication with industry and local government Emergency Program Coordinators. More engagement with industry would allow the Coordinators to better prepare their response plans in the preparedness phase as well as the response phase itself. This doesn't include just the fire department or the environmental planners, but a fulsome engagement with the Emergency Program Coordinators.
- A list of prescribed or approved trainers should be established to provide a BC model for spill exercises. Local government wants to be involved with the exercise analysis as they are responsible for their communities and want to ensure gaps truly are identified and acted upon.

4. Geographic Response Plans

Laurie Boyle and Pader Brach from the Ministry of Environment presented on Geographic Response Plans. The presentation included information about what Geographic Response Plans are, why they are important, how they might be developed and used and proposed requirements for timelines. Some of the questions and suggestions raised included:

Questions

- What are the advisory committees being envisioned?
- How will boundaries be defined? What criteria will you use? What size will they be and what is it going to cost to do this planning?
- How do the Geographic Response Plans integrate with the other plans that are required?
- Who is responsible for completing, approving and validating the Geographic Response Plans?

Suggestions

- Use existing information to develop the Geographic Response Plans. There has already been work done that we should build on rather than duplicate.
- Be careful about releasing sensitive information.
- Consider having government own and develop the Geographic Response Plans, not the regulated persons.

5. Response Reporting and Times

Graham Knox and Sheila Richardson from the Ministry of Environment presented the Response Reporting and Times breakout group. Their presentation covered what the requirements might be for spill reporting, sampling and monitoring, and response times. Some of the questions, concerns and suggestions that emerged from the opportunity for questions and feedback were:

Questions

- What type of sampling will be required?

Topics Raised

- There may be duplication in sampling and monitoring between the qualified professionals working for industry versus government.
- The release of raw data is a concern for some.

Suggestions

- Not all spills should require a five-step reporting process. Most spills are small and should be done in fewer steps.
- Support for the idea of using a multiple approach based on substance, geographic area or sector instead of a blanket approach to defining the response times.

6. Recovery and Restoration

Carley Coccola and Leon Gaber from the Ministry of Environment presented the breakout session on Recovery and Restoration. Their presentation covered concepts and definitions, what recovery looks like in BC and in other jurisdictions, the proposed recovery process, and the work already underway. Questions and concerns raised during the questions and answer period included:

Questions

- What would happen if the responsible party was unknown or was unable to pay for environmental recovery? Who would be liable for “orphan spills” – those where the spiller is unwilling or unable to respond, or unknown?
- When do you develop a recovery plan? Several participants commented on how there is generally no seamless transition from the response/emergency phase to the environmental recovery phase and how restoration and remediation actions often take place during initial response. Does it make sense to wait until the emergency/response phase has ended to develop a recovery plan?

Topics Raised

- There was a large amount of conversation around how environmental endpoints should be determined and how it can be difficult to agree on environmental endpoints, particularly when there is typically no baseline data for impacted resources/sites.

- There is a risk of potential overlaps with the contaminated sites regime.
- Related to transparency and participation in the recovery process, there was plenty of discussion on the role of stakeholders and First Nations in the recovery process and the need to balance this input/participation with the need to quickly implement restoration actions. Concerns were raised that lengthy consultation processes could lead to delays in undertaking restoration actions.
- The appropriate sequencing of regulations needs consideration as many aspects of environmental recovery are linked to other parts of the regime. For example, baseline data could be collected during Geographic Response Plan development to aid in determining endpoints following a spill within the related area. Concerns were also raised regarding a spill that may happen prior to environmental recovery rules being in place.
- Concern was expressed that health/social impacts from spills are not being addressed through recovery and restoration in BC's spill response regime.

7. Preparedness and Response Organization (PRO)

The PRO session was presented in a plenary by Daphne Dolhaine and Ian Sharpe. Their presentation included information on what the PRO is and the functions it might deliver. Following the plenary, participants went to breakout sessions to ask questions and provide feedback. The following questions, concerns and suggestions or support were commonly expressed during these breakouts:

Questions

- Questions were raised about the rationale or need for a PRO and whether anyone would be willing to take on the costs and liability associated with becoming a PRO.
- There were also many questions of clarification about how a PRO might work, including: how many PROs would there be; what would be their roles and responsibilities; would the PRO operate on First Nations land; who would provide oversight and hold the PRO accountable; what will the fees be; and who funds it?

Topics Raised

- Some concerns were raised about industry leading the PRO instead of government.

Suggestions or Support

- Local governments expressed support for the concept of a PRO. They saw themselves as a regulated person and believed the PRO would help them with communication.
- Some suggestions were provided that the PRO should be a non-profit organization.
- Some participants thought the PRO should be responsible for ensuring appropriate information is circulated, but not responsible for the doing the work on the ground.
- Some First Nations suggested they needed to play a strong oversight role. Suggestions were provided that the ministry should do more research on how this model has worked in other jurisdictions as well as some scenario planning or pilot testing before launching the PRO.

Next Steps

The ministry is currently reviewing and analyzing all of the feedback provided during the symposium and will publish a more comprehensive report on what was heard in the fall.

All of the presentations provided at the symposium are available on the BC Spill Response Regime website under [Current Spill Regime Engagement](#). The third Intentions Paper is available on the [Spill Response Online Engagement](#) website. The ministry will continue to receive feedback on the third Intentions Paper from all parties until June 30, 2016.

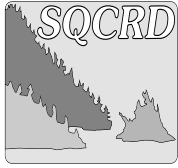
- Individuals can provide input at <https://engage.gov.bc.ca/spillresponse/>.
- Organizations are invited to send their comments on letterhead as an attachment to spillresponse@gov.bc.ca. For transparency, these letters will then be posted to the discussion forum website mentioned above.

At the same time, the ministry is continuing to gather additional input through a series of engagement sessions across the province with First Nations.

Simultaneously, the ministry is also establishing technical working groups to help with the development of the regulatory framework needed to augment the spill response legislation. During the symposium, participants were encouraged to identify themselves as being interested in participating in these working groups, and many did. The ministry is working to finalize the number and topics of working groups and will select a list of participants based on those who expressed interest to ensure a diversity of perspectives are represented on each working group. These technical working groups will meet over the summer and it is expected the majority of technical working groups will provide recommendations to the Province to in late summer. However, some technical working groups may continue working into 2017 to inform regulations intended to be sequenced over a longer period of time.

For more information on the BC Spill Response Regime development process or to express interest in participating in the technical working groups, please email spillresponse@gov.bc.ca.

For further ongoing email updates on the BC Spill Response Regime, please subscribe to the BC Spill Response Regime E-Link from www.gov.bc.ca/spillresponse.



STAFF REPORT

DATE: May 27, 2016

TO: D. Chapman, Chief Administrative Officer

FROM: D. Fish, Deputy Corporate Officer

SUBJECT: Municipal Name Change Alternative Approval Process Results & Request to Minister

Recommendation:

THAT the staff report entitled “Municipal Name Change Alternative Approval Process Results & Request to Minister”, dated May 27, 2016, be received;

AND THAT the Board of the Skeena-Queen Charlotte Regional District request that the Minister of Community, Sport and Cultural Development recommend to the Lieutenant Governor in Council that the name of the Skeena-Queen Charlotte Regional District be changed to the “North Coast Regional District” through the issuance of a supplemental letters patent.

BACKGROUND:

At its Regular meeting held November 20, 2016, the Board of the Skeena-Queen Charlotte Regional District (SQCRD) received a staff report outlining the proposed consultation to take place with various stakeholders with regard to the SQCRD’s proposed municipal name change to the “North Coast Regional District”.

At this time, the Board approved the following timeline and consultation process:

The first consultation piece included sending correspondence to stakeholders advising them of the SQCRD’s intent to implement a municipal name change and request feedback, if any, on the proposed name.

The timeline for consultation and implementation of a municipal name change is as follows:

- December 2015 – Correspondence sent to stakeholder groups requesting feedback;
- February 2016 – Deadline to receive comment from stakeholder groups;
- March 2016 – Initiate Alternative Approval Process;
- May 2016 – Deadline to receive elector response forms;
- June 2016 – Request to Minister Fassbender to recommend a municipal name change to Cabinet;
- Fall 2016 – Supplementary letters patent issued; and
- Fall/Winter 2016 – Updating of Regional District branding and media.

DISCUSSION:

Consultation Phase 1: Stakeholder Correspondence Engagement

The deadline for comment from stakeholder groups on the proposed municipal name change passed on February 1, 2016. The following is a list of stakeholders and their response to the SQCRD's proposed municipal name change:

Stakeholder	Response to Municipal Name Change
Member Municipalities	
City of Prince Rupert	No comment
District of Port Edward	Endorsed
Village of Port Clements	No comment
Village of Masset	Supported
Village of Queen Charlotte	Supported
First Nations	
Hartley Bay Band Council	No objection
Provincial Ministries	
Ministry of Education	Deferred to MCSCD
Ministry of Transportation and Infrastructure	No objection
Ministry of Agriculture	Supported
Ministry of Community, Sport and Cultural Development (MCSCD)	No objection
Premier's Office	Deferred to MCSCD
Federal Ministries	
Ministry of Innovation, Science and Economic Development Canada	Deferred to Ministry of Indigenous and Northern Affairs
Ministry of Agriculture and Agri-Food Canada	Deferred to Province
Ministry of Health Canada	Not within mandate
Ministry of Employment and Social Development Canada	Deferred to Province
Ministry of Finance Canada	Not within mandate
Ministry of Indigenous and Northern Affairs Canada	No concern
SQCRD Committees & Commissions	
Electoral Area Advisory Committee	Supported
Regional Recycling Advisory Committee	Supported
Sandspit Community Hall Committee	Supported (individual response)
Moresby Island Advisory Planning Commission	Supported (individual response)

Consultation Phase 2: Alternative Approval Process

As a secondary consultation piece, the Board of the SQCRD initiated an Alternative Approval Process (AAP) to gauge public opinion on the SQCRD's proposed municipal name change to the "North Coast Regional District".

In accordance with section 86 of the *Community Charter*, the SQCRD published notice of the AAP in the March 9 & 16, 2016 issues of *the Northern View* and the March 11 & 18, 2016 issues of *the Observer*, outlining the SQCRD's intent to request a municipal name change. After the second of two notices were published, electors had 30 days in which to advise the SQCRD that, in their opinion, the matter is of such significance that a referendum on the matter should be held.

The 10% threshold for elector responses was calculated using the Provincial Voters List and had been calculated to be 1,226. April 29, 2016 was established as the deadline to receive response with regard to the AAP and, at that time, no responses had been received by the SQCRD.

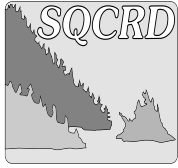
As the SQCRD has now completed the engagement process it had identified in 2015, and remaining consistent with the timelines established at that time, the Board may now request that the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development, recommend a municipal name change to Cabinet.

Paragraph 41(4)(a) of the *Local Government Act* states:

"On the recommendation of the minister, the Lieutenant Governor in Council may, by letters patent, do one or more of the following: ...Change the name of a regional district..."

RECOMMENDATION:

Staff is recommending that the Board resolve to request that the Minister responsible recommend to the Lieutenant Governor in Council to change the name of the Skeena-Queen Charlotte Regional District to the North Coast Regional District through the issuance of a letters patent.



STAFF REPORT

DATE: May 27, 2016
TO: D. Chapman, Chief Administrative Officer
FROM: D. Fish, Deputy Corporate Officer
SUBJECT: 2016 UBCM Convention Meeting Requests

Recommendation:

THAT the staff report entitled “2016 UBCM Convention Meeting Requests”, dated May 27, 2016, be received;

AND THAT the Board provide staff with further direction.

BACKGROUND:

The 2016 Union of BC Municipalities (UBCM) Convention will be held at the Victoria Conference Centre from September 26-30, 2016.

UBCM's annual convention provides an opportunity for local government leaders to discuss local issues and initiatives with provincial government elected officials and staff, as well as to develop policy that guides UBCM's advocacy efforts and work throughout the year.

DISCUSSION:

Staff is recommending that the Board discuss the topics and issues that it would like to see brought forward as a meeting request to the 2016 UBCM Convention. Once topics and issues have been identified, staff will have the opportunity to contact the appropriate Provincial Ministry to go about scheduling a meeting request and prepare briefing notes beforehand.

Staff has contacted the UBCM Meeting Coordinator with the Ministry of Community, Sport and Cultural Development and found that the online meeting request page will be open and available to schedule meetings on June 13, 2016 at 8:30 AM.

For the Board's information, the following meeting requests were submitted in 2015:

Meeting:	Topic(s):
Ministry of Community, Sport and Cultural Development, Minister's Meeting	1) Northwest Resource Benefits Alliance and revenue sharing agreement
Ministry of Transportation and Infrastructure, Minister's Meeting	1) BC Ferries service cuts and fare increases; impact to Skidegate – Alliford Bay route
Ministry of Natural Gas Development (Responsible for Housing), Minister's Meeting	1) Siting of LNG facilities and "world class/industry leading" definition
Ministry of Forests, Lands and Natural Resource Operations, Minister's Meeting	1) Haida Gwaii Community Forest Tenure & Access to Clapp Basin Rennel Sound

RECOMMENDATION:

Staff is recommending that the Board designate a lead Board member for each issue/topic identified for a meeting request. This will allow staff to efficiently coordinate with the Board to ensure that briefing notes and subject matter are completed accurately and in a timely fashion.



SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
14 – 342 3rd Avenue West Prince Rupert, BC V8J 1L5
Phone: (250) 624-2002 Fax: (250) 627-8493
Website: www.sqcrd.bc.ca

MEMORANDUM

To: SQCRD Board

From: Doug Chapman, Chief Administrative Officer

Date: May 27 ,2016

SUBJECT: SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

At the regular Board meeting held June 19, 2015 Staff was authorized to hire Stantec Consulting Ltd. to carry out an assessment and provide recommendations concerning the Sandspit Water System. Mr. David Shearer, P.Eng performed the work and issued a report on March 9, 2016. The Sandspit Water Operator Mr. Bob Prudhomme was interviewed by Mr. Shearer and toured him and showed him the system.

After the report was issued, Mr. Prudhomme then issued an email listing many concerns with the report and things that he thought were overlooked. Since Mr. Shearer was away for an extended period of time, Staff, in consultation with Director Beldessi, contacted GW Solutions Inc., who operates out of Nanaimo, B.C., to review the concerns raised.

Dr. Gilles Wendling, PhD, P.Eng, after reviewing the concerns of Mr. Prudhomme, has stated that the report from Stantec Consulting Inc. is an accurate report and agrees with the recommendations made.

Staff continues to work with Dr. Wendling to license the wells under the new *Water Sustainability Act* that is now required.

Sandspit Community Water Supply System Interim Site Assessment Report and Recommendations



Prepared for:
Skeena-Queen Charlotte
Regional District

Prepared by:
David Shearer
Stantec Consulting Ltd.

March 9, 2016

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

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SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Water System Description—General
March 9, 2016

1.0 WATER SYSTEM DESCRIPTION—GENERAL

The sandspit community invested in a community water supply system in 2000. The supply system includes three new wells and pumps, which delivers water to a reservoir, sized for potable water and fire protection requirements. Water is supplied to the reservoir and also distributed to the community, en-route via a 200 to 250 mm diameter watermain, complete with hydrants. The watermain is installed throughout the length of the community, a distance of approximately 3,420 m. The system includes 5 micron (μ) filtration and disinfection. At each well head, a small pump house has been provided, which houses the well head; power supply to the well pump; a 5 μ filter; UV disinfection and chlorination. The installations include a pressure relief valve, a flow meter and an electronic control panel. There are three pump houses located towards the south east end of the water distribution system.

The pumps are activated from level switches in the reservoir. They are programmed to start almost simultaneously on the low level switch. A slight timing delay has been programmed to avoid all three pumps starting simultaneously. A recent modification has included the introduction of variable speed drives to facilitate “soft starts”.

A further modification has included elimination of the “contact time piping lengths” which had been installed immediately downstream of the pump houses to ensure chlorine contact time is sufficient to properly disinfect the water usage immediately downstream. We are advised that the contact piping installations leaked and calculations proved that they were unnecessary.

The water system is maintained by a certified operator who is a community member. He monitors the equipment and checks that chlorine residual levels are being maintained throughout the system on a daily basis. His target is to maintain 1.5 ppm chlorine residual level in the system. He reports that he has difficulty in maintaining the required chlorine residual particularly in the summer months. In order to reinstate the desired chlorine residual level, he increases the dosage levels from the three chlorine injection pumps, until the desired level is reached. He then re-adjusts the dosage to the normal optimum level. This process is repeated every couple of days in the summer. Less often in the winter. Perhaps once every couple of weeks. The chlorine is household bleach, purchased from the local store.

A further troubling issue is that he also has to shock the reservoir with chlorine on a fairly regular basis. Perhaps once per week in the summer, once every month and a half in the winter. He uses 4 gallons of bleach to undertake the shock treatment.

In addition to the shock treatment, the mainline is flushed by opening a hydrant downstream of the reservoir, at the end of the main supply line. The supply line has two “dead ends” which require constant flushing, simultaneously with the chlorine shocking treatment. Routine water quality testing for E. coli (coliform group of bacteria) is undertaken on a weekly basis. Results

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Water Supply System Details
March 9, 2016

have indicated no presence of E. coli, further testing has been performed to check the water quality at each well pump. Tests included checking for heavy metals, organic carbon, hardness, turbidity and trihalomethanes (THMs). Results indicated that THMs are slightly elevated above the Canadian Guidelines.

Certain test results indicate unusually high organic levels for a ground water supply system. It is noted that two wells are considered to be shallow at approximately 35 ft. deep and therefore under the influence of the surface waters. The third well (Well #5) is over 95 ft. deep; however, test results indicate that it is also under the influence of surface conditions and is also recording slight salt water intrusion. All wells have “hard” water. Well #5 has elevated iron, manganese and arsenic levels. The community has been discussing their water system issues for several years and have undertaken some research in an attempt to find some solutions to the water system deficiency.

The research conducted by the community indicates that nanofiltration is a treatment system which could be added to their system to improve water quality and eliminate the THM concerns. They have already talked to a supplier who has provided them with budget prices that appear reasonable; however, the costs do not include the full system modifications that are necessary, or the operating and maintenance costs.

During the site visit, samples of raw water were collected from each well head and submitted to Northern Labs in Prince Rupert for analysis of raw water prior to treatment. It was noted that all previous water testing has been done on the water supply, downstream of treatment. The test results from these samples are attached as Appendix A.

2.0 WATER SUPPLY SYSTEM DETAILS

Key technical aspects of the water supply system (Appendix B) are as follows:

1. Three wells all pump into the main water supply pipe. Each pump house has its own water treatment system, comprising of 5 µ filter, UV and chlorination injection.
2. The pump houses include the well head; submersible pumps, 50 mm diameter PVC Sch 40 piping; pressure gauge; pressure relief valve and hose to exterior; a flow meter and gate valves. A check valve is installed inside the well casing at the well pump.
3. Each pump house has a pressure gauge, recording 85–90 psi which records the system’s static pressure. This is consistent with the reservoir high water level.
4. Electrical power and control panels installed within pump houses are 240 V, single phase supply. Variable speed drives have been added, converting power to 600 V three phases for well pumps. Control system is hard-wired to level switches in reservoir pumps, which are activated on low water level. Pumps are off at high level. All pumps are sequenced on simultaneously, with slight start-up delay, which is programmed in. Separate panels in each pump house record pump operating conditions, including red light alarms.

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Water Quality Test Results
March 9, 2016

5. Pump flows at each well pump are recorded as follows:
 - Well #5 = 0.75 L/s (11.80 GPM)
 - Well #7 = 2.75 L/s (43.5 GPM)
 - Well #9 = 2.20 L/s (34.8 GPM)
6. Well depths are as follows:
 - Well #5 = 95 ft.
 - Well #7 = 35 ft.
 - Well #9 = 35 ft.
7. Reservoir high water level = El. 66.6 m: base = 60 m.
 - Pump house ground elevation varies: #5 = 5.92 m; #7 = 6.38 m; #9 = 7.42 m.
 - Static pressure = 85 psi (avge)
8. Reservoir storage: Diameter 9.957 m (bolted steel)
 - Potable = 241,400 L
 - Fire = 272,500 L
 - Free board = 58,600 L
 - Total volume = 572,500 L (150,000 gal)
9. Water supply main (see Appendix C Google Earth Mark-Up)
 - 50 mm diameter PVC, Sch 40 piping at each pump house
 - 100 mm diameter PVC, c 900, connection to supply main
 - chlorine contact lengths 300 mm diameter, downstream of well pumps has been removed
 - 200 mm diameter water main follows roadside
 - beyond well collection area, water main increased to 250 mm diameter
 - total length of water main is 3.42 km
 - pump collection at one end, the reservoir is located at other end, to maintain static pressure
 - water main is common, supply and distribution
 - hydrants located along roadway, including ends of pipe, for flushing purposes
10. Water Demand
 - Population 240–250, fairly static, not anticipated to increase in foreseeable future without major socio-economic change occurring: summer population (tourism/sports fishing lodges), estimated population double in size
 - Recorded water demands: winter = 84 m³/day; summer = 310 m³/day

3.0 WATER QUALITY TEST RESULTS

For previous water test results refer to Appendix B. The following test results are noteworthy:

1. Water Quality test results are summarized as follows
 - THM test results in 2012 indicated that total THM level was 141.1 parts per billion (ppb), this is above the Health Canada Guideline for Canadian Drinking Water Quality recommended level of 100 ppb
 - Haloacetic acid level was 63 ppb, this meets the guideline allowable level of 80 ppb

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Water Quality Test Results
March 9, 2016

- Well #5 (deepest well) indicates exceedance of some Canadian Drinking Water Guideline values as follows:

Table 1 Analytical Data for Well #5

Element	Units	Reported Level							CDWG
		10-Sep-07	3-Nov-09	18-Nov-09	5-Nov-10	22-Nov-11	28-Jan-14	17-Jan-16	
Total arsenic	mg/L	0.009	–	–	0.0091	–	0.00353	0.0088	MAC= 0.01
Total iron	mg/L	0.045	1.52	–	0.04	0.191	2.03	0.32	AO<= 0.3
Total manganese	mg/L	0.021	0.033	–	0.019	0.0216	0.0639	0.0208	AO<= 0.05
Sulphide	mg/L	–	–	–	0.008	–	–	–	–
Total organic carbon	mg/L	–	26.3	4.5	–	–	2.48	2.3	–
Hardness as CaCO ₃	mg/L	172	175	–	158	150	135	155	–
Turbidity	NTU	0.15	–	–	–	–	10.5	2.71	MAC=1
NOTES:									
Bold values represent exceedance of CDWG									
– Sample was not analyzed for that particular parameter									

Table 2 Analytical Data for Well #7

Element	Units	Reported Level							CDWG
		10-Sep-07	3-Nov-09	18-Nov-09	5-Nov-10	22-Nov-11	28-Jan-14	17-Jan-16	
Total arsenic	mg/L	ND	–	–	–	–	0.00075	0.0008	MAC=0.01
Total iron	mg/L	ND	0.007	–	0.013	0.0299	0.0108	<0.01	AO<=0.3
Total manganese	mg/L	ND	ND	–	ND	0.002	ND	0.0004	AO<=0.05
Sulphide	mg/L	–	–	–	–	–	–	–	–
Total organic carbon	mg/L	–	3.2	–	–	–	3.29	3.2	–
Hardness as CaCO ₃	mg/L	214	218	–	193	194	199	216	–
Turbidity	NTU	0.21	–	–	–	–	0.14	0.25	MAC=1
NOTE:									
– Sample was not analyzed for that particular parameter									

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Water Quality Test Results
March 9, 2016

Table 3 Analytical Data for Well #9

Element	units	Reported Level							CDWG
		10-Sep-07	3-Nov-09	18-Nov-09	5-Nov-10	22-Nov-11	28-Jan-14	17-Jan-16	
Total Arsenic	mg/L	ND	–	–	–	–	0.00092	0.0010	MAC=0.01
Total Iron	mg/L	ND	ND	–	0.056	0.0463	0.0151	0.06	AO<=0.3
Total Manganese	mg/L	ND	ND	–	ND	ND	ND	0.0020	AO<=0.05
Sulphide	mg/L	–	–	–	–	–	–	–	–
Total Organic Carbon	mg/L	–	1.9	2.9	–	–	3.01	2.4	–
Hardness as CaCO ₃	mg/L	162	163	–	162	157	171	181	–
Turbidity	NTU	0.10	–	–	–	–	0.27	0.73	MAC=1

NOTES:
 NTU = Nephelometric Turbidity Units
 MAC = Maximum Acceptable Concentration (health related guideline)
 AO = Aesthetic Objective (not health related)
 CDWG = Canadian Drinking Water Quality Guidelines (2014)
 ND = Less than the method detection limit indicated
 – Sample was not analyzed for that particular parameter
 Turbidity above the recommended level of 1 may prevent adequate disinfection of the water, if treatment is being used
 Hardness between 150 and 200 mg/L is generally considered hard
 Hardness over 200 mg/L is generally considered poor but tolerable for consumers

3. The other wells are within the guidelines; however, marginally:
 - Well #7 (shallow well): hardness = 199 (150–200 considered hard; greater than 200 considered poor but tolerable)
 - Well #9 (shallow well): quality slightly better than Well #7
4. The recent test results of raw water further confirms that Well #5 has the following elevated levels:
 - Total Iron, total manganese, total arsenic and turbidity (for test results, refer to Appendix A). The analytical data show that level of total iron, total manganese and turbidity in samples from Well #5 exceed the guideline objectives. In the case of manganese exceedance only is observed for the sample collected on January 28, 2014. Although the reported level of total arsenic is below the Canadian Drinking Water Quality Guidelines, it is close to guideline limits and therefore is of concern.
 - The chlorine injection is erratic. Dosage is increased routinely to boost chlorine residual levels downstream
 - The reservoir is shocked routinely to boost chlorine residual levels downstream
 - Higher chlorine “shocking” is undertaken in summer as water demand increases

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Observations
March 9, 2016

- There is potential introduction of organics into the system, from wells.
- The water quality issues are:
 - o Hardness is an aesthetic issue, highest level is Well #7
 - o Levels of total arsenic, total iron and total manganese are highest in Well #5 compared to wells #7 & #9. The level of total Iron in well #5 is 0.32 mg/L which exceeds the aesthetic objective of 0.3 mg/L.
 - o The level of turbidity detected in Well #5 exceeds maximum acceptable concentrations.
- More testing of raw water is required to confirm water quality variation
- The reservoir should be flushed out annually and checked for siltation. If the siltation level is high, the water main may require thorough flushing also
- The raw water supply could probably be provided from a single well, with the others as back-up. This would simplify O&M and possibly improve chlorination consistency. On first assessment, Well #9 may be the well best suited; however, further testing and water system design calculations are required to support this observation.

4.0 OBSERVATIONS

1. Water supply circulation—poor, probably stagnant in sections
 - With common supply and distribution main and low demand flows in winter, water circulation throughout the supply main and reservoir is poor
 - Water system requires constant high demands at far ends to improve circulation. this is currently undertaken manually by constant flushing of hydrants at ends
2. The reservoir appears to be over design capacity with poor water exchange
3. Water quality would have been improved if a separate water supply pipe to the reservoir had been provided
4. Well #5 appears to be the poorest water quality and probably the source of organic introduction into the water main. However further sampling and testing is required to confirm this.
5. There is sufficient water supply from Wells #7 and #9 to meet the community's long term water demands, including max. day, summer demand flow. The max. day water demand is calculated to be 620–645 L/person/day. For a population of 500 persons, Wells #7 and #9 can supply up to 800 L/person/day.
6. An additional chlorine injection facility is probably required approximately mid-way along the main water supply pipe.
7. A means of improving water flow at the extreme ends of the water main would be beneficial

5.0 RECOMMENDATIONS

We recommend that the following course of action be undertaken:

1. Reduce the amount of water held in the storage reservoir. Calculate the minimum requirement for storage for the current population and fire protection requirements. Adjust

SANDSPIT COMMUNITY WATER SUPPLY SYSTEM INTERIM SITE ASSESSMENT REPORT AND RECOMMENDATIONS

Recommendations
March 9, 2016

the level floats to the reduced level. Also check that the domestic and firefighting pressure is not compromised as a result of the lowered head.

2. Conduct a thorough flushing of the reservoir and pipe lines.
3. Isolate Well #5 from the water supply system. Leave it as an emergency supply. Check whether or not the chlorine injection system is required to be re-adjusted to connect directly to the water main in the roadway.
4. Undertake an on-site testing program to compare chlorine residual readings at various locations along the water main length to determine the best location to install a new chlorine injection station.
5. After Well #5 is isolated and the system has been completely flushed, draw water samples from several locations to check for THMs.
6. If the THM level remains at an unacceptable level the next course of action is to review filtration options. The field tasks can be undertaken by Bob Prudhomme, the water system operator. We can provide technical assistance by telephone and email to support him through this process.

APPENDIX A

RECENT RAW WATER TEST RESULTS

ANALYTICAL REPORT

Stantec Consulting
4623 Park Ave.
Terrace, BC V8G 1V5
David.Shearer2@stantec.com

Project: Sandspit WS

Project Number: -

Project Manager: David Shearer

Work Order: N601080

RECEIVED: 18-Jan-16

REPORTED: 12-Feb-16

All analyses were performed in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Northern Laboratories (2010) Ltd.



Jesse Newton
Laboratory Manager

ANALYTICAL REPORT

Stantec Consulting

Work Order: N601080

LAB #	N601080-01	N601080-02	N601080-03
SAMPLED DATE	17-Jan-16	17-Jan-16	17-Jan-16
SAMPLED TIME	16:06	16:06	16:06
SAMPLE ID	# 5	# 7	# 9

	MRL Units	CDWG			
Anions (Water)					
Chloride	1.0 mg/L	AO <= 250	34.3	20.8	20.9
Fluoride	0.05 mg/L	MAC = 1.5	<0.10	<0.10	<0.10
Nitrite (as N)	0.01 mg/L	MAC = 1	<0.01	<0.01	<0.01
Nitrate + Nitrite (as N)	0.10 mg/L	MAC = 10	<0.10	0.26	0.18
Sulfate	1.0 mg/L	AO <= 500	6.3	5.7	4.9

General Parameters (Water)

pH	1.0 -	6.5-8.5	8.0	7.8	7.9
Alkalinity (total, as CaCO3)	1 mg/L	-	160	210	190
Turbidity	0.05 NTU	MAC = 1	2.71	0.25	0.73
Solids, Total Suspended / TSS	1.0 mg/L	-	1.3	<1.0	<1.0
Carbon, Total Organic	0.5 mg/L	-	2.3	3.2	2.4
Ammonia (total as N)	0.03 mg/L	-	0.034	<0.03	<0.03
Reactive Phosphorus (total)	0.05 mg/L	-	<0.05	<0.05	<0.05
Silica, Reactive (as SiO2)	0.21 mg/L	-	12.1	5.56	12.2

Calculated Parameters (Water)

Nitrate (as N)	0.10 mg/L	MAC = 10	<0.10	0.26	0.18
Hardness (total, as CaCO3)	0.50 mg/L	-	155	216	181

Total Recoverable Metals (Water)

Aluminum, total	0.005 mg/L	OG < 0.1	0.007	0.006	0.010
Antimony, total	0.0001 mg/L	MAC = 0.006	<0.0001	<0.0001	<0.0001
Arsenic, total	0.0005 mg/L	MAC = 0.01	0.0088	0.0008	0.0010
Barium, total	0.005 mg/L	MAC = 1	0.080	0.014	0.011
Beryllium, total	0.0001 mg/L	-	<0.0001	<0.0001	<0.0001
Bismuth, total	0.0001 mg/L	-	<0.0001	<0.0001	<0.0001
Boron, total	0.004 mg/L	MAC = 5	0.064	0.022	0.021
Cadmium, total	0.00001 mg/L	MAC = 0.005	<0.00001	<0.00001	<0.00001
Calcium, total	0.2 mg/L	-	42.4	80.2	66.6
Chromium, total	0.0005 mg/L	MAC = 0.05	<0.0005	<0.0005	<0.0005
Cobalt, total	0.00005 mg/L	-	<0.00005	<0.00005	0.00007
Copper, total	0.0002 mg/L	AO <= 1	0.0063	0.0039	0.0041
Iron, total	0.01 mg/L	AO <= 0.3	0.32	<0.01	0.06
Lead, total	0.0001 mg/L	MAC = 0.01	0.0006	0.0002	0.0005
Lithium, total	0.0001 mg/L	-	0.0041	0.0020	0.0019
Magnesium, total	0.01 mg/L	-	12.0	3.81	3.55

Northern Laboratories (2010) Ltd.

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 Phone: 250.627.1906 • Fax: 250.627.8214 • www.norlabsltd.com • info@norlabsltd.com

ANALYTICAL REPORT

Stantec Consulting

Work Order: N601080

LAB #	N601080-01	N601080-02	N601080-03
SAMPLED DATE	17-Jan-16	17-Jan-16	17-Jan-16
SAMPLED TIME	16:06	16:06	16:06
SAMPLE ID	# 5	# 7	# 9

	MRL Units	CDWG			
Total Recoverable Metals (continued)					
Manganese, total	0.0002 mg/L	AO ≤ 0.05	0.0208	0.0004	0.0020
Molybdenum, total	0.0001 mg/L	-	0.0008	0.0002	0.0003
Nickel, total	0.0002 mg/L	-	<0.0002	0.0005	0.0003
Phosphorus, total	0.02 mg/L	-	0.06	<0.02	0.04
Potassium, total	0.02 mg/L	-	6.23	0.97	1.02
Selenium, total	0.0005 mg/L	MAC = 0.05	<0.0005	<0.0005	<0.0005
Silicon, total	0.5 mg/L	-	5.8	4.3	5.7
Silver, total	0.00005 mg/L	-	<0.00005	<0.00005	<0.00005
Sodium, total	0.02 mg/L	AO ≤ 200	20.7	15.8	15.9
Strontium, total	0.001 mg/L	-	0.346	0.405	0.397
Sulfur, total	1 mg/L	-	2	2	2
Tellurium, total	0.0002 mg/L	-	<0.0002	<0.0002	<0.0002
Thallium, total	0.00002 mg/L	-	<0.00002	<0.00002	<0.00002
Thorium, total	0.0001 mg/L	-	<0.0001	<0.0001	<0.0001
Tin, total	0.0002 mg/L	-	<0.0002	<0.0002	<0.0002
Titanium, total	0.005 mg/L	-	<0.005	<0.005	<0.005
Uranium, total	0.00002 mg/L	MAC = 0.02	0.00025	0.00011	0.00011
Vanadium, total	0.001 mg/L	-	<0.001	0.001	0.001
Zinc, total	0.004 mg/L	AO ≤ 5	<0.004	0.005	0.006
Zirconium, total	0.0001 mg/L	-	0.0015	<0.0001	<0.0001

Glossary of Terms

MRL	Method Reporting Limit
<	Less than the reported detection limit (RDL)
mg/L	Milligrams per Litre
NTU	Nephelometric Turbidity Units
MAC	Maximum Acceptable Concentration (health related guideline)
AO	Aesthetic Objective (not health related)
OG	Operational guideline (for treated water)

Standards / Guidelines Referenced

CDWG	Canadian Drinking Water Quality Guidelines (2014) http://www.hc-sc.gc.ca/ewh-semt/alt_formats/pdf/pubs/water-eau/sum_guide-res_recom/sum_guide-res_recom-eng.pdf
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Northern Laboratories (2010) Ltd.

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APPENDIX B

PREVIOUS WATER TEST RESULTS

ANALYSIS FINAL REPORT

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel: 250.637.1951
traveller1150@hotmail.com

Lab reference: 140478
Date received: January 30, 2014
Date reported: February 17, 2014

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Metals were determined in a sample aliquot which was acid-preserved and analyzed by ICP-MS.

Comment(s):

All metal levels tested are below Health Canada's safe limits as specified in the guidelines.

Iron and manganese in the "**Well #5**" are present at levels higher than their Aesthetic Objectives in the guidelines. This may cause the water to be visually unattractive or to have a metallic or unpleasant taste, but it is not a health risk. Water with high levels of these two metals may cause staining of laundry and plumbing fixtures, and may cause a scaly build-up in pipes and hot water tanks.

Hardness between 70 and 150 is generally considered moderately hard.

Hardness between 150 and 200 is generally considered hard.

Turbidity above the recommended level of 1 may prevent adequate disinfection of the water, if treatment is being used.

Approved by: Jesse Newton, B.Sc.
Lab Manager

Lab reference: 140478

Total Metals	Units	DWG	Well #5 Jan 28/14 21:55	Well #7 Jan 28/14 22:05	Well #9 Jan 28/14 22:15	MDL
Total Aluminum (Al)	mg/L	(0.2)	ND	0.0045	0.0045	0.003
Total Antimony (Sb)	mg/L	0.006	ND	ND	ND	0.0005
Total Arsenic (As)	mg/L	0.010	0.00353	0.00075	0.00092	0.0001
Total Barium (Ba)	mg/L	1.0	0.151	0.0132	0.0088	0.001
Total Beryllium (Be)	mg/L	-	ND	ND	ND	0.0001
Total Bismuth (Bi)	mg/L	-	ND	ND	ND	0.001
Total Boron (B)	mg/L	5	ND	ND	ND	0.05
Total Cadmium (Cd)	mg/L	0.005	ND	ND	ND	0.00001
Total Calcium (Ca)	mg/L	-	36.2	73.4	63.3	0.05
Total Chromium (Cr)	mg/L	0.05	ND	ND	ND	0.001
Total Cobalt (Co)	mg/L	-	ND	ND	ND	0.0005
Total Copper (Cu)	mg/L	(1.0)	0.0071	0.0055	0.00242	0.0002
Total Iron (Fe)	mg/L	(0.3)	2.03	0.0108	0.0151	0.005
Total Lead (Pb)	mg/L	0.010	0.00117	ND	ND	0.0002
Total Magnesium (Mg)	mg/L	-	10.8	3.81	3.08	0.05
Total Manganese (Mn)	mg/L	(0.05)	0.0639	ND	ND	0.001
Total Mercury (Hg)	mg/L	0.001	ND	ND	ND	0.00005
Total Molybdenum (Mo)	mg/L	-	ND	ND	ND	0.001
Total Nickel (Ni)	mg/L	-	ND	ND	ND	0.001
Total Phosphorus (P)	mg/L	-	0.023	0.022	0.032	0.01
Total Potassium (K)	mg/L	-	6.23	0.975	0.879	0.05
Total Selenium (Se)	mg/L	0.01	ND	0.00013	ND	0.0001
Total Silicon (Si)	mg/L	-	1.38	3.97	5.39	0.1
Total Silver (Ag)	mg/L	-	ND	ND	ND	0.00002
Total Sodium (Na)	mg/L	(200)	22	14.5	13.8	0.05
Total Strontium (Sr)	mg/L	-	0.392	0.411	0.38	0.001
Total Sulphur (S)	mg/L	-	ND	ND	ND	3
Total Thallium (Tl)	mg/L	-	ND	ND	ND	0.00005
Total Tin (Sn)	mg/L	-	ND	ND	ND	0.005
Total Titanium (Ti)	mg/L	-	ND	ND	ND	0.005
Total Uranium (U)	mg/L	0.02	ND	0.00011	0.0001	0.0001
Total Vanadium (V)	mg/L	-	ND	ND	ND	0.005
Total Zinc (Zn)	mg/L	(5)	0.018	ND	ND	0.005
Total Zirconium (Zr)	mg/L	-	ND	ND	ND	0.0005
Hardness as CaCO ₃	mg/L	(500)	135	199	171	0.5

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related

MDL = Method detection limit

ND = less than the method detection limit indicated

Lab reference: 140478

Parameter	Units	DWG	Well #5 Jan 28/14 21:55	Well #7 Jan 28/14 22:05	Well #9 Jan 28/14 22:15	MDL
pH	-	(6.5 - 8.5)	8.3	7.9	7.9	-
Conductivity	$\mu\text{S}/\text{cm}$	-	390	455	413	1
Total alkalinity as CaCO_3	mg/L	-	1.5	204	180	1
Turbidity	NTU	1	10.5	0.14	0.27	0.05
Total dissolved solids	mg/L	(500)	197	258	229	1
True colour	PtCo units	(15)	11	7	5	1
Fluoride	mg/L	1.5	ND	ND	ND	0.1
Chloride	mg/L	(250)	34.9	20.3	21.9	1
Sulfate as SO_4	mg/L	(500)	ND	4.89	4.66	0.5
Nitrate as N	mg/L	10	ND	0.44	0.24	0.1
Nitrite as N	mg/L	1	ND	ND	ND	0.01
Total organic carbon	mg/L	-	2.48	3.29	3.01	0.5
Langelier saturation index	-	-	-2.3	-0.2	-0.4	-

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related

MDL = Method detection limit

ND = less than the method detection limit indicated

NTU = Nephelometric turbidity units

ANALYSIS FINAL REPORT

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
Fax: 250.637.5789
traveller1150@hotmail.com

Lab reference: 120580
Date received: February 14, 2012
Date reported: March 9, 2012

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Results:

Parameter	Units	Water Sample Feb 13/12 11:00pm	DWG	MDL
Trihalomethanes				
Chloroform	µg/L	79	1.0	1
Chlorodibromomethane	µg/L	20	1.0	1
Bromodichloromethane	µg/L	41	1.0	1
Bromoform	µg/L	1.1	1.0	1
Total trihalomethanes	µg/L	141.1	100	1
Haloacetic acids				
Monochloroacetic acid (MCAA)	µg/L	ND	-	5
Monobromoacetic acid (MBAA)	µg/L	ND	-	5
Dichloroacetic acid (DCAA)	µg/L	30	-	5
Trichloroacetic acid (TCAA)	µg/L	33	-	5
Bromochloroacetic acid (BCAA) ⁽¹⁾	µg/L	12	-	5
Dibromoacetic acid (DBAA)	µg/L	ND	-	5
Total Haloacetic acids (HAA5)	µg/L	63	80	5

DWG = Drinking water guidelines

MDL = Method detection limit

ND = Less than MDL

⁽¹⁾ **BCAA is not included as part of the sum of total haloacetic acids (HAA5)**

Approved by: Jesse Newton, B.Sc.
Lab Manager

ANALYSIS FINAL REPORT

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
Fax: 250.637.5789
traveller1150@hotmail.com

Lab reference: 115374

Date received: November 22, 2011

Date reported: December 13, 2011

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Results:

Parameter	Units	PW00-5 Nov 21/11 7:00pm	PW00-7 Nov 21/11 7:00pm	PW00-9 Nov 21/11 7:00pm	DWG	MDL
Total dissolved solids	mg/L	250	270	230	(500)	1
Chloride	mg/L	31.8	23.4	21.7	(250)	1
Sulfate as SO ₄	mg/L	8.08	5.96	4.81	(500)	0.5
Nitrate as N	mg/L	ND	0.22	0.15	10	0.1
Conductivity	uS/cm	416	462	390	-	1
Sodium (Na)	mg/L	20.3	14.3	13.1	(200)	0.05
Calcium (Ca)	mg/L	41.7	71.7	58.5	-	0.05
Iron (Fe)	mg/L	0.191	0.0299	0.0463	(0.3)	0.005
Manganese (Mn)	mg/L	0.0216	0.002	ND	(0.05)	0.001
Hardness as CaCO ₃	mg/L	150	194	157	(500)	0.5

DWG = Drinking water guidelines **() = indicates DWG limit is aesthetic, ie not health-related.**

MDL = Method detection limit **ND = Less than MDL**

Comment(s):

Approved by: Jesse Newton, B.Sc.
Lab Manager

Lab reference: 115374

Parameter	Units	Water Sample Nov 21/11 7:00pm	DWG	MDL
Trihalomethanes				
Bromodichloromethane	ug/L	34	1	-
Bromoform	ug/L	ND	1	-
Chlorodibromomethane	ug/L	12	1	-
Chloroform	ug/L	64	1	-
Total trihalomethanes	ug/L	110	1	100
Haloacetic acids				
Monochloroacetic acid (MCAA)	ug/L	ND	5	-
Monobromoacetic acid (MBAA)	ug/L	ND	5	-
Dichloroacetic acid (DCAA)	ug/L	25	5	-
Trichloroacetic acid (TCAA)	ug/L	39	5	-
Bromochloroacetic acid (BCAA) ⁽¹⁾	ug/L	9	5	-
Dibromoacetic acid (DBAA)	ug/L	ND	5	-
Total Haloacetic acids (HAA5)	ug/L	64	5	80

DWG = BC or Canadian drinking water guidelines

MDL = Method detection limit

ND = less than the method detection limit indicated

⁽¹⁾ BCAA is not included as part of the sum of total haloacetic acids (HAA5)



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ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 113899

Date received: August 26, 2011

Date reported: September 21, 2011

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
Fax: 250.637.5789
traveller1150@hotmail.com

Jesse Newton, B.Sc.
Lab Manager

Lab reference #:

113899

		P. Myers Hydrant		
Parameter	Units	Aug 25/11 10:00pm	MDL	DWG
Trihalomethanes				
Bromodichloromethane	ug/L	43	1	-
Bromoform	ug/L	1	1	-
Chlorodibromomethane	ug/L	18	1	-
Chloroform	ug/L	68	1	-
Total trihalomethanes	ug/L	130	1	100
Haloacetic acids				
Monochloroacetic acid (MCAA)	ug/L	ND	5	-
Monobromoacetic acid (MBAA)	ug/L	ND	5	-
Dichloroacetic acid (DCAA)	ug/L	25	5	-
Trichloroacetic acid (TCAA)	ug/L	35	5	-
Bromochloroacetic acid (BCAA) ⁽¹⁾	ug/L	13	5	-
Dibromoacetic acid (DBAA)	ug/L	ND	5	-
Total Haloacetic acids (HAA5)	ug/L	59	5	80

⁽¹⁾ BCAA is not included as part of the sum of total haloacetic acids (HAA5)

ug/L = micrograms per litre

ND = less than the detection limit indicated.

MDL = Method detection limit.

DWG = Health Canada Drinking Water Guidelines maximum acceptable concentration



251 Kaien Rd., Prince Rupert, BC V8J 4B7
Tel: (250) 627-1906 1-800-990-9522
norlabs@citytel.net fax (250) 627-8214

ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 112040

Date received: May 12, 2011

Date reported: June 2, 2011

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
prudfarm@gcislands.net

Jesse Newton, B.Sc.
Lab Manager

Lab reference #:

112040

		P. Myers Hydrant May 12/11 8:00am		
Parameter	Units		MDL	DWG
Trihalomethanes				
Bromodichloromethane	ug/L	33	1	-
Bromoform	ug/L	ND	1	-
Chlorodibromomethane	ug/L	12	1	-
Chloroform	ug/L	64	1	-
Total trihalomethanes	ug/L	109	1	100
Haloacetic acids				
Monochloroacetic acid (MCAA)	ug/L	ND	5	-
Monobromoacetic acid (MBAA)	ug/L	7	5	-
Dichloroacetic acid (DCAA)	ug/L	21	5	-
Trichloroacetic acid (TCAA)	ug/L	27	5	-
Bromochloroacetic acid (BCAA) ⁽¹⁾	ug/L	9	5	-
Dibromoacetic acid (DBAA)	ug/L	ND	5	-
Total Haloacetic acids (HAA5)	ug/L	55	5	80

⁽¹⁾ BCAA is not included as part of the sum of total haloacetic acids (HAA5)

ug/l = micrograms per litre

ND = less than the detection limit indicated.

MDL = Method detection limit.

DWG = Health Canada Drinking Water Guidelines maximum acceptable concentration



251 Kaien Rd., Prince Rupert, BC V8J 4B7

Tel: (250) 627-1906 1-800-990-9522

norlabs@citytel.net fax (250) 627-8214

ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 104784

Date received: November 5, 2010

Date reported: November 22, 2010

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 33
Sandspit, BC V0T 1T0
Tel: 250.637.1295
Fax: 250.637.5789
prudfarm@qcislands.net

Jesse Newton, B.Sc.
Lab Manager

Lab reference #: 104784

Parameter :	DWG	PW00-9 Nov 5/10	PW00-7 Nov 5/11	PW00-5 Nov 5/11	MDL
Total Arsenic	0.010	-	-	0.0091	0.0001
Total Calcium	-	60.4	71.5	43.3	0.05
Total Iron	(0.3)	0.056	0.013	0.040	0.005
Total Manganese	(0.05)	ND	ND	0.019	0.001
Total Sodium	(200)	14.1	15.7	22.1	0.05
Hardness as CaCO ₃	(500)	162	193	158	0.5
Total dissolved solids	(500)	230	263	244	1
Sulphide ⁽¹⁾	-	-	-	0.008	0.005
Hydrogen Sulphide*	0.05	-	-	ND	0.005

Results are expressed as mg/L except where noted

ND = less than the method detection limit indicated

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related

*** Calculated**

Comments

⁽¹⁾ Sulphide sample was preserved in lab upon receipt, however some loss of sulfides as H₂S may have occurred during transport of sample to lab

All metal levels tested are below Health Canada's health or aesthetic guidelines.

Hardness between 150 and 200 mg/L is generally considered hard.

ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 100671

Date received: February 18, 2010

Date reported: March 2, 2010

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
prudfarm@qcislands.net

Charles Armstrong
Lab Manager

Lab reference #: 100671

Parameter	Units	PW00-5	PW00-7	PW00-9	MDL
Bromodichloromethane	ug/l	23	30	15	1
Bromoform	ug/l	ND	ND	ND	1
Chlorodibromomethane	ug/l	9	12	6	1
Chloroform	ug/l	60	56	25	1

ND = less than the method detection limit indicated

MDL = Method detection limit

ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 094981

Date received: November 19, 2009

Date reported: December 2, 2009



Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.1295
traveller1150@hotmail.com

Charles Armstrong
Lab Manager

Lab reference #: 094981

	PW00-5	PW00-7	PW00-9	
Parameter	Nov 18/09 10:45 pm	Nov 18/09 10:45 pm	Nov 18/09 10:45 pm	MDL
Total nitrogen as N	0.17	0.37	0.18	0.02
Nitrate + nitrite as N	ND	0.26	0.11	0.1
Organic nitrogen as N	0.17	0.11	0.07	0.02
Ammonia as N	ND	ND	ND	0.03
Total organic carbon	4.5	-	2.9	0.5

ND = less than the method detection limit indicated

Results are expressed as mg/l except where noted

MDL = Method detection limit

ANALYSIS FINAL REPORT

Customer: Sandspit Water System

Lab reference: 094740

Date received: November 3, 2009

Date reported: November 17, 2009

Methodology:

All tests were done in accordance with standard procedures published by BC MoE, Environment Canada, the American Public Health Association, or the US EPA.

Report to: Bob Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.2381/1295
Fax 250.637.5412
prudfarm@qcislands.net

Charles Armstrong
Lab Manager

Lab reference #: 094740

		PW00-5	PW00-7	PW00-9	
Parameter	DWG	Nov 3/09 9-10	Nov 3/09 9-10	Nov 3/09 9-10	MDL
Calcium	-	50.6	81.10	60.90	0.05
Iron	(0.3)	1.52	0.007	ND	0.005
Manganese	(0.05)	0.033	ND	ND	0.001
Sodium	(200)	20.6	14.1	11.7	0.05
Hardness as CaCO ₃	(500)	175	218	163	0.33
Total dissolved solids	(500)	234	246	212	1
Chloride	(250)	33.6	16.8	16.5	1
Total organic carbon	-	26.3	3.2	1.9	0.5
Sulfate as SO ₄	(500)	1.5	2.8	2.8	0.5

ND = less than the method detection limit indicated

Results are expressed as mg/l except where noted

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related

MDL = Method detection limit

ANALYSIS FINAL REPORT

Sample source: Sandspit Water System
Lab reference: 093517
Date received: August 13, 2009
Date reported: August 20, 2009

Methodology:

All tests were performed in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Results:

Parameter	units	Transport Canada	PW00-5	PW00-7	MDL
Chloride	mg/l	32	43	17	1

MDL = Method detection limit

Send results to: Boh Prudhomme
Sandspit Water System
Box 463
Sandspit, BC V0T 1T0
Tel 250.637.2381/1295
Fax 250.637.5412
prudfarm@qcislands.net

Charles Armstrong, Lab Manager

ANALYSIS FINAL REPORT

Sample source: Sandspit CWS

Lab reference: 073961

Date received: September 11, 2007

Date reported: September 25, 2007

Methodology:

All tests were performed in accordance with standard procedures published by BC MoE, Health Canada, Environment Canada, the American Public Health Association, or the US EPA.

Metals were determined in a sample aliquot which was acid-preserved and analyzed by ICP or ICP-MS.

Send results to: Bob Prudhomme
Sandspit Community Water System
Box 463
Sandspit, BC V0T 1T0
Tel (250) 637-2381 / cell 637-1295
prudfarm@qcislands.net

Charles Armstrong, Lab Manager

Lab reference #: 073961

Total Metals	DWG	Well 5 Sept 10/07 22:00	Well 7 Sept 10/07 22:00	Well 9 Sept 10/07 22:00	MDL
Aluminum	(0.2)	ND	ND	ND	0.02
Antimony	0.006	ND	ND	ND	0.001
Arsenic	0.01	0.009	ND	ND	0.001
Barium	1	0.091	0.015	0.009	0.001
Beryllium	4	ND	ND	ND	0.0002
Bismuth	-	ND	ND	ND	0.05
Boron	5	0.066	0.017	0.013	0.008
Cadmium	0.005	ND	ND	ND	0.0001
Calcium	-	47.9	79.2	60.6	0.05
Chromium	0.05	ND	ND	ND	0.005
Cobalt	-	ND	ND	ND	0.005
Copper	(0.5)	ND	0.006	ND	0.005
Iron	(0.3)	0.045	ND	ND	0.005
Lead	0.01	0.0006	0.003	0.0015	0.0005
Magnesium	-	12.8	3.88	2.63	0.05
Manganese	(0.05)	0.021	ND	ND	0.001
Molybdenum	0.25	ND	ND	ND	0.005
Nickel	0.2	ND	ND	ND	0.008
Phosphorus	-	ND	ND	ND	0.1
Potassium	-	7	1	ND	1
Selenium	0.01	ND	0.001	ND	0.001
Silicon	-	5.41	3.74	4.98	0.05
Silver	-	ND	ND	ND	0.01
Sodium	(200)	24.1	15.8	13.3	0.05
Strontium	-	0.365	0.409	0.331	0.001
Sulfur	-	3.4	2.3	1.4	0.1
Thallium	2	ND	ND	ND	0.0001
Tin	-	ND	ND	ND	0.02
Titanium	0.1	ND	ND	ND	0.003
Uranium	0.02	0.0003	0.0001	ND	0.0001
Vanadium	-	ND	ND	ND	0.005
Zinc	(5)	ND	0.01	ND	0.005
Zirconium	-	ND	ND	ND	0.005
Hardness as CaCO ₃	(500)	172.3	213.7	162.1	0.33

ND = less than the method detection limit indicated.

Results are expressed as mg/l except where noted.

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related.

MDL = Method detection limit

Lab reference #: 073961

Parameter :	DWG	Well 5	Well 7	Well 9	MDL
		Sept 10/07 22:00	Sept 10/07 22:00	Sept 10/07 22:00	
pH pH units	(6.5 - 8.5)	7.88	7.47	7.62	-
Conductivity uS/cm	-	439	450	347	1
Total alkalinity as CaCO ₃	-	159	199	156	1
Turbidity NTU	1	0.15	0.21	0.10	0.05
Total dissolved solids	(500)	258	264	207	1
True colour PtCo units	(15)	11	8	5	1
Fluoride	1.5	ND	ND	ND	0.1
Chloride	(250)	49.5	26.3	18.7	1
Nitrate	10	ND	0.26	ND	0.1
Nitrite	-	ND	ND	ND	0.01
Sulfate as SO ₄	(500)	8.3	5.3	2.8	0.5

ND = less than the method detection limit indicated.

Results are expressed as mg/l except where noted.

NTU = Nephelometric turbidity units

DWG = BC or Canadian drinking water guidelines

() = indicates DWG limit is aesthetic, ie not health-related.

MDL = Method detection limit

Lab reference #: 073961

Comments

All metal levels are below Health Canada's health or aesthetic guidelines.

The alert limit for people on a very restricted sodium diet is 20 mg/l.

Hardness between 150 and 200 is generally considered hard.

Hardness over 200 is generally considered poor but tolerable for consumers.

Levels of all other parameters are within limits given in Health Canada's guidelines.

APPENDIX C

GOOGLE EARTH MARK-UP





SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

BYLAW NO. 604, 2016

A Bylaw to amend the "Rural Graham Island Official Community Plan Bylaw No. 532, 2011."

The Board of Directors of the Skeena-Queen Charlotte Regional District in open meeting assembled enacts as follows:

1. That "Rural Graham Island Official Community Plan Bylaw No. 532, 2011" be amended in Section 4.2, Land Use Designations, "Table 2: Land Use Designations" such that "R-4" be added under the column "Appropriate Zone for this Designation" for the "Residential" Land Use Designation.
2. That "Rural Graham Island Official Community Plan Bylaw No. 532, 2011" be amended such that Schedule C1: Land Use – Tow Hill Area West be amended from "Rural" to "Residential" for the following lands, as shown on Schedule "A".

 Lot 3 Plan BCP 34825 DL 873 Queen Charlotte District, PID 027-455-688; and
 Lot 4 Plan BCP 34825 DL 873 Queen Charlotte District, PID 027-455-696.
3. Schedule "A" attached hereto forms part of this bylaw.
4. This bylaw may be cited as the "Rural Graham Island Official Community Plan Amendment Bylaw No. 604, 2016".

READ A FIRST TIME this

19th day of February, 2016.

 PUBLIC HEARING held this

14th day of April, 2016.

READ A SECOND TIME this

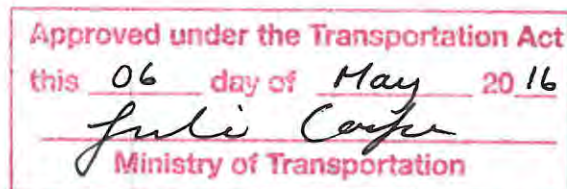
15th day of April, 2016.

READ A THIRD TIME this

15th day of April, 2016.

FINALLY ADOPTED this

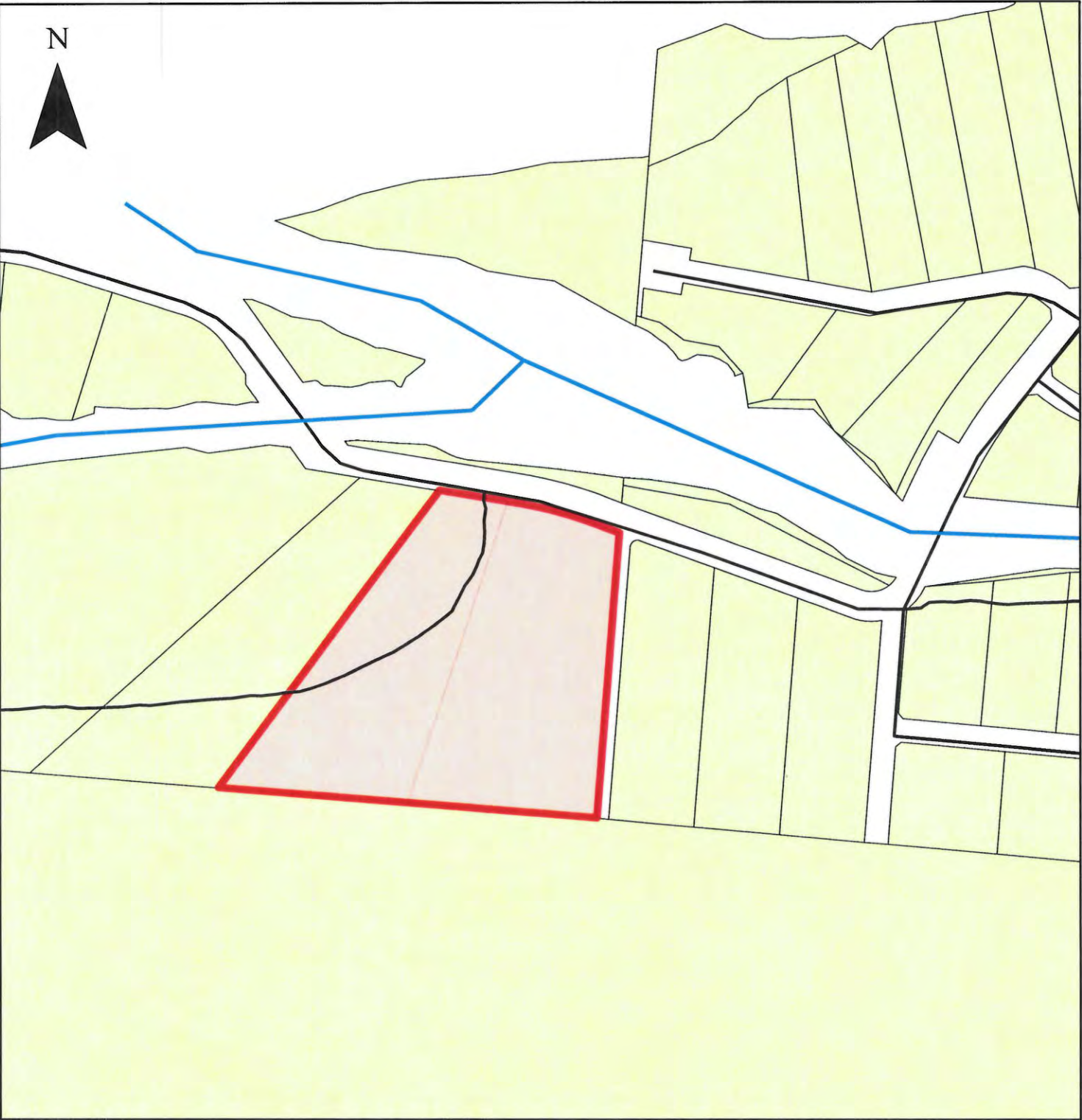
____ day of _____, 2016.



B. Pages
Chair

D. Chapman
Chief Administrative Officer

Bylaw 604, 2016: Schedule A



Legend

- Streams
- Roads
- Subject Parcels

0 130 260 Meters

Produced by Planning and Development Services,
Skeena-Queen Charlotte Regional District
Data retrieved from ICIS and EcoTrust

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

BYLAW NO. 605, 2016

A Bylaw to amend the Graham Island Interim Zoning Bylaw No. 192, 1993

The Board of Directors of the Skeena-Queen Charlotte Regional District in open meeting assembled enacts as follows:

1. That Graham Island Interim Zoning Bylaw No. 192, 1993 be amended in section 4.2 by adding the following to the table of Zoning Districts, under the headings "Name of Zoning District" and "Short Form Equivalent":

"R-4 Cohousing"
2. That "Graham Island Interim Zoning Bylaw No. 192, 1993" be amended such that Cohousing, R-4 District, as shown on the attached Schedule "A", be added as Section 9.0A.
3. That "Graham Island Interim Zoning Bylaw No. 192, 1993" be amended such that the following properties are rezoned from R-1 to R-4, as shown on Schedule "B".

Lot 3 Plan BCP 34825 DL 873 Queen Charlotte District, PID 027-455-688; and
Lot 4 Plan BCP 34825 DL 873 Queen Charlotte District, PID 027-455-696.
4. Schedule "A" and "B" attached hereto form part of this bylaw.
5. This bylaw may be cited as the "Graham Island Interim Zoning Amendment Bylaw No. 605, 2016".

READ A FIRST TIME this

19th day of February, 2016.

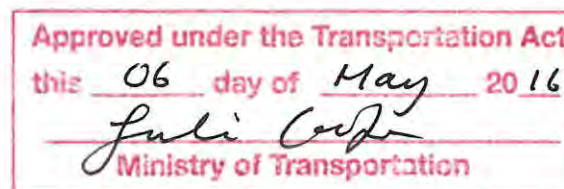
PUBLIC HEARING held this

14th day of April, 2016.

READ A SECOND TIME this

15th day of April, 2016.

Ministry of Transportation and Infrastructure
Approval required.



READ A THIRD TIME this

15th day of April, 2016.

FINALLY ADOPTED this

_____ day of _____, 2016.

B. Pages
Chair

D. Chapman
Chief Administrative Officer

BYLAW No. 605, 2016 SCHEDULE "A"

SECTION 9.0A, R-4 Cohousing

Uses Permitted

9.1A In the R-4 district the following uses are permitted on a lot and all others are prohibited:

1. Single-family Dwelling
2. Home occupation
3. Buildings and structures accessory to the permitted uses

In the R-4 district the following uses are permitted on common property and all others are prohibited:

1. Common meeting building
2. Buildings and structures accessory to the permitted principal use

Lot Area

9.2A Each lot shall have an area of not less than 0.85 hectares.

Siting of Buildings and Structures

9.3A No building or structures shall be sited within setbacks prescribed below, which apply only to the parcel lines on the perimeter of the parcel, and not the internal strata parcel lines:

1. 7 metres from a front lot line
2. 7 metres from a rear lot line
3. 5 metres from a side lot line

Height of Buildings and Structures

9.4A The height of buildings and structures shall not exceed 9 metres.

Density and Scale of Development

- 9.5A**
1. A maximum of one single-family dwelling is permitted per lot.
 2. The land within this zone shall not be subdivided into more than seven lots.

Lot Coverage

- 9.6A**
1. The maximum lot coverage shall be 20% of the lot area.
 2. The maximum lot coverage for common property shall be 20% of the area of the common property.

Other Regulations

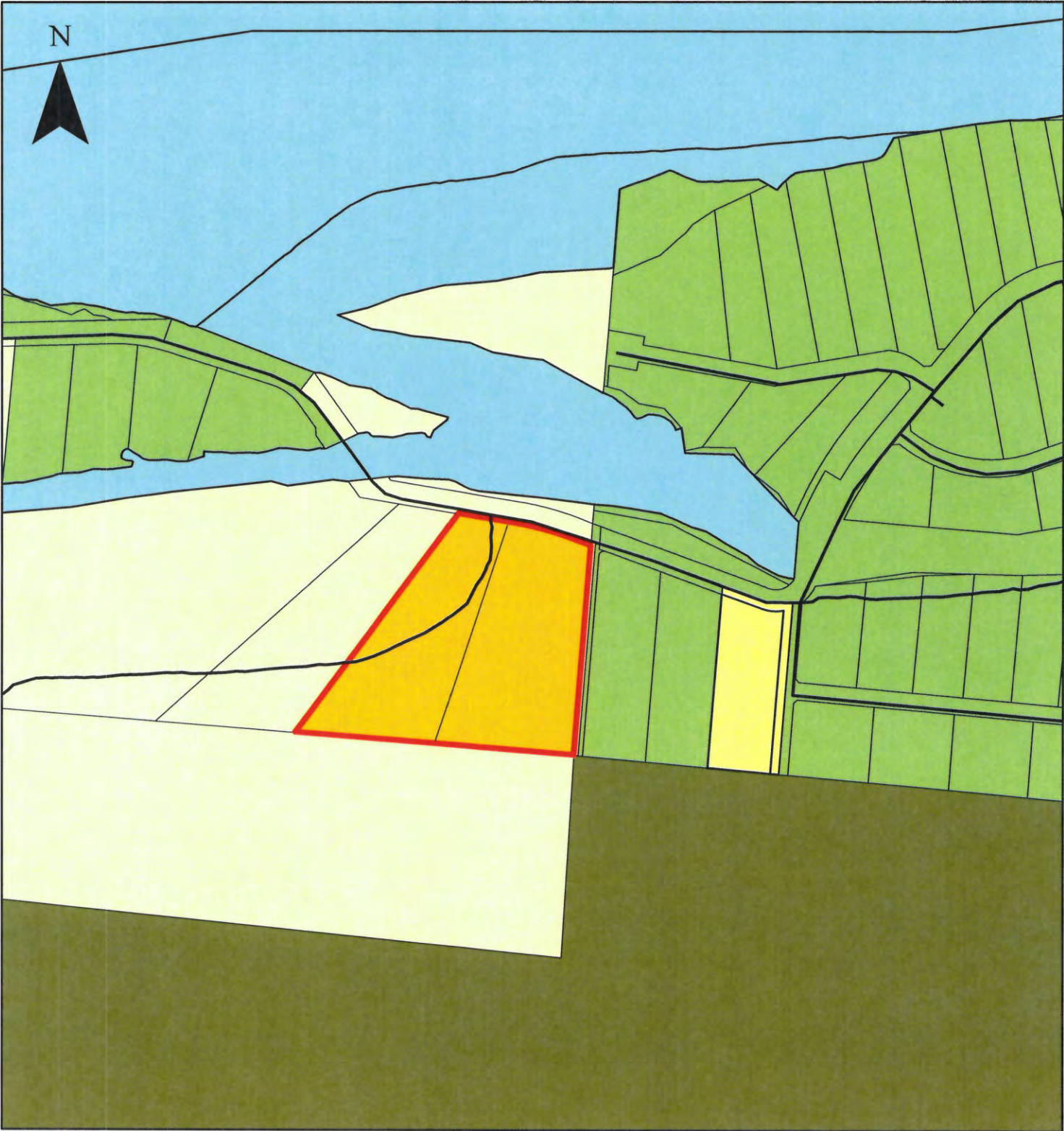
9.7A For the purposes of the R-4 zone:

1. "common meeting building" means a building used in common by the owners of the strata parcels within a bare land strata subdivision for meetings and gatherings, and for the temporary accommodation of their guests;
2. "common property" means land designated as common property on a strata plan under the *Bare Land Strata Regulations*, B.C. Reg. 75/78;
3. "strata parcel" means a strata lot within a strata plan under the *Bare Land Strata Regulations*, B.C. Reg. 75/78.

9.8A For greater certainty, a common meeting building must not be used:

1. as a dwelling unit for residential purposes;
2. for a traveller accommodation use.

Bylaw 605, 2016: Schedule B



Legend

— Roads

□ Subject Parcels

Zoning

■ A-1	■ R-1	■ R-2	■ P-1	■ R-3	■ R-4	■ RS-1	■ C-2
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0 175 350 Meters

Produced by Planning and Development Services,
Skeena-Queen Charlotte Regional District
Data retrieved from ICIS and EcoTrust

Conflict of Interest – Regulatory Exemption

Sandra Carter

Valkyrie Law Group LLP

May 2016

In response to the B.C. Court of Appeal decision in *Schlenker v. Torgrimson* (2013) (“*Schlenker* decision”) which found elected officials to be in a pecuniary conflict of interest by participating in financial decisions in their simultaneous roles as directors of societies and elected local government officials, the Province on April 14, 2016 adopted a regulation which prescribes an exemption from the conflict of interest rules in the *Community Charter*.

The exemption provides that an elected official of a municipality or regional district is not in a financial conflict of interest by participating where the elected official is appointed by the Council or Board to the board of directors of a society, or to the board of directors of a corporation that provides services to the municipality or regional district.

The effect of this regulatory exemption from conflict of interest protects elected officials who are appointed to the board of directors of a local government wholly-owned corporation, or where the authority to appoint one or more directors of a corporation or a society is given by the constating documents of the society or corporation to a local government.

The exemption does not entirely address the concerns raised in the *Schlenker* decision, however. Where elected officials are voluntary directors of a society or a corporation in their personal capacity, and that society or corporation has financial dealings with the local government, those elected officials may still be found to be in a pecuniary conflict of interest if they participate, vote on, or attempt to influence the vote on those types of matters. In such situations, however, the elected officials may be able to utilize the other exemptions and defences available in situations of financial conflict of interest, such as where a pecuniary interest is so remote or insignificant that the elected official is unlikely to be influenced by such interest, or where a community of interest in the matter exists.

**Conflict of Interest
for
Local Government
Elected Officials**

Sandra Carter

**Valkyrie Law Group LLP
Barristers and Solicitors
Telephone: (604) 988.7552
E-mail: scarter@valkyrielaw.com**

April 2016

Conflict of Interest

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Conflict of interest is a topic which has gained considerable attention from the courts in recent years. Statutory amendments to the *Local Government Act* in 1993 codified the rules regarding pecuniary or monetary interest conflicts. The introduction of the *Community Charter* in 2004 has further refined the statutory provisions. The common law principles on bias continue to apply in interpreting the new provisions, however.

Determining when a conflict exists can occasionally be straightforward where the nature of the interest falls at either end of the spectrum - either so minute as to be insignificant or so clearly at odds with the elected official's obligations as to make the conflict of interest apparent. The more difficult situations are those which elected officials, lawyers, the courts, and the public debate because the answers are less clear. Each situation is unique and whether or not a conflict exists will depend largely on the facts and circumstances of each situation.

In the review of law which follows we attempt to provide sufficient illustrations of situations and outcomes to help elected officials and local government officers determine when conflicts may exist. The analysis of a conflict situation is an essential preliminary matter. The manner in which an elected official might vote where a conflict exists will not protect the elected official from potential disqualification. The mere existence of a conflict of interest is the factor to which the law responds.

I. Statutory Regulation of Conflicts

While it is important to appreciate that common law rules and principles supply much of the law in the municipal conflict of interest area, the codification of law has been expanded in British Columbia. While there are some British Columbia decisions, case law from other provinces can also be looked to for a view of how the British Columbia courts might deal with cases arising within the ambit of the statutory provisions. A great deal of the case law referred to in this report is only of "persuasive", rather than "binding", authority for the courts in British Columbia. Nonetheless, British Columbia courts are likely to take a liberal approach in looking to the case law of other provinces for guidance on how to apply British Columbia's municipal conflict of interest legislation.

A. THE COMMUNITY CHARTER

In 1992 and 1993, radical changes were made to the *Local Government Act*. In S.B.C. 1992, c.79, s.1 and S.B.C. 1993, c.54, s. 14, all the sections which had previously dealt with conflicts were repealed. The new sections incorporated rules and principles which previously could only be found in case law. In 1999, section 231 was further amended in a way which may become very significant for elected officials. In 2004, the *Community Charter* came into force, replacing portions of the *Local Government Act*, including the conflict of interest provisions.

Section 100(2) sets out the basic requirement and provides:

“If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or vote on a question in respect of a matter because the member has

(a) a direct or indirect pecuniary interest in the matter, or

(b) another interest in the matter that constitutes a conflict of interest,

the member must declare this and state the general nature of why the member considers this to be the case.”

The declaration must be made at the time the conflict arises. In *Atkins v. Calgary* (1994), 19 MPLR (2d) 259, (Alta. QB), the court held that a councillor's duty to disclose is not discharged by steps taken at an earlier meeting. An interest must be declared at every meeting where it is relevant.

Where the interest is a direct or indirect pecuniary interest, whether or not the member has made the declaration under section 100, section 101(2) states the member must not

“(a) remain or attend at any part of a meeting referred to in section 100(1) during which the matter is under consideration,

(b) participate in any discussion of the matter at such a meeting,

(c) vote on a question in respect of the matter at such a meeting, or

(d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.”

This section clarifies two significant points: first, that where an elected official has a pecuniary interest, there must be no attempt to influence the voting and, second, that these restrictions apply even in the absence of a declaration of conflict. The implications of these provisions are discussed further in the section on pecuniary interests, below.

Clearly, the elected official who is personally interested in the matter before the council or board is expected to completely disassociate himself or herself from the debate. That elected official must not hesitate to leave the meeting, and must not even try to influence the vote by alternative means (that is, by measures other than participating in the meeting).

Forbes v. Trask (1991), 4 MPLR (2d) 34 (Ont. Gen. Div.) is a case that gives an example of the extent to which a council member is expected to refrain from participation. In that case, a reeve disqualified himself from discussion and withdrew to the back of the council chamber. However, he subsequently shouted information from the public area, challenging and repudiating an assertion made by the deputy reeve in the discussion of the matter. The court held that the interjection contravened a provision of the Ontario *Municipal Conflict of Interest Act* that is very similar to our section 101(2).

Goodearle J. reached this conclusion reluctantly, since “...the offending utterance was in the nature of a blurt intended to correct what the reeve perceived as misinformation being injected into the discussion.” However the section is one of strict compliance: “The section, whether he was right or wrong in his outburst, does not allow him that luxury.” (p. 42)

Goodearle J. explicitly pointed out that good faith and propriety of motive are irrelevant to the issue of contravention. He found that the interjection did constitute participation in the discussion, and even if the reeve did not intend to influence the voting, it would most certainly be seen by others to do just that.

It is clear then that section 101 envisages a high standard of conduct from elected officials. Courts are unlikely to view deviations from this standard with leniency. Goodearle J. said of the Ontario equivalent to section 101: “... the municipally elected official must exercise a level of constraint much greater than the average citizen, exercising what has often been described as reasonable care to duty.” He stated that the legislation was aimed not only towards greed-inspired conflicts, but also at carelessly occasioned conflicts (p. 41).

Note that section 101 applies to elected officials in relation to all council or board meetings, standing and select committee meetings as well as to elected officials serving as members of advisory committees, boards of variance, courts of revision and other prescribed bodies. In *Alcock v. McDougald*, [2004] O.J. No. 4581 (Ont. S.C.J.), it was held that the Ontario *Municipal Conflict of Interest Act* only requires council members to declare conflicts of interest when attending meetings where binding decisions are made, as the Act does not refer to standing and/or ad hoc committees.¹ However, the statutory requirements are stricter in British Columbia. Section 100(1) of the *Community Charter* expressly requires declarations of interest at all meetings referred to above, regardless of whether the decisions to be made are binding or non-binding.

1. Pecuniary Interest

Conflicts of interest arising from pecuniary interests have a unique position in the *Community Charter*. Whereas section 100 only requires elected officials to withdraw when they themselves consider that a conflict exists, section 101 imposes a complete prohibition on the participation of an elected official when a pecuniary interest is involved, whether or not the elected official has made a declaration of such an interest. In addition, section 101 clarifies that where elected officials have a pecuniary interest, no attempt must be made by them to influence the voting either before, during or after a meeting. This means that elected officials will need to be constantly and continuously aware

¹ The reasoning in *Alcock v. McDougald* [2004] O.J. No. 4581 (Ont. S.C.J.) was upheld in *Woodcock v. Moore* [2006] 149 A.C.W.S. (3d) 1131. The court in *Woodcock* stated that where committees are advisory only and possess no autonomous decision-making function, council members are not required to declare conflicts of interest.

of any matter which may come before the council or board in which the elected official may have a pecuniary interest.

In order to understand the limits of section 101, the term “direct or indirect pecuniary interest” must be examined.

“Pecuniary interest” means an interest in a matter which may have monetary or money-related consequences for the council member. In *Campbell v. Dowdall* (1992), 12 MPLR (2d) 27 (Ont. Gen. Div.), a councillor was also a real estate agent. He represented a vendor who made an application for permission to remove topsoil. The councillor made no declaration of interest and voted in favour of the application. The court found that the councillor had an indirect pecuniary interest in the topsoil application. Rutherford J. reasoned, “While it is difficult, if not impossible, to say with any certainty what monetary or money-related consequence the disposition of the topsoil removal application could have for [the councillor], nevertheless, he has a connection with the land in question, and it is a money-related connection.” (p. 34)

On the other hand, in *Tolnai v. Downey* (2003), 40 M.P.L.R. (3d) 243 (Ont. S.C.J.)², a municipal council’s decision to temporarily exempt a non-profit organization’s fund-raising advertisements from the city’s by-law against signs was found not to be a pecuniary interest to a council member who also happened to be the volunteer head of the fund-raising project. The Court pointed out that the council properly dealt with the issue of the by-law exemptions by applying it to all non-profit organizations in the city. In addition, the Court emphasized that other council members were aware of the impugned member’s dual role and yet did not object to his participation in the meeting. The fact that the council member used his position to “obtain the ear” of the council on an expedited basis may be seen to have been a “political misjudgement.” (p. 253) However, the Court concluded that the outcome of the meeting could not affect the member’s pecuniary interest directly or indirectly. The non-profit organization did not face any pecuniary loss even if the exemptions were not granted.

A pecuniary interest can also be manifested in the shape of resulting legal proceedings. In *Sheehan v. Harte* (1993), 15 MPLR (2d) 311 (Ont. Gen. Div.), the court held that facing legal proceedings, in this case a quasi-criminal process involving a potential fine and a loss of a seat on council and the accompanying salary, constituted subject matter for a pecuniary interest. In *Sheehan*, the possibility of a compliance audit of a councillor's election campaign finances was discussed in a council meeting. The interested councillor remained seated and repeatedly stated that he was denying allegations of impropriety. The court found that he had a pecuniary interest. A similar issue arose in *Audziss v. Santa* (2003) 66 O.R. (3d) 444 (Ont. S.C.J.)³. In this case, a councillor allegedly

² In *Bowers v. Deleгарde* [2005] 5 M.P.L.R. (4th) 157, the court upheld the reasoning in *Tolnai v. Downey*.

Although a municipal councillor was an employee of Bell Canada, he was not in a conflict of interest when he voted to award a contract to Bell Canada. His interest as an employee was too remote to create a conflict, and there was no evidence that Bell Canada was in competition against the rival municipal utilities corporation.

³ In a later case, *St. Germain v. Bussin* 2009 ONCA 272, 54 M.P.L.R. (4th) 162, the court upheld a separate part of the reasoning in *Audziss v. Santa*, stating that an elector must follow the procedure in the *Municipal Elections Act*

participated in a council meeting discussion of whether or not to order a compliance audit of the councillor's election expenses. The court found, however, that the meeting actually focussed on procedural issues about a prospective audit, and not on a decision whether or not an audit should be ordered. As a result, the councillor was found not to be in conflict.

Another case that involves legal proceedings is *Halton Hills (Town) v. Equity Waste Management* (1995), 30 M.P.L.R. (2d) 232 (Ont. Gen. Div.). In that case, the mayor of Halton Hills was being sued by a developer for malicious and deliberate abuse of public office for participating in the passage of a by-law that was passed in bad faith. The by-law froze development in a part of town in which the developer owned land. The mayor brought an application asking the court to rule on whether she would be in conflict if she voted on another by-law that affected the same area. The court ruled that she would be. Belleghem J. stated:

“The purpose of the statute is to prohibit *any vote* by one who has a pecuniary interest in the matter to be considered. ... Though the Mayor may have no personal interest, in fact, in how the ... vote could affect those developments, the public perception may be that she does have an interest. Her personal lawsuit with [the developers] caused the conflict.” (p. 235) (emphasis in original)

There are problems with the analysis in this case, however. (See the discussion in I.A.2.iii below)

The decision in *Gibson v. Tofino* (1998) 53 B.C.L.R. (3d) 364, affirmed by the B.C. Court of Appeal in May 1999, dealt with the consideration by council of potential contempt proceedings against a councillor for his failure to comply with a court order requiring him to obtain a building permit. The case discloses that while the council member involved did not participate in the discussion or vote on the question, he allegedly attempted to influence the voting. The court concluded that while the council member clearly had a pecuniary interest in the question of potential contempt proceedings against him, there had been no statutory breach which could result in disqualification from office. The reason for this was that technically the statute only required the council member to withdraw from the discussion or vote on the question. Subsequent to this decision, section 231(5) of the *Local Government Act* was amended to prohibit a council member with a pecuniary interest from not only discussing or voting on a question, but also from attempting to influence the voting. Section 101 of the *Community Charter* preserves that requirement.

Not every matter before council that has the potential to affect a member monetarily creates a pecuniary interest. There must be the kind of “connection” that Rutherford J. found in *Campbell v. Dowdall* between the pecuniary interest of the councillor and the matter before the council. He concluded:

(the “MEA”) to lodge a complaint about campaign finances with respect to a candidate's election expenses. An elector cannot lodge a private complaint outside of the MEA.

“If the lot in question was sold, Mr. Dowdall or his employer would receive a direct financial benefit. I think there is a sufficient link between the ‘matter’ [the topsoil application] and the ‘pecuniary interest’ Mr. Dowdall had in the lot in question to conclude that he had a pecuniary interest, at least an indirect one ...” (p. 34).

By contrast, Rutherford J. did not find that the councillor had a pecuniary interest in more general development applications such as rezoning, severance and subdivision. To find a pecuniary interest “... there would have to be something to connect the individual to the particular matter beyond the mere potential for future business which potential can be seen to apply broadly to business people in the area.”

The Ontario statute, like the *Community Charter*, forbids “direct or indirect” pecuniary interests. Clearly, the use of those words indicates that the prohibition is to be interpreted broadly, but the question is: How broadly? Rutherford J. appears to contemplate a continuum, stretching from “mere potential for future business” at one end, to a “commercial contractual interest” at the other. While he recognizes that the requisite “connection” between councillor and matter “... goes well beyond a commercial contractual interest ...” (p. 36), he explicitly refrains from trying to map out the border between pecuniary interests and mere potentialities any more clearly than that. However, an examination of other cases in this area gives an indication as to where that border lies.

One example of how the courts could broadly construe the provisions of the Ontario statute is found in *Mondoux v. Tuchenhausen*, 2010 ONSC 6536. In this case, a city councillor, who owned and operated several rental properties in the City, successfully bid on the purchase of a piece of municipal property after having participated in a Committee of the Whole meeting where the sale of the property was discussed. An unsuccessful bidder then brought an application for a declaration that the councillor breached Ontario’s *Municipal Conflict of Interest Act*.

The respondent councillor tried to argue that he did not have a pecuniary interest at the time of the Committee of the Whole meeting, and that his pecuniary interest did not crystallize until after the meeting when he viewed the property and determined that he would actually submit a bid. This argument was rejected by the Court. Although the councillor did not make a bid to purchase the property until after the Committee meeting, he had expressed to staff an interest in bidding on the property three weeks prior to that meeting. In granting the application to disqualify the councillor, the court read the statute broadly, noting that the legislation may be contravened even if the subject matter for consideration does not actually affect the pecuniary interest of the member in question. In the court’s view, it was sufficient that the matter under consideration by Council has the potential to affect the member’s financial interest.

One form of “connection” that has been used to support a finding of a pecuniary interest is an employment relationship. The leading British Columbia case on this issue is *Boss v. Broadmead Farms Ltd* (1979), 11 MPLR 212 (BCCA)⁴. *Boss* dealt with the now repealed subsection 82(1)(c).

⁴ The Supreme Court of Canada refused leave to appeal in *Boss v. Broadmead Farms Ltd* (1980) 106 D.L.R. (3d)

That section provided for the disqualification of a council member who had a direct or indirect interest in a contract with the municipality. Merely having an interest in a contract is no longer grounds for the automatic disqualification of a councillor. The *Community Charter* establishes new disclosure rules for current and former members having contracts with the local government. Of course, no council member having a contract with the local government may participate or vote on any matter in which he or she has a pecuniary interest as a result of that contract.

Notwithstanding this radical change of approach to contracts between municipalities and council members, the reasoning in *Boss* is still instructive on the courts' approach to the issue of the requisite "directness" of an interest.

In *Boss*, a Saanich alderman was the legal administrator for a law firm which was retained as municipal solicitors to Saanich. The court found that such employment gave the alderman an indirect interest in the contract between law firm and municipality. In particular, the alderman's refusal to clarify his relationship with the law firm led to an adverse inference against him. The court interpreted that the purpose of the Act was, "... to avoid any conflict between interest and duty by a member of council and to maintain public confidence in persons elected to public office." (pp. 224-225)

A business relationship between two companies can also suffice to create a conflict of interest. In *Sacks v. Campbell* (1991), 8 MPLR (2d) 143 (Ont. Gen. Div.)⁵, a councillor was in the business of selling sand and gravel. He obtained a loan from a developer and purchased a quarry, then entered into a 5 year gravel supply agreement with the developer. On matters in which the land developer was involved before the planning advisory committee, the councillor declared no interest, made representations and voted. The court found that he had a pecuniary interest:

"...[T]he situation existed where the appellant was advancing resolutions before a municipal council to the advantage of his creditor... in relation to re-developments which could potentially affect [the councillor's] gravel business. This is a situation which is bound to shake public confidence in the administration of this municipality." (p. 149)

The question whether a pecuniary interest exists if a decision can have no effect on the amount to be received was addressed in *Germaine v. Gayton* (1998) 49 M.P.L.R. (2d) 141. In that decision a councillor was a paid consultant to a community services society which was developing a housing project. She was to be paid a set fee for her services, part of which had already been received. The court found she participated in discussions on the matter of council providing funds which would allow the project to complete and that she contravened the Act by being in a conflict of interest at

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⁵ In *Godfrey v. Bird*, 2005 BCSC 626, 9 M.P.L.R. (4th) 207, the court utilized the same test as in *Sacks* to determine if there was a pecuniary interest. The court held that the presence of a business relationship between a municipal councillor who is a real estate agent, and the owner of properties to whom the councillor provided real estate services, would be sufficient to find a pecuniary interest, because it would "shake public confidence in the administration of the affairs of this municipality."

the time of those discussions. However, the court went on to rule that at the time of that council meeting her fee was settled such that she had no pecuniary interest. As a result, she was not disqualified from office.

It is an interesting issue whether a pecuniary interest exists in relation to a matter if the decision by a council or board on the matter has no positive or adverse effect on that interest. This may be relevant in considering the case law in British Columbia on the receipt of campaign contributions by local government elected officials, which is discussed below.

Debtor/creditor relationships also have the potential to spawn a conflict of interest. In *Lucas v. Peden*, [1975] 3 WWR 673 (Alta. CA)⁶, an alderman sold residential property to a couple and took back a mortgage to secure a portion of the purchase price. The purchasing couple approached the council for permission to construct a commercial garage on the property. The alderman voted in favour. The court found that the alderman had an indirect pecuniary interest. Even though the alderman's mortgage was amply secured and the change in land use would not give him an indirect benefit, the court held that it would be reasonable to assume that such a secured lender would have an interest in a development which affected the value of his security, whether to increase or diminish it.

A pecuniary interest via family relationships was considered in *Re Greene and Borins* (1985), 18 DLR (4th) 260 (Ont. HC). There, a council member's father owned properties which were very close to lands forming the subject matter of development proposals before the council. The council member debated and voted on the proposals. In finding an indirect pecuniary interest, the court found in the affirmative on the following test:

“Does the matter to be voted upon have the potential to affect the pecuniary interest of the municipal councillor?” (p. 269)

In Ontario, the statute deems the interests of his family in the adjacent lands to be those of the council member. While the lands were outside the development, they could be affected in a pecuniary way by the developments.

Another case that found a pecuniary interest through a family connection is *Andrignon v. Bonnier*, [1935] SCR 38 (SCC). In that case, an alderman transferred title in land that was leased to the city to his daughter. The daughter was using the lease payments to pay the alderman for the property, but no contract existed between them. However, there was a common intention between the father and daughter that this arrangement was how the father would help the daughter to own a home. Despite the fact that there was no contract, the alderman was found to have an interest in a lease with the City of Montreal. According to Duff C.J.C., the words found in the statute, “interested in a

⁶ In *Godfrey v. Bird* 2005 BCSC 326, 9 M.P.L.R. (4th) 207, the court accepted and applied the reasoning in *Lucas v. Peden*, stating that, as in *Lucas*, there was a reasonable probability that the municipal councillor would be biased in casting his votes for or against the developer.

contract,” have no technical signification and thus effect must be given to it according to common usage. Since the understanding was that the money from the city would flow through the daughter to the alderman, an “interest” was present.

Not all family connections result in pecuniary interests, however. In *Evans v. Holt*, [1982] 6 WWR 753 (Alta. CA), an alderman voted on the extension of a water line to serve rural non-residents’ land, including parcels belonging to his father and brother. The alderman himself owned land located a mile beyond the extension. The court found that the alderman did not have even an indirect pecuniary interest.⁷

Arguments that such an interest would include the council member's potential to benefit under his father's estate were rejected: “The contingencies that might affect the existence, or otherwise, of an indirect pecuniary interest on the part of the [alderman] with respect to that estate are innumerable: e.g. the father may or may not have had a will at the material time; if he had a will he could change it at any time; he might die intestate; he might leave his entire estate to his children other than the [alderman], or to some other person or persons; the [alderman] might predecease his father.” (p. 761).

In *Conibear v. Dahling* 2010 BCSC 985, a promoter of a music festival approached the Village of Tahsis with a proposal that a music festival be held there. The promoter’s daughter was the granddaughter of the Villages’ Mayor. The Mayor disclosed to council her connection to the promoter but did not declare a conflict of interest. The festival proposal passed by one vote. A petition was brought by members of the public for a declaration that the Mayor was in a conflict of interest. The petition was dismissed. The court found that the Mayor did not have an indirect pecuniary interest in the outcome of the proposal simply because her granddaughter was the promoter’s daughter (an even more distant familial link than was present in *Fairbrass*, note 7 above). As in *Fairbrass*, the Mayor’s relationship to the granddaughter, alone, did not constitute bias which would disqualify the Mayor from voting on the proposal because there were no facts that suggested indirect financial benefit to the Mayor in voting in favour of the proposal.

It is noteworthy that the Court indicated that even had the Mayor had an indirect pecuniary interest in the matter, the Court would have characterized the contravention as an error in judgment made in good faith because the Mayor was forthright with the other council members by disclosing her relationship with the promoter prior to voting on the proposal.

If a councillor discusses or votes on matters for the express purpose of enforcing local government regulations, and not out of any self-interest, the councillor may not have a

⁷ *Evans v. Holt* [1982] 6 WWR 753 (Alta. CA) was upheld in *Fairbrass v. Hansma* 2009 BCSC 878, itself upheld on appeal in *Fairbrass v. Hansma* 2010 BCCA 319. The mere presence of a father-son relationship, without additional evidence that improvement of the financial state of the son would result in the improvement of the financial state of the father, will not be a family connection that creates a conflict of interest. In other words, an indirect pecuniary interest must be founded upon evidence; the presence of a family relationship alone is not a sufficient basis for the court to find a conflict of interest.

disqualifying conflict of interest, even where the councillor's pecuniary interests may be affected. In *Moss v. Flatrock* [2000] N.J. No. 73, a husband and wife were councillors of the respondent municipality. They abstained from council's discussions on a presentation by a resident of the municipality about access to his property, because they believed that they might have a conflict of interest owing to the fact that their land was near that owned by the resident.

The remaining councillors passed a motion to permit the installation of electrical services to the resident's land, even though the resident failed to comply with the municipality's development regulations. The husband brought council's attention to the fact that the resident's plan did not comply with the regulations, and he submitted two unsuccessful motions to rescind council's approval of the development. The husband and wife voted on these motions.

The council requested a legal opinion on whether the husband and wife had a conflict of interest. The opinion suggested that the husband and wife should not have voted on the husband's motions. Shortly after receiving the opinion, the council declared the councillors' seats vacant at a meeting at which the councillors were absent.

The Newfoundland Supreme Court held that the councillors were not in a conflict of interest when they spoke to matters concerning the resident's property and when they proposed that council's original decision should be rescinded. The Court reasoned that the councillors merely intended to enforce the Town's regulations in the proper manner; their conduct was not governed by self-interest. The Court found support for this holding in the fact that, when the matter first came before council, the councillors had voiced their interest and had abstained from the discussions and voting on council's original decision.

It is important for elected officials to be aware that different statutory requirements apply within different jurisdictions. Several provinces have statutory provisions which deem the pecuniary interest of certain relatives, usually defined, to be a pecuniary interest (or at least a conflict of interest) for the elected official. While this is not yet the law in British Columbia, there is a slight risk that cases decided pursuant to different legislation may nevertheless have an influence in how British Columbia courts view conflict of interest situations.

One such case that may influence British Columbia and municipal officials who also sit on regional district boards, was decided in Ontario. Several upper-tier municipal governance models exist in Ontario, under which counties, or upper-tier municipalities, are made up of a number of local or lower-tier constituent municipalities. In *Orangeville (Town) v. Dufferin (County)* 2010 ONCA 83, the Ontario Court of Appeal concluded that the pecuniary interest of a local municipality in a matter before the upper-tier council was not the type of interest, under the Ontario *Municipal Conflict of Interest Act (MCIA)*, that would disqualify a local council member of a constituent municipality from debating and voting on the matter at the upper-tier council meeting. Dufferin is an upper-tier municipality made up of several lower-tier municipalities including Orangeville. The Mayor and Deputy Mayor of Orangeville are *ex officio* members of the Dufferin Council.

Orangeville entered into a binding agreement with a third party for the sale certain lands, it being a condition of the sale that Dufferin would also sell certain lands it owns to the same buyer. Orangeville also agreed to “take all actions within its control and make best efforts to ensure the buyer's acquisition of Dufferin's lands.” The lower court found that because of the agreement with potential buyer and the financial gain to be had by the sale of the lands, the Orangeville members of the Dufferin Council had an indirect pecuniary interest in the outcome of the decision by Dufferin Council, and were precluded from taking part in discussions and votes on the matter.

On appeal, the Ontario Court of Appeal found that, in light of the upper- and lower-tier governance structures, a pecuniary interest should not be imputed to the *ex officio* representatives of a local municipality who sit on an upper-tier municipal council. To interpret otherwise would make the operation of upper-tier municipal councils unwieldy would frustrate the purpose of ensuring that the interests of lower-tier municipalities are represented on upper-tier municipal councils. The representatives of lower-tier municipalities should not be disqualified from discussing and voting on such decisions simply because the municipalities they represent have a pecuniary interest in the result.

Recently, the British Columbia Court of Appeal considered pecuniary conflicts of interest in relation to council members who are also directors of societies. In *Schlenker v. Torgrimson*, 2013 BCCA 9, electors brought a petition for disqualification against two elected officials who were also directors of two not-for-profit societies involved with water and climate action activities. The elected officials voted in favour of awarding funds and contracts to the societies, without disclosing that they were also directors of the societies. At first instance, the British Columbia Supreme Court held that the officials did not have a direct or indirect pecuniary interest because they derived no direct or indirect personal financial benefit from the granting of the funds to the societies. However, the Court of Appeal in reversing that decision found that this interpretation of pecuniary interest was too narrow, and that the officials’ fiduciary duties as directors to put the societies’ interests first were in direct conflict with their duties as elected officials to put the public’s interests first. The indirect pecuniary interest was sufficient to create the conflict without the need for direct financial gain. The officials should have declared their interest and absented themselves from participation or voting on the matter. Thus they were held to have been in a position of conflict for awarding contracts to the societies, and were to be disqualified from the next election. However, this was a purely symbolic sanction, given that the “next election” had already occurred and the two members did not stand for re-election.

In essence, the BC Court of Appeal found that elected officials are in a conflict of interest when they vote to give funds to societies of which they are directors, even if none of the money ends up benefiting them personally.

This decision has potentially significant implications for elected officials in British Columbia, many of whom sit on the boards of non-for-profit societies. The decision may also have influenced the bringing of a court application in Ontario asking for the determination and declaration of the rights and obligations of councillors who served as council-appointed directors of a not-for profit

organisation. In the case of *Aurora (Town) v. Ontario*, 2013 ONSC 6020, the Town council wished to have some councillors serve on the board of a cultural centre located in the town. The Town was concerned that a conflict of interest was possible between councillors' positions in council and on the board, and asked the court whether conflict of interest law applied to deem an indirect pecuniary interest to councillors who sat on the board, as was held by *Schlenker* decision. The Court held that based on Ontario law and their *Municipal Conflict of Interest Act (MCIA)*, there was no conflict of interest. The cultural centre was non-profit and not publicly traded, so board members were not employed with centre as they would be in for profit company. The councillors being appointed were fulfilling public duty, and any indirect conflict caused was properly waived as result of this duty, and the councillors would have no personal or financial interest in matters raised before council that concerned the cultural centre. The court also stated that the *Schlenker* decision did not affect the court's ruling in *Aurora* because in British Columbia there is no definition of indirect pecuniary interest as there is in the Ontario *MCIA*.

To find a pecuniary conflict of interest, there must be a specific "connection," whether direct or indirect, between the elected official and the matter to be discussed. It need not be a technical, legally binding relationship (the obvious example being a contract), but there must be a particular relationship joining an elected official and the matter in question; something above and beyond a mere potential for business open to any elected official who happens also to be a business person. Rutherford J. in *Campbell v. Dowdall* reasoned, "It is unrealistic to expect competent municipal government and at the same time exclude the business community from a large portion of the necessary business of the council." (p. 36)

In *Bowers v. Delegarde*, [2005] O.J. No. 689 (Ont. S.C.J.), a "connection" sufficient to create a conflict of interest was not found. In this case, a municipal councillor supported the sale of the Township's high-speed internet system because it was running at a loss, which was creating a burden for ratepayers. The councillor was an employee of Bell Canada and owned Bell stock. An elector alleged the councillor had an indirect pecuniary interest because Bell, as a competitor, was capable of providing the same, or substitutable, services as the Township. However, Bell had never expressed an interest in running the Township's internet system. Power J. held that it was not enough for the elector to prove a potential for competition between Bell and the Township. The elector was required to prove "a real issue of actual conflict or, at least, there must be a reasonable assumption that conflict will occur."

However, where there is doubt about this "connection," and particularly in light of the recent decision in *Schlenker v. Torgrimson*, it is suggested that the wiser course may be for an elected official to proceed with caution by declaring an interest and removing himself or herself from the sphere of influence on the matter. This is especially prudent since there are provisions in the *Community Charter* which allow elected officials to withdraw declarations of interest. These provisions are found in section 100(4). To summarize, the provision states that if elected officials who have declared a conflict of interest receive legal advice that they are wrong, they may withdraw the declaration by stating in general terms the reasons why they are entitled to participate.

This provision was discussed in *Godfrey et al. v. Bird and District of North Saanich*, [2005] B.C.J. 1122 (S.C.). In this case, a councillor had an indirect pecuniary interest in a zoning amendment. Although the councillor declared at an earlier committee meeting that he was in a conflict of interest, the councillor voted on the zoning matter at a subsequent meeting without withdrawing his declaration pursuant to section 100(4). His argument that he did in fact withdraw his declaration was not accepted by the Court, since the councillor did not obtain further legal advice subsequent to making his declaration of interest as required by section 100(4). He simply reinterpreted earlier legal advice received before his declaration. Thus, this case suggests that elected officials will be required to obtain a fresh legal opinion which advises that their declaration of interest is wrong before they will be able to withdraw it.

One final caveat: section 100(5) states that anyone who withdraws their declaration of conflict may still be found liable for a conflict of interest. Thus, section 100(4) is simply a procedural mechanism to allow a council member to return to discuss a matter, not a process by which the existence of a conflict is finally determined.

i. Campaign Contributions

Four British Columbia decisions have considered the issue of whether the receipt of campaign contributions forms a pecuniary interest which could result in a potential conflict of interest situation. This group of cases (*King v. Nanaimo* (1999) 50 M.P.L.R. (2d) 134; *Guimond v. City of Vancouver et al.*, Doc. A983058, B.C.S.C., October 21, 1999; *Fearnley v. Sharp*, Doc. A992887, B.C.S.C., November 17, 1999; and *Highlands Preservation Society v. Corp. of the District of Highlands* 2005 BCSC 1743) raises the interaction between campaign financing and conflict of interest.

In *King v. Nanaimo* the Nanaimo City council voted to disqualify Mr. King from office for voting on matters pertaining to two development companies from which Mr. King had received substantial campaign contributions for the 1996 municipal election. At the time the relevant matters came before the council these contributions had not been disclosed. Subsequently, Mr. King filed a supplementary disclosure statement, claiming that the contributions had been omitted in error from the prior disclosure statements. The court agreed with Nanaimo City Council that Mr. King should be disqualified from office on the basis of having voted on matters in which he had an indirect pecuniary interest (the undisclosed campaign contributions). The court concluded

“Every conflict of interest finding will depend upon its own individual facts. For example, a candidate must report the names of all campaign contributors who donate \$100.00 or more. Because contributors who donate less than \$100.00 need not be named, the inference is that a council member may not be in a conflict if he or she votes in favour of a motion that benefits those contributors. Here, it is the amount of the contribution and the initial failure to disclose the name that really matter.”

The *King* decision raised a number of concerns regarding the acceptance of campaign contributions. First, it was unclear whether, in light of decisions such as *Germaine v. Gayton*, a pecuniary interest could exist where a contribution had already been made and there was no anticipation of any present or future monetary benefit to the elected official. Second, the policy framework for campaign financing requires that contributions be disclosed, and penalties for failing to disclose can include disqualification from holding public office. The *Community Charter* does not state that campaign contributions create a pecuniary interest (direct or indirect) which may create a potential conflict of interest. Nor, unfortunately, does the *Community Charter* specifically exempt such contributions from the application of the conflict rules. Finally, if candidates for local government office may be precluded from subsequently voting on matters in which contributors have an interest, citizens may be discouraged from taking part in the democratic process by supporting the candidate or candidates of their choice.

In *Guimond v. City of Vancouver*, the B.C. Supreme Court had a further opportunity to consider whether campaign contributions could create a pecuniary interest and therefore a potential conflict. In that decision, renters in a large apartment complex petitioned the Court to void or declare voidable a zoning bylaw which would permit redevelopment of the complex. One of the allegations was that the Mayor and two councillors voting in favour of the bylaw had received campaign contributions from the developer prior to the previous municipal election. The court distinguished *King* by stating (p. 49):

“I have determined that this case is different from *King v. Nanaimo* in two important respects. Both cause me to determine that this By-law ought not to be set aside by reason of any indirect pecuniary interest of the Mayor or any Councillor which might be said to arise merely from campaign contributions. Firstly, the contributions in this case were disclosed as required by legislation. Secondly, the amounts of the contributions as a percentage of the total campaign contributions in issue are substantially smaller than in *King*.

In my judgment, those two factors remove the element of bad faith and concealment which was obvious in Mr. King’s conduct and also make applicable the saving provisions of s. 145.1(7)(c). I am satisfied that even if it could be said that Mayor Owen or any Councillor had an indirect pecuniary interest in Polygon’s success in the re-zoning application of Arbutus Gardens, in my opinion, any such interest would be sufficiently remote and insignificant that it could not reasonably have been expected to influence them in relation to the matter.”

The effect of this decision was that a relatively minor campaign contribution, properly disclosed, may not in itself create a pecuniary interest sufficient to disqualify an elected official from considering a matter in relation to the contributor.

The decision in *King* was further distinguished in *Fearnley v. Sharp*. In that case, a petition was brought to disqualify a councillor on the grounds, in part, that she had voted on certain matters for a union which had contributed to her previous election campaign. The campaign contribution had

been properly disclosed. However, in comparison to *Guimond*, it formed a larger proportion of the candidate's total contributions (over 50%). In exploring the interaction of campaign contributions and conflict of interest, the court reviewed certain societal and policy objectives which are worth considering:

"The questions surrounding conflict of interest in the municipal arena are by no means simple ones. When one adds to that the position in which a councillor is placed in reference to campaign contributions it becomes even more complex. This is so because of the competing societal values involved. No one would dispute the fact that a councillor having taken the oath of office is obligated to respect the *Local Government Act* and perform their duties honestly. They must make their decisions upon what they believe is in the best interests of the municipality and its electors. On the other hand, it is clear that every elector should be eligible to run for office in the municipality regardless of their status, their wealth, or occupation of their spouse. Elections cost money and they are most frequently funded by contributions from friends, family and political or other supporters of the candidate. It is a fact in the real world that contributions are made by those who frequently hope that the candidate, if elected, will think as they do and support those ideals, policies and projects which they support. This is so whether the contributors be trade unions, corporations, institutions or wealthy individuals.

"It is a traditional part of our democratic system to permit (with certain limitations) those wishing to run for office to accept campaign donations. There is nothing in the legislation to prohibit it, though the *Local Government Act* does require full disclosure of donations beyond a minimal amount.

In summary, the receipt of a donation to a political campaign that has been fully disclosed does not amount to a conflict of interest in and of itself. It can of course be evidence of such a conflict depending on the context of its receipt and the conduct of the recipient. Each case involving issues such as we have here must be decided on its own facts."

In the result, the court concluded that on the particular facts of *Fearnley v. Sharp*, the councillor was not in a conflict of interest.

Finally, after the attempts of the courts in *Guimond v. City of Vancouver* and *Fearnley v. Sharp* to distinguish those situations from the *King v. Nanaimo* decision, in September 2001 the B.C. Court of Appeal overturned the lower court decision in *King v. Nanaimo* and found that no conflict of interest existed. The court went on to state:

"What was prohibited by s. 201(5) [now 231(5)] is participation in the discussion or vote on a question in respect of "...a matter in which the member has a direct or indirect pecuniary interest". The "matter" (or matters) in respect of which questions arose before Council were, in this case, the various applications by Northridge Village and its associates. Nothing in the facts established in this proceeding could justify the conclusion that Mr. King had a

pecuniary interest, direct or indirect, in any of those matters. The mere fact that Northridge made campaign contributions could not, in and of itself, establish any such interest. There could, of course, be circumstances in which the contribution and the “matter” could be so linked as to justify a conclusion that the contribution created a pecuniary interest in the matter. Indeed, the learned chambers judge took note of an example of such a situation when he said in his reasons:

‘There is no evidence of a direct pecuniary interest in the sense that he agreed to vote for these projects in return for their campaign contribution of \$1,000.00.’

It would not be useful to speculate as to what circumstances could create an indirect pecuniary interest. It is enough to say that the mere fact of the applicant having made a campaign contribution is not enough. In the absence of any factual basis for finding that Mr. King had a pecuniary interest in the matter, the finding based on s. 201(5) is wrong in law and must be set aside.”

This statement of the law clarifies that a campaign contribution will not, by itself, create a direct or indirect pecuniary interest for the elected official in a future matter in which the contributor may be involved. This is further confirmed by the decision of the British Columbia Supreme Court in *Highlands Preservation Society v. Corp. of the District of Highlands* 2005 BCSC 1743, which explicitly follows the above line of cases.⁸

2. Exceptions

Section 104 of the *Community Charter* provides that Sections 100 to 103 do not apply if:

“(a) if the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;

(b) in the case of a matter that relates to a local service, the pecuniary interest of the council member is in common with other persons who are or would be liable for the local service tax;

(c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;

⁸ In *Highlands Preservation Society v. Highlands (District)*, the court upheld the reasoning that the British Columbia Court of Appeal reached in *King v. Nanaimo*, stating that where campaign contributions were legitimate and not hidden from public view, the receipt of campaign contributions by a municipal councillor will not create a conflict of interest.

(d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;

(e) the pecuniary interest is of a nature prescribed by regulation.”

Some of these exceptions will be discussed in turn.

i. Interest in common with electors

Section 104(a) of the *Community Charter* codifies the common law position that there is no disqualification from voting if the interest of the elected official is one which is held in common with other electors in the municipality or a significant section of them.

This exception was first expressed in *Elliot v. Saint Catherines* (1908), 18 OLR 57 (Ont. Div. Ct.): “...[W]here the personal or pecuniary interest of the member is that of a rate payer, in common with other rate payers, or, as put by Osler J.A. ‘where though he is personally interested, his interest is not different than that of the community in general’, the member is not disqualified. The community of interest [is] a community in kind, not in degree, of the interest... [T]he principle upon which the rule is founded is the same whether the bylaw is one affecting all the ratepayers of the municipality or only those within a section of it.” (p. 61)

In that case it was held that a council member was not disqualified from voting on a proposed bylaw to construct a sewer on a certain street within the municipality merely because he owned property fronting on the street which gave him an interest in the proposed drainage works.

In *Re Hoepfner*, [1976] 4 WWR 481 (B.C.S.C.), a bylaw was before the Vancouver City Council which proposed to reduce the minimum lot size for townhouse development in the RT-2 zone. An alderman owned land in this zone. His plot was marginally smaller than the proposed minimum lot size but was one which, with an exemption, could be developed for townhouses if the amendment was successful. The court held that, while the alderman did receive a benefit from the amended bylaw, he did so in the same way that all the other property owners in the RT-2 zone received a benefit. The alderman did not stand to gain any personal advantage, only an advantage shared by a significant segment of the public.

The court articulated two general rules concerning the validity of by-laws passed pursuant to the *Vancouver Charter*:

“(a) If the evidence indicates or appears to indicate that an elected official is instrumental in having a bylaw enacted in order to obtain advantages which are purely personal, the bylaw will be struck down as being made in bad faith and hence illegal.

(b) If the evidence indicates that the advantages obtained are not purely personal but are the same advantages as those obtained by the public at large, the allegations of bad faith and illegality must fail.” (p. 490)

In *Re Blustein*, [1967] 61 D.L.R. (2d) 659 (Ontario HC, affirmed at CA), an alderman, voting in favour of adopting a plan to regulate multiple family dwelling use of lands within a certain area, was also a minority shareholder in a company owning a completed townhouse project in the area. It was predicted that the company's project would prosper insofar as the plan would implicitly stifle competition from other townhouse developers. The court found that the alderman's interest was “the same interest or the same community of interest which any other ratepayer or land owner would also have.” (p. 663)

The plan was a comprehensive plan covering a large area of the municipality. The alderman's company had a completed development and as a result would not receive an immediate benefit from the adoption of the plan. It was determined that while the value of the property held by the company may as a result of the plan increase in time, that observation was equally true of all other land in the area.

Re Blustein was followed in *Murphy v. Foster* (1996), 33 M.P.L.R. (2d) 49 (Ont. Gen Div.). In that case a counsellor voted on matters that directly affected a development proposal near his home. Binks J. found that the counsellor had no pecuniary interest any different than anyone else in the town, or from the other 129 electors who lived in his subdivision. As a result, the counsellor's voting did not contravene the Ontario *Municipal Conflict of Interest Act*.

It would seem that, in part, the court in *Re Blustein* objected to the very speculative nature of the benefits in question. In cases involving more patent forms of pecuniary gains, the exception has not been found to save the councillor.

For example, in *Casson v. Reed*, [1975] 6 WWR 431 (Alta. CA), an alderman owned a quarter section of land abutting a proposed recreation site. Evidence indicated that the recreation development would affect the value of all land within a 5 mile radius. While the court found that the alderman had a community of interest with other land owners in the area, the court held that the community of interest exception could not prevail in the circumstances.

It was noted that the alderman was actively engaged in subdividing his plot and selling lots at a substantial profit immediately following the adoption of the bylaw authorizing the development. Accordingly, the alderman was pursuing a purely personal advantage, an advantage not shared with others having the same community of interest. In the circumstances the court could not accept that it was a matter of community interest that the complex be developed for the purpose of enhancing land values and realizing a quick profit as a result.⁹

⁹ In *Cornwallis (Municipality) v. Selent*, 40 M.P.L.R.(2d) 184 (1998), the Manitoba Court of the Queen's Bench followed the reasoning in *Casson v. Reed*, stating that a municipal councillor who owned a gas station and

In *Godfrey et al. v. Bird and District of North Saanich* (above), a council member had an indirect pecuniary interest in a zoning amendment. It was found in this case that a zoning amendment that would only affect 40-50 lots (in a community of 11,000 people) was insufficient to create an interest “in common with other electors of the municipality generally.”

In *Wannamaker v. Patterson*, [1973] 2 WWR 737 (Alta. SC, affirmed in CA), the mayor actively supported negotiations with the provincial highways department to have a cut put in a median strip on the main street through town to afford better access to a shopping centre. The mayor had an interest in two businesses in that centre. The mayor also voted on the approval of the cut. The court held that the mayor's indirect pecuniary interest in the median cut, (resulting from operating a business in the centre), put him in a different position from the general interest he would have had if his business had been located elsewhere in the community.

In *Graham v. McCallion*, (1982) 39 OR (2d) 750 (Ont. Div. Ct.), the court held that the mayor could not rely on the community of interest exception. She had declared an interest but spoken in favour of the development and voted. The court pointed out that when deciding when there is a “community interest”, it is important to consider that a selection process is involved. That process released the mayor's land for development, while other property owners' lands were not. There was therefore no common interest with others who were not members of council and whose lands were not recommended for release.

In *Canada Safeway v. R.*, [1988] 5 WWR 658 (Alta. Q.B.), an alderman owned a business specifically exempted from the proposed bylaw: his business was allowed to remain open on Sundays. The court held that he did not share in the same community of interest with other business people and in fact had obtained a benefit from the bylaw being passed.

A similar case is *Kizell v. Bristol*, [1993] OJ No. 3369 (Ont. Gen. Div.). Two councillors had retail businesses which were not regulated by the municipal licence bylaw or the *Retail Business Holidays Act*. The councillors did not declare an interest and participated in discussions and voted regarding exemptions from the Act. The court held that the councillors' interest was not an interest in common with electors generally.

The councillors had a pecuniary interest in the matter of whether to grant retailers an exemption from a prohibition that restricted many retailers' competitive opportunities. The interest was different in kind from other retailers in the community that might nevertheless be touched by the economic and social impacts of the holiday opening.

convenience store near the development site should not have cast votes on the development proposal, because he stood to gain a significant financial advantage if the proposal was accepted. In summary, the court held that where the pecuniary interest of a councillor exceeds the pecuniary interest of an ordinary resident, the councillor should be found to be in a conflict of interest and should not vote on the matter.

A Newfoundland decision, *Fewer v. Town Council for Harbour Main-Chapel's Cove-Lakeview*, 2007 NLTD 91, reaches the opposite conclusion from *Elliot v. Saint Catherines* (above) on what appear to be similar facts. In this case a councillor voted on a water and sewer project that would benefit sixteen houses on a particular road, two of which were occupied by he and his son. The remainder of the council some time later passed a resolution declaring his seat vacant because of the conflict of interest. The councillor relied on the exception for an interest in common with a class of electors. The court found, however that:

“The act refers to “classes of citizens”. This would suggest that the features which constitute the particular citizens as a class would be features or characteristics of the citizens themselves. I do not think that the legislature intended that citizens living on a particular street could constitute one class, while those on another street would constitute a different class.”

ii. *Matter relates to remuneration*

An elected official is deemed not to have a conflict of interest, notwithstanding a direct pecuniary interest, in matters relating to his or her own remuneration for performing the duties of office. This is an obviously necessary exemption to allow councils and boards to set remuneration and benefits which apply to most or all of its members.

An exception similar to the “matter relates to remuneration” exception, albeit in the context of the *Vancouver Charter*, was applied by the British Columbia Supreme Court in *Church v. Puil* (1992), 67 BCLR (2d) 124 (BCSC). In that case, an alderman, who was sole shareholder and director of a travel agency, always travelled with his agency when on city business. The court rejected this as grounds for disqualification.

At that time, section 38 listed grounds for disqualification, including: “(c) *Directly or indirectly, or by the interposition of a trustee or a third person, being a party to, or holder of, any contract with the city*” which were still grounds, without more, for disqualification from holding office as a member of Council under the *Charter*.

Esson CJSC found that there was no contract under that section in relation to the tickets that the alderman sold to himself: “The only contract which the city might be said to have made directly or indirectly with any one was its undertaking to reimburse [the alderman] for the expenses incurred in authorized travel [but] by reason of the saving provisions of section 39 (f) this would be outside the prohibition of section 38 (c).” (p. 129)

Section 39 of the *Vancouver Charter* sets out instances where nothing in section 38 applied to disqualify a person, including: “(f) *because he is paid the lawful remuneration provided for Mayor or Alderman...*”

Esson CJSC also noted that section 38 (c) differed from almost every other disqualification statute to which he had referred in that it does not include language embodying the notion of interest. He also pointed out that neither the question of disclosure nor whether there is any detriment to the city or gain to the alderman is relevant to the issue whether he should be declared disqualified.

iii. Remoteness or insignificance

Remoteness is closely allied to the determination of whether a direct or indirect “connection” exists between a councillor's interest and the matter being discussed. This exception applies where a pecuniary interest is found but the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member on this matter. The notion of proximity is central to this exception. The exception also seems to incorporate the rule, articulated in case law, that the extent of a pecuniary interest does not determine the issue: the fact that an amount is trifling does not make any difference.

In *Re Mahussier*, [1975] 1 WWR 67 (Sask. DC), taxpayers applied to have the trustee of a school unit board disqualified by reason of his part time employment as a school bus driver hired by a private company. The trustee was a farmer who earned a little extra money as a bus driver. The court dismissed the application, because on the facts of the case it was too remote to suggest that the trustee was “interested” in the board's contract.

In *Levy v. Knight*, [1975] 2 WWR 621 (Alta. DC), the chairman of the board of administrators (similar to the position of mayor in British Columbia) was also a long time employee of “C Company”. C Company controlled “A Company”, which apparently developed land in the municipality on behalf of C Company. The chairman participated in discussions and voted in favour of a development application to the town council by A Company.

The court held that C Company would be concerned with the success of A Company's application in light of the close relationship between the two companies, and that the financial and other advantages accruing to C Company as a result of such success was a matter of concern to the chairman. The court suggested that it was not too remote to suspect that the chairman would prefer to be looked upon favourably by his employer and as a result cast a vote in favour of his employer.¹⁰

But in a slightly different fact situation in *Blackcombe Development Ltd v. Whistler*, [1984] B.C.J. No. 389 (BCSC), a Whistler alderman who had recently left the employment of the applicant was not disqualified. The judge felt that evidence of a past employment relationship was, on its own, too remote to establish any kind of bias.

¹⁰ In *Guimond v. Sornberger*, 115 D.L.R. (3d) 321, 13 M.P.L.R. 132, (1980), the Alberta Court of Appeal adhered to the reasoning in *Levy v. Knight*, declaring that in its case, the employer-employee relationship existed and that the employer had a direct and adverse interest in the question of the bylaws for which the municipal councillor, the employee, voted.

Note also the *Sacks v. Cambell* case, above, where the court held that the councillor's interest in the proposals was not too remote: he was advancing resolutions before council to the advantage of his creditor in relation to re-developments which could potentially affect the councillor's gravel business.

As mentioned, if a pecuniary interest is found, the magnitude of the interest is not a factor. In *Wannamaker v. Patterson*, [1973] 5 WWR 193 (Alta. CA), Clement J.A. dealt in no uncertain terms with the question of extent of pecuniary interest:

“Throughout the years the Courts have applied, and continue to apply, the principle with unabated rigour. No erosion of it, nor of its application, can, in my opinion, be permitted if confidence is to be maintained in the electoral process in democratic institutions. Integrity in the discharge of public duties is and will remain of paramount importance, and when the question of private interest arises, the Court will not weigh its extent nor amount in determining the issue. ... the fact that the amount is trifling does not make any difference. ... if there has in fact been a breach, the prescribed consequences must follow.” (p. 200)

In *Mino v. D'Arcey* (1991), 4 MPLR (2d) 26 (Ont. Gen. Div.), a councillor was sole proprietor of a construction business. When the council authorized a call for tenders for construction of new municipal offices, bidders contacted the councillor for quotes. The lowest bidder was awarded the contract. At a meeting the councillor was unaware that he appeared as a subcontractor on four bids, and declared no interest and voted. He made \$300 profit on the awarding of the contract.

Carter J. did not accept that the profit was too remote from the councillor's vote: such profit flowed directly from the acceptance of the tender. Moreover, he rejected the argument that the interest was insignificant: “Three hundred dollars might well be an insignificant amount to the [councillor], in the overall operation of his business; but as Robins J. said in *Re Moll and Fisher*, the standard is an objective one. Certain ratepayers of Howick Township might not consider that amount in any way insignificant...” (p. 32)

In *Atkins v. Calgary* (above), the alleged pecuniary interest concerned the councillor's daughter being employed by an interested party (a proposed occupant of the shopping centre development under consideration, but in a different location). Forsyth J. noted that no evidence was presented of the nature of the employment, except to the extent possibly that it was of a transient and seasonable nature. He observed that if it was of a seasonable nature, then “that would be an interest so remote or insignificant that it cannot be reasonably regarded as likely to influence the member.” (p. 275)

Even if the elected official's family member is employed full time in a business with an interest in proceedings before council, the elected official's pecuniary interest may be “remote and insignificant.” In *Re Mel Lastman and the Queen in Right of Ontario*, [2000] O.J. No. 269, the City of Toronto passed a resolution condemning a fund-raising campaign by the Toronto Police Association. Lastman participated in the discussions and voted on the resolution. Lastman was

also a member of the Toronto Police Board, and he participated in the Board's decision to enact a by-law prohibiting the campaign and to instruct legal counsel to obtain an injunction against the Association.

On the day the Board decided to take these steps, Lastman learned that the Association had retained the law firm in which Lastman's son was a partner to represent them in this dispute. Lastman applied to the Court for a declaration that he was not in a conflict of interest. The Court applied the following test:

Would a reasonable elector, being apprised of all the circumstances, be more likely than not to regard the interest of the councillor as likely to influence that councillor's action and decision on the question. In answering the question set out in such test, such elector might consider whether there was any present or prospective financial benefit or detriment, financial or otherwise, that could result depending on the manner in which the member disposed of the subject matter before him or her.

The Court agreed with Lastman, holding that the relative pecuniary interests of Lastman and his son were "so separate and distinct as to be insignificant," and that a reasonable elector would not think that Lastman's actions or decisions would be influenced by his son's status as a partner in the firm representing the Association.¹¹

In *Lovatt v. Glenwood (Rural Municipality)* (2003), 38 M.P.L.R. (3d) 224 (Man. Q.B.), the fact that a council member had been courted to invest in a proposed business project that later came before the council for approval was deemed not to constitute a pecuniary interest, even where the official later ended up investing. The case involved two council members alleged to have violated Manitoba's conflict of interest legislation. The allegation against one of the officials was that he had a direct or indirect pecuniary interest in the proposal, but failed to declare it while in attendance at two council meetings. The merits of the proposal were not dealt with at the meetings, nor were votes taken on the matter. Prior to those meetings, the official had attended an informational investors meeting for the business project. At the time of the two council meetings, the official had not yet committed to an investment, although he ultimately made the decision to invest shortly thereafter. The Court found that the official did not have a direct or indirect pecuniary interest to declare at the time of the two meetings. The official was not in a conflict of interest until he made the commitment to invest. The Court also noted that the official properly declared his interest at a third council meeting, which took place subsequent to his investment.

¹¹ In the case, *Ruffolo v. Jackson*, 2009 CarswellOnt 1961, 59 M.P.L.R. (4th) 256, two electors were suing the City for wrongful dismissal. At the same time, the electors sued the mayor for non-disclosure of campaign finances. During this period, the mayor voted with other council members to launch litigation against the electors alleging wrongful dismissal. The electors countersued, saying that the mayor should not have voted in a proceeding against them when they were suing the mayor for campaign irregularities. The court held that a mayor did not have any indirect or direct pecuniary interest in the suit that electors had launched against the City for wrongful dismissal, or she did, it was too remote to create a conflict of interest.

In *Campbell v. Dowdall* (above), the court rejected the argument that the pecuniary interest was so remote and insignificant that it could not reasonably be regarded as likely to influence the councillor. Notwithstanding that topsoil applications are routine matters, "... the reasonable elector would inevitably fear that a councillor's discretion concerning almost any public matter involving land would be fettered by a conflicting interest if that councillor was at the same time the selling agent for that land. That conflicting interest is the money-related alliance a real estate agent has with his principal's objective of selling the land." (p. 35)

It would seem that, under this "remote and insignificant" exception as well as under "direct" or "indirect" considerations, the courts will be reluctant to find a pecuniary interest where the predicted benefits resulting to the council member are very speculative. It is possible that, on the balance of the authorities, benefits do not need to be quantifiable, but that it is necessary to convince the court that benefits of an identified nature will likely accrue to the elected official in order to find that he or she is "interested".

However, not all cases have followed this line of reasoning. In *Halton Hills (Town) v. Equity Waste Management* (above), Belleghem J. found that a public perception of a pecuniary interest, regardless of whether one actually existed, was sufficient to create a conflict under the Act. With reference to the "remoteness" exception, the judge stated:

"The Act itself provides an exception for 'an interest of the member which is so remote or insignificant in its nature that it *cannot reasonably be regarded* as likely to influence the member.' The public may not regard the suit by corridor developers and the vote on corridor services as 'remote'. ... Though the Mayor may have no personal interest, in fact, in how the ... vote could affect those developments, the public perception may be that she does have such an interest." (p.235) (emphasis in original)

It is arguable that this case is wrongly decided. In support of this conclusion, Bellegham J. relies on the following extract from a judgment of Holland J.:

"J. Holland J., sitting in the Ontario Divisional Court, echoes the same concern for public perception:

The question which must be asked and answered is: 'Does the matter to be voted upon have a potential to affect the pecuniary interest of the municipal councillor?'

It is of no consequence, in my opinion, what the nature of the effect might be - for his betterment or otherwise - as long as it may be *seen by the public* to affect that pecuniary interest. (*Greene v. Borins*, 50 O.R. (2d) 513, at p. 522.)"

This quote does not establish that a conflict exists when the public might see that a pecuniary interest exists. Rather, it states that a conflict exists where the public might see that a vote might

affect a pre-existing pecuniary interest. According to this extract from Holland J., it is not the pecuniary interest that is permitted to be speculative, it is the existence of an effect on that interest.

3. Exemptions

While the courts rarely hesitate to identify instances where an elected official has improperly allowed their personal interest to interfere with the execution of duty, the courts do generally show a certain reluctance to unleash the grave consequences of such misconduct on the elected official where there is mitigating evidence as to the errant official's state of mind.

Subsection 101(3) provides that a person who contravenes section 101 is disqualified from office:

“unless the contravention was done inadvertently or because of an error in judgment made in good faith.”

This clause operates when an elected official has a pecuniary interest in the matter discussed, and it is decided that the elected official improperly voted, discussed or influenced the vote on a matter. The exemption allows a court to excuse the elected official from penalty for such conduct if it is appropriate to do so.

Although the two exemptions are occasionally considered together in the cases, it is suggested that they are distinct and different standards. Being exempted by virtue of inadvertence does not necessarily entail exemption for error in judgment made in good faith, or vice versa.

i. Inadvertence

In *Edmonton v. Chichak*, [1990] 3 WWR 748 (Alta. QB), the court considered the authorities on inadvertence. Berger J. quoted (p. 754) from *Nichol v. Fearby*, [1923] 1 KB 480: “the word ‘inadvertent’ may be used to [indicate] either a negligent act, as distinguished from a careful act, or as indicating an unintentional, as distinguished from an intentional act.” Berger J. noted that, while it depends on the circumstances of each case, ignorance of the law may be inadvertence.

In contrast to the old regime, when section 82 was still in force, the *Community Charter* makes no provision for disqualification, without more, of an elected official who has an outstanding tax account with the council. This Alberta case considers the exemption in relation to such default for taxes, but the case is nonetheless instructive on the courts' approach to the exemption.

Note also that the councillor did pay her tax arrears once elected. Berger J. took a very sympathetic view of the councillor's state of mind in applying the inadvertence exemption. He reasoned:

“She ignored the many cautions and warnings... because she could not possibly imagine a ground for disqualification which applied to her. She relied upon notional presumptions and suppositions rather than upon a careful reading of the letter of the law. Her decision to proceed in this fashion amounts to a failure to exercise due diligence. Her conduct can be fairly characterized as unwise, imprudent, careless, irresponsible and negligent. I am unable to say, however, that [she] flouted the law. There is absent evidence of corrupt intent or motive... [She] paid the tax arrears with reasonable dispatch and made no attempt to abuse her office. The nature, quality, extent and consequences of the inadvertence are such that the [application] shall be dismissed.” (p. 759)

The case indicates that ignorance of the law may be grounds for the inadvertence exemption, however, this is likely to be the exception rather than the rule. Berger J., quoting from an English Court of Appeal case, sounded a cautionary note: “... people who are seeking to be chosen to an office created by the Act ought to be at pains to understand its provisions.” (p. 759)

Not only may ignorance of the law be grounds for the inadvertence exemption, but inability to apply the law may also qualify under this exemption. In *Synchysyn v. Tiller*, [2000] M.J. No. 281 (C.A.), the Manitoba Court of Appeal held that a reeve had a conflict of interest when he offered to purchase a piece of land from a landowner who was selling the adjacent piece of land to the municipality, because the landowner made each sale conditional on the other sale. The Court reasoned that “a person may know the facts giving rise to a pecuniary interest without appreciating that in law such a pecuniary interest exists. That is not ignorance of the law, but inability to apply it....If in fact the councillor was unaware that he had a pecuniary interest in the matter before council, his violation falls within the section and he may be excused to the extent that his seat will not be declared vacant.”

The *Mino v. D'Arcey* case (above) is also an instance where the court felt that the exemption could properly be applied. It will be recalled that the councillor was unaware, when the council awarded the contract to build new municipal offices, that he appeared as the subcontractor on four bids. The court found, notwithstanding his direct pecuniary interest in the matter, that his contravention was through inadvertence and he was not removed or disqualified. Carter J. accepted the councillor's affidavit evidence that his vote was committed through inadvertence: “I have no reason to doubt his statement and I am satisfied that there was no intention to violate the Act.” (p. 33)¹².

¹² The court upheld *Mino v. D'Arcey*'s analysis of inadvertence in the case of *Calgary Roman Catholic Separate School District No. 1 v. O'Malley*, 2007 ABQB 574, [2007] A.W.L.D. 4200. The court stated that inadvertence would be when an elected official is not aware of the matter on which he or she voted or had simply failed to pay attention without considering the issue. In this case, the court held that the council member could not plead inadvertence: unlike in *Mino v. D'Arcey*, the council member's experience and familiarity with the conflict of interest provisions precluded a finding of bona fide error in judgment. Other cases have also adhered to the reasoning in *Mino v. D'Arcey*. See *Baillargeon v. Carroll*, 2009 CarswellOnt 633; 56 M.P.L.R. (4th) 161 and *Jaffary v. Greaves*, 2008 CarswellOnt 4277; 47 M.P.L.R. (4th) 15.

In *Medicine Hat v. Anderson* (1988), 99 AR 262 (Alta. CA), a council member voted on an amendment to a bylaw in which he had a pecuniary interest. Harradence JA. overturned the first instance decision and reinstated the council member because he found that he had met the onus of establishing that his contravention was through inadvertence. The council member had taken the initiative of having the bylaw amended earlier, the amendment had been against his financial interest and he had abstained on the amendment. This supported his plea of inadvertently voting on a subsequent amendment. Since this evidence was not contradicted and no issue of credibility arose, the Alberta equivalent to the exemption in subsection 101(3) ought to have been applied.

The second municipal official in *Lovatt v. Glenwood* (above) was an employee of one of the companies promoting the proposed business project. The proposal was later to be put before the municipality for licensing approval. The Court found that the official's presence at two meetings of the municipal council at which information pertaining to the project was discussed contravened the provincial conflict of interest statute. However, the Court ruled that the breach was exempted under the saving provisions of the Manitoba Act equivalent to subsection 101(3). The Court emphasized that the "impugned meetings did not consider the issues" and were primarily informational in content. In addition, no votes were taken at the meeting. The information discussed was "in the broadest sense matters before council ... [but] there was no exercise of public duty by way of participation in discussion, voting or attempting to influence." Under these circumstances, the Court was satisfied that the breach was "unknowing and inadvertent." (p. 231)

A similar "substance over form" result was reached in the decision of *Audziss v. Santa* (2003), 39 M.P.L.R. (3d) 201 (Ont. S.C.J.), where a municipal council member was found not to have violated conflict of interest legislation merely by attending a council meeting dealing only with procedural issues. The council meeting was convened to deliberate on procedural matters relating to a future meeting. The subsequent meeting was to debate whether to order an audit of the council member's campaign finances. In absolving the council member of any wrong-doing, the Court noted that the matters dealt with in the first meeting were procedural in substance and that it was neither necessary for the official to declare a pecuniary interest at that meeting nor to leave the meeting and not participate in the discussion. The Court further found, in the alternative, that even if the council member's attendance at the first meeting could be characterized as a conflict of interest, his actions would be an error in judgment and thus exempted under the law.

In *Swartz v. Dumaine* (1994), 22 MPLR (2d) 299 (Man. QB), the court did not take a benevolent view of a councillor who voted on resolutions to rezone the district in which lands owned by him were located. By taking part in the debate and voting on the matter of the rezoning of his lands, the councillor was held to be in flagrant violation because he had a direct pecuniary interest.

Ferg J. was "singularly unimpressed" by the councillor's attempts to excuse his conduct as "unknowingly" and "inadvertently" acting in conflict (p.304). The court noted that he was a newcomer to politics. However the court also noted that all newcomers attended a seminar at which instructions on all municipal statutes, councillors' duties and responsibilities were outlined. In the

circumstances, the councillor's claim not to have paid attention to the lectures did little to advance his cause with the court.

In *Forbes v. Trask* (above), Goodearle J. held that the reeve's shout from the back of the council chamber was not uttered inadvertently. He analyzed the interjection as follows: "That's not right" (clearly a challenge), "There was a resolution in November 1988" (particulars stated with certainty); and concluded that it was uttered consciously and with the intention that it be heard by all who were present. (p. 43).

Sheehan v. Harte, (above), concerned a councillor who repeatedly represented that he was denying allegations of impropriety regarding his election finances, during discussion about instigating a compliance audit of such finances. The court rejected the argument that his contravention was inadvertent:

"He was familiar with the conflict rules, and he had declared an interest on previous occasions... There is a very high standard on public officials to conduct official business in an unrepachable manner. ...I accept that [he] put his mind to the issue of conflict of interest. He in fact stated that he had no conflict... [However] the legal standard is the objective standard of the reasonable person in the place and circumstance of [the councillor]..." (p. 315)¹³.

In *Begin v. McInnis* (1991), 4 MPLR (2d) 315 (Ont. Gen. Div.), Hogg J. considered inadvertence and the error of judgment exemptions together. In that case a councillor was also a chartered accountant and a client of his made an application to amend the official plan. He participated in council discussions and confirmed that he acted as accountant for the applicant. He supported the amendment, which was duly passed. Hogg J. found that he had an indirect pecuniary interest: "[I]t is obvious that the chartered accountant of a company that prospers would benefit both directly and indirectly from the success achieved." (p. 318)

In rejecting the exemptions, Hogg J. pointed to the principle of law dealing with the concept of wilful blindness: "One may not shut his eyes or decline to make reasonable inquiries, which the reasonable and prudent man would do, and thereby avoid the consequences of improper conduct." (p. 318)

Such a strict application of both exemptions may be in part attributed to Hogg J.'s outlook on the onerous professional responsibilities of a chartered accountant. The court noted:

¹³ In the case of *Baillargeon v. Carroll*, 2009 CarswellOnt 633, 56 M.P.L.R. (4th) 161, the court upheld the reasoning in *Sheehan v. Harte*, stating that a trustee with years of experience in public office at the federal and provincial levels clearly understood that he was in a conflict of interest. He simply chose to be willfully blind. As a result, he could not hide behind the defence of an "error in judgment." He did not exhibit good intentions, a complete lack of deceit, or a lack of willful blindness in engaging in his conduct.

“A chartered accountant is subject to a long, thorough and difficult training process... When he sits in council and deals with a matter which benefits his client and is challenged by members of the public and the community, the very least he should do is obtain legal advice. Chartered accountants and lawyers are constantly seeking advice, one from the other, in order to conduct their professional affairs.” And later, “At the very least, [he], in not seeking legal advice, was deliberately and wilfully blind.” (p. 319)

ii. *Error in judgment made in good faith*

The *Edmonton v. Chichak* case (above) is also instructive on this exemption. It should be noted that many of the cases refer to “bona fide”, the Latin expression for “good faith.” Berger J. quoted from *Re Dougmour* [1967] 1 O.R. 66 (Ont. HC):

“The phrase ‘bona fide’ signifies something done in good faith without fraud or deceit or collusion. There must be honesty in fact. There must be complete frankness. ...[T]he phrase ‘bona fide error in judgment’ adumbrates a more liberal standard of exemption than does the standard implicit in the phrase ‘through inadvertence’.” (p. 755 of *Edmonton v. Chichak*)

On that last point, where both exemptions are pleaded, the cases do more often exempt a councillor’s conduct for errors in judgment made in good faith. However, note *Mino v. D’Arcey*, (above), for an instance where inadvertence was found to exempt the councillor, but an “error in good faith” argument was rejected. Carter J. decided that the fact that the councillor had been a member of the township for many years and was familiar with the Ontario *Municipal Conflict of Interest Act* precluded a finding of a bona fide error in judgment.

In *Graham v. McCallion* (above), the mayor spoke in favour of a proposed development, in spite of declaring that she had an interest due to owning land in the neighbourhood under consideration. The court laid down the following factors for consideration when deciding whether to apply the exculpatory provision: absence of corrupt intent or motive, the fact that no immediate financial benefit was conferred and the fact that the mayor recognized her conflict of interest.¹⁴

The Alberta Court of the Queen’s Bench has also set out a number of factors for consideration in the exercise of its discretion whether or not to disqualify a councillor based on a conflict of interest, based on the Alberta statutory exceptions of inadvertence and good faith mistake, which are similar to the BC provisions. *Lac La Biche (County) v. Bochkarev* 2009 ABQB 400 was a case where a municipal council voted unanimously to reject all tenders submitted for a road work project, as they were all over budget. Instead, council decided to spend the allotted road work budget on their

¹⁴ The reasoning in *Graham v. McCallion* was upheld in the case of *Jaffary v. Greaves*, 47 M.P.L.R. 4th 1 (2008). Although the court found that a municipal councillor had tried to improperly influence the decision-making process of council in a matter where he had an interest, the court found his mistake to be innocent and inadvertent. As a result, the court did not disqualify him from continuing to sit as a member of council.

rotational list of “day labour” companies. One of the councillors was the sole shareholder of a day labour company on the list, which eventually was awarded some \$19,000 of work out of the road budget of over \$300,000. In failing to disclose his pecuniary interest and by voting on the matters before council, the councillor was found clearly to have been in violation of the conflict of interest provisions. However, in exercising its discretion on disqualification, the court stated that it would look at the following factors: how obvious was the conflict; was the councillor actually aware of the disqualification; is there any evidence of willful blindness or lack of good faith; did it occur to anyone at the council meeting that the councillor in question was in a conflict of interest; whether the local government had any procedures or policies in place for the purpose of identifying, addressing and reconciling pecuniary interests; and does disqualification seem like a harsh result. The court’s final determination was that the conflict might not have been obvious to Councillor Bochkarev without reflection, as his company was on the day labour list and that was not seen as a conflict; he was not guilty of wilful blindness; no one at the Council meeting voiced any objections until months later; the chief administrative officer who would have been best able to identify the conflict of interest was not in attendance; and that as there was no evidence of any bad faith, disqualification, with its attendant stigma, would be a harsh remedy. The councillor was not disqualified.

In *Strathmore v. Mitzner*, [1990] 2 WWR 513 (Alta. QB), a councillor purchased land located in an area that would be required for a proposed development, after she heard confidential information about that development while representing the council on a committee studying an area structure plan. It was her sworn testimony at the hearing that she did not use such information to assist her in deciding to purchase. Deyell J. indicated his doubts about her assertion, and accordingly found that she used information to enhance her pecuniary benefit. However, he nevertheless felt bound, by the Court of Appeal decision in *Medicine Hat v. Anderson* (above), to apply the bona fide error of judgment exemption since there was no evidence to contradict her testimony.

The councillor denying allegations of impropriety in relation to his election finances in *Sheehan v. Harte* (above) was not subject to a penalty for contravention because Crane J. found that the councillor had made a bona fide mistake in law concerning the legal process. It seems that he had misinterpreted the advice of the municipal solicitor. The court accepted that he truly believed that he had the right to make representations. Crane J. noted that:

“On his cross-examination [he] was asked whether he made a distinction between speaking to this agenda item from his seat as [a councillor]... and that of making representations after absenting himself as a Councillor on a declaration of conflict of interest and then attending as an interested person at the podium. He stated... that he essentially did not understand [the] distinction.” (p. 316)

Similarly, in *Campbell v. Dowdall* (above), the court found that the councillor who voted on his client's application to remove topsoil had deliberately failed to declare an interest, but, given that there was no secret that he had a commercial connection to the applicant's building lots (as estate

agent), and that he had declared the interest on previous occasions, his conduct was “unwise and indeed mistaken but, nevertheless, undertaken in good faith.” (p. 39)

By contrast, in *Sacks v. Campbell* (above), the court found that there was ample evidence as to the absence of “bona fides.” The trial judge was quoted: “Given that a substantial amount of money was involved in the sale of the sand and gravel as contemplated in the separate agreement, it is inconceivable that [the councillor] could not identify the conflict that he had.” (p. 348)

In *Godfrey et al. v. Bird and District of North Saanich* (above), an argument that a council member made an error in good faith was rejected for three reasons: (1) legal opinions offered to council as a whole with respect to a potential conflict were ignored; (2) despite concerns being raised on several occasions about a conflict, the council member did not requisition a personal legal opinion based on the actual facts in existence; and (3) the statements made by the council member about the potential conflict fell short of full disclosure.

It is suggested that, in assessing the elected official’s state of mind in relation to either exemption, the court will look both to the submissions of the errant elected official, and the circumstances surrounding the contravention. However, note the very strict line of reasoning deriving from the *Medicine Hat v. Anderson* decision that there must be some evidence of impropriety in order for the court to reject the sworn testimony of the interested party.

B. The Vancouver Charter

The *Community Charter* has limited application to the City of Vancouver. Such provisions as apply only do so because the *Vancouver Charter* provides that they are operative. Generally, however, it is the *Vancouver Charter* that Vancouver City councillors should look to for guidance on municipal conflict of interest. In the past, the two statutes did not regulate conflicts in an identical manner. However, in S.B.C. 1993, c. 54, s. 62 the legislature replaced the old conflicts provisions with section 145.1, which is functionally identical to the conflicts provisions in the *Community Charter*. In result, Vancouver City councillors are subject to the same conflict rules as any other municipal councillors in British Columbia.

C. The Financial Disclosure Act

This Act requires that certain public officials and public employees make written disclosure of particular financial interests upon gaining public office. Persons covered by the Act include members of municipal councils or district boards, and school trustees. In addition, the Act’s provisions extend to those nominated for, and ceasing to hold, such offices.

Financial interests to be specified include all of the following (at section 3):

1. naming each corporation in which the person, or a trustee for that person, holds (a) share(s).
2. naming each business located or operating in the Province which financially remunerates the person for offices held by that person, including as an employee or an owner;
3. naming the creditor for each debt, (note: nominees and public employees only);
4. description and location of land located in the Province which the person, or a trustee for that person, owns or is interested in.

Section 8 provides that failure to make such disclosure does not, of itself, invalidate the proceeding, vote or contract at issue. Instead, the Act provides for punishment to the person who has failed to disclose their interest. Section 9 provides that failure to file is an offence, and a person who is convicted is liable to a fine of up to \$10,000. If prosecuted for such failure, the court may make public all or part of the written disclosure. Moreover, if the court finds there has been knowing and wilful non-disclosure and that the person has made a financial gain resulting from involvement in the matter, the court may order the person to repay that amount.

There is a defence to a charge laid under section 9. Section 10(1) provides that it is a defence to such a charge if the person can demonstrate that he or she complied with the Act “...to the best of his or her knowledge or belief.”

D. Criminal Code

This statute deals only with extreme misconduct by public officials.

Section 121 was enacted to preserve the actual integrity and the appearance of integrity of government. It deals with government officials who accept, or appear to accept, rewards because of their position in government.

Section 121 casts a fairly wide net. Where section 121(1)(a) & (d) make it a criminal offence to give, accept, or ask for what are commonly thought of as bribes, section 121(1)(b) & (c) make it an offence for a person who has dealings with the government to merely give a benefit to a government official, or for that official to accept such a benefit. Further, this prohibition extends to the official's family members as well.

The case of *R. v. Hinchey* (1996) 142 D.L.R. (4th) 50 (S.C.C.), contains an extensive analysis of subsection 121(1)(c), which prohibits officials from receiving benefits from people who deal with the government. In that case, L'Heureux-Dubé J. noted that, if taken to its extremes, the broad language of the section could lead to absurd results. As a result, she decided that the proper interpretation of s. 121(1)(c) is that it only extends to benefits that originate with “persons who at the time of the commission of the offence had specific and ongoing business dealings with the

government and that the gift was such that it could have an effect on those dealings” (p. 72). As for the types of “benefits” that are caught, she stated at p. 77:

“... it is important to consider the relationship between the parties as well as the scope of the benefit. Obviously, the closer the relationship, the less likely the gift should be perceived as an advantage of benefit to the recipient. The size of the gift is also a crucial indicator. Where a gift is trivial, like a cup of coffee, I fail to see how it could ever be seen as a ‘true’ benefit to someone. The same situation is not apparent where the gift is a car, a large sum of money, or a house. In these cases, a trier of fact might well find that the person benefited from the gift well beyond anything he or she has contributed. Simply stated, it is a question of fact ...”

One important feature to note is that it is not necessary under section 121(1)(c) to prove that the gift was conferred because of the official’s role in government. This section deals with the appearance of integrity in government, and as such the actual purpose of the gift is immaterial. Subsection 121(1)(c) does contain a saving provision however. It is a defence to a charge under this subsection if the official received written permission from the head of the branch of government that he or she is associated with to accept the benefit in question.

In *R. v. Pilarinos* (2002), 216 D.L.R. (4th) 680, the former premier of British Columbia, Glen Clark, faced charges for accepting a benefit from a neighbour who had applied to the Province for a casino license. The benefit took the form of renovations done by the neighbour to Clark’s home and cabin deck. The Court ruled that the work done on the cabin deck did not constitute an actual benefit to Clark because it was eventually torn down because of faulty construction. The Court also made note of the fact that visitors other than the neighbour assisted with the deck’s building and it was customary for visitors to help out in such home projects. On the other hand, the renovation done to Clark’s home was found to be a benefit. However, Clark paid the neighbour for the renovation. Although the Court found that the amount paid was in fact inadequate to cover the work done, Clark thought he paid full value for the renovations and was not aware of the actual value of the work. In addition, the evidence was that Clark did not exert influence directly or indirectly with respect to the casino application. Clark was acquitted of all charges, although the neighbour was found guilty.

Section 122 deals with breach of public trust. It is targeted at officials who, in the context of executing duties of public office, commit fraud or a breach of trust. It is an offence irrespective of whether the fraud or breach of trust would be an offence if committed in relation to a private person, and there is liability of up to 5 years imprisonment. It is not a sanction which will be used to punish mere technical misconduct; but, equally, it is not necessary to show corruption. All that need be shown is an act (or failure to act) contrary to duty, done in furtherance of personal ends to obtain some direct or indirect benefit.

A case dealing with section 122 is that of *R. v. Boulanger*, [2006] 2 S.C.R. 49 (S.C.C.). In this case, the appellant, who was the director of public security for the municipality, requested that a police officer in charge of an accident investigation involving the appellant’s daughter prepare a

supplementary accident report. The supplementary report led to the conclusion that the appellant's daughter was not at fault, with the result that the appellant did not have to pay the insurance deductible of \$250. The appellant was acquitted in this case because the evidence did not prove beyond a reasonable doubt that the offence of breach of trust had been committed. In coming to its decision, the court articulated five elements of the offence that must be established:

- (1) the accused must be an official;
- (2) the accused must be acting in connection with the duties of his or her office;
- (3) the accused must be found to have breached the standard of responsibility and conduct demanded of him or her by the nature of the office;
- (4) the conduct of the accused must represent a serious and marked departure from the standards expected of an individual in the accused's position of public trust; and
- (5) the accused must have acted with the intention to use his or her public office for a purpose other than the public good, for example, for a dishonest, partial, corrupt or oppressive purpose.¹⁵

In *R. v. McKitka* (1982), 35 B.C.L.R. 116 (BCCA), the court held that a mayor who had intentionally misled a ratepayer as to the value of the ratepayer's land in order to acquire the land and then transfer it for personal profit, was guilty under this section: "...[T]he work of a public servant must be a real service in which no concealed pecuniary self interest should bias the judgment of the officer and in which the substantial truth of every transaction should be made to appear." (p. 122)

A case involving a municipal employee in this context is that of *R. v. Nikkel* (2007) MBQB 290, 222 Man. R. (2d) 98 (MBQB). In this case, the accused, Mr. Nikkel, was employed by the City of Winnipeg as a commercial building inspector for 25 years. The municipality received a series of complaints about the building inspector from contractors and a firm of consulting engineers, which ultimately resulted in his arrest and an indictment containing seven counts of breach of trust by a public official. Evidence at trial demonstrated that he was involved in bribery, including trying to obtain gravel from contractors in exchange for not enforcing bylaw contraventions. In convicting the building inspector, the court found that he had intended to use his public office to obtain a personal benefit in a very dishonest, unethical and illegal manner.

In *R. v. Harvey*, 2006 BCPC 444, [2007] B.C.W.L.D. 1810 (BC Prov Ct.), the court noted that breach of trust of a public official is a serious offence and that such offences generally dictate that a jail sentence be imposed. In this case, the former mayor of Vernon pled guilty to breach of trust by a public officer for misusing his expense account for non-city related expenses. In issuing the sentence, the court declined to impose a jail sentence and instead considered other factors at play, including the former mayor's guilty plea, remorse, public apology and cooperation. In light of these

¹⁵ In *R v. Boulanger*, the Supreme Court of Canada accepted the analysis in *R v. Pilarinos*, stating that the court was right in *R v. Pilarinos* to reject the reasonable person standard as being too low for criminal sanction. The mens rea of the offence must at a minimum be subjective foresight of the receipt of the benefit.

other factors, the court imposed a conditional sentence of 12 months, followed by a year long probation.

Section 123 deals with municipal corruption. A municipal official who takes (seeks out or even agrees to accept) an inducement or reward (an advantage or benefit) from any person to influence the adoption of a measure is guilty of an offence punishable by up to 5 years in prison. The same offence is committed by the person seeking such conduct from the municipal official: e.g. enlisting the assistance of an official to influence others to vote for or against any resolution.

In *R. v. Gyles*, [2003] O.J. No. 3188 (Ont. S.C.J.), a municipal councillor was found guilty of demanding and accepting a sum of money as consideration for procuring the adoption of certain rezoning applications. The Court noted in its decision that s. 123 “does not require proof of an overtly corrupt action,” and that “the offence of corruption only requires a municipal official to accept money in the course of his or her lawful duties as a public official.” The Court also concluded that “preferential treatment exercised by a municipal official is sufficient on its own to constitute an offence” under the section. (para. 139)

In view of the stigma flowing from a person facing criminal charges, these proceedings will not be initiated lightly; especially in the wake of *Gillen v. Law Society of BC* (1985), 63 BCLR 1 (BCCA). In that case, the appellant was a crown counsel who had brought charges on doubtful grounds and ended up facing disciplinary proceedings. Esson JA., dismissing the disciplinary measures, found that “The case was not strong but it was “arguable” and could result in conviction.” (p. 11)

That case involved the mayor and the city administrator of the city of Langley. They were involved in a land transfer whereby the payment for the land was delayed, effectively resulting in a temporary loan from the city to the corporations they were involved with. Esson JA. quoted extensively from the opinion of a Mr. Hall, Q.C., a lawyer who was hired by the Attorney General to examine the case. Mr Hall QC said of the facts, “One can notionally visualize a possible harm to the Corporation of the City of Langley when land is transferred away from it and exchanged for a payment that is delayed” (p. 10). However, while noting that the courts have taken a very expansive view of what can constitute wrongful conduct under section 122, he went on to say:

“I do not rate the chances of ultimate conviction particularly high here - I think the individuals charged here may have acted in a somewhat slipshod or imprudent fashion, but I am unable to discern any real evidence of what I categorize as dishonesty with an intention to obtain personal benefits.” (p. 11)

Given that the crown prosecutor who authorized laying charges in this case was then subject to Law Society disciplinary proceedings, it is likely that this section will only be used in very clear circumstances.

II. The Common Law on Conflicts

A. *The Impartiality Requirement*

It is a fundamental rule of natural justice that no man can be judge in his own cause. This is the rule against bias. It is not so much that there need be any real possibility of bias, it is rather that there must be no appearance of bias. The courts expect an elected official to undertake the duties of public office with great care. An elected official's conduct must be above suspicion, or, as Crane J. put it in *Sheehan v. Harte*, "There is a very high standard on public officials to conduct official business in an unrepachable manner...". (p. 315) Patent impartiality is required.

In *Old St. Boniface v. Winnipeg* (1990), 75 DLR (4th) 385 (SCC), a council member faced an allegation of bias, but Sopinka J., delivering the majority judgment, drew an important distinction: "I would distinguish between a case of partiality by reason of pre-judgment on the one hand and by reason of personal interest on the other." He pointed out that while some degree of pre-judgment is inherent in the role of a councillor, this is not the case in respect of personal interests. Sopinka J. continues, "Where such an interest is found, both at common law and by statute, a member of council is disqualified if the interest is so related to the exercise of public duty that the reasonably well informed person would conclude that the interest might influence the exercise of that duty. This is commonly referred to as a conflict of interest." (pp. 408-109)

Therefore, it would seem that in considering municipal conflict of interest, the concern is only with the personal interest type of bias, not pre-judgment bias. Common law establishes that a member is disqualified, on general principles of law, from voting on any question in which the member has a special and personal interest distinct from that of the inhabitants generally. This is the type of conflict that is contemplated by subsection 100(2)(b) of the *Community Charter*.

The general rule finds its basis in the leading Ontario case of *Re L'Abbe and the Corporation of Blind River* (1904), 7 OLR 230 (Ont. CA). In this case, a reeve who cast the deciding vote on a bylaw designed to reduce the number of liquor licences within the municipality, was also a mortgagee of one of the properties likely to be affected by the bylaw. The court held that the reeve was in conflict and ought not to have voted.

Chancellor Boyd said, "...[T]he interest or bias which disqualifies is one which exists separate and distinct as to the individual and the particular case not merely some interest possessed in common with his fellows or the public generally." He continued, "...[T]his may be a direct monetary interest or an interest capable of being measured pecuniarily and in such case that bias may be presumed." (pp. 233-234)

He contrasts such an interest with another type of interest: "But there may also be substantial interest other than pecuniary, and then the question arises, in all the circumstances, as to whether

there is a real likelihood of bias - a reasonable probability that an interested person is likely to be biased with regard to the matter in hand.” He goes on to point out that each case must turn on its own facts, and that the effect of such a disqualifying interest is to nullify the council member's vote: “...[I]t appears to be a question of fact in each instance... to say whether the person voting... has such a disqualifying interest as should estop him from taking part and as should nullify his vote.” (p. 234)

The *Watson v. Burnaby* (1994), 22 MPLR (2d) 136 (BCSC), case considered the inter-relation of the amended *Local Government Act* and the common law rules on conflict of interest. Shaw J. decided, “While it is true that [subsections 231 (5) and (6)] relate solely to pecuniary interest, in my opinion the common law on interests other than pecuniary has not been displaced by the putting into statutory form the substance of what was, before 1993, the common law relating to pecuniary interest. There is nothing in the 1993 amendment to indicate that the legislation intended a complete codification of the law on disqualifying interests, nor to preclude the continued existence of the common law relating to pecuniary interests.” (p. 150)

It would seem, then, that while the statute governs pecuniary and other interests, the common law principles prevail in the realm of extra-pecuniary interests.

1. Non-pecuniary Personal Interest

In *Watson v. Burnaby*, (above), the city approved a historical society's request to construct a replica of a 1914 Masonic Lodge on city-owned lands at a “village museum” site. An agreement specified that the historical society was to pay the construction costs, with the city becoming the owner of the building. It was alleged that a councillor who voted on the resolution to approve the request was a Mason, and was therefore in a position of conflict of interest which had an appearance of bias. The court, rejecting the conflict of interest argument, held that the councillor was not in a conflict of interest recognized by common law.

Shaw J. made several important observations about common law principles regarding non-pecuniary interests:

1. He concluded from the *L'Abbe* decision that the non-pecuniary interest must be a “substantial interest”: “This, I note, would eliminate interests that are remote or of little consequence.” (p. 151) It is suggested that this combines the considerations of both scale and “proximity”;
2. From both the *L'Abbe* and the *Old St Boniface* decisions, he concluded that the councillor's interest must be peculiar to the councillor, in effect, something which would serve his or her own personal ends: “...[the interest] must go beyond that which he or she may have in common with other members of the community...”. (p. 151) It is suggested that this is a “uniqueness” requirement;

3. Lastly, he took the test for a disqualifying personal interest articulated in *Old St Boniface*, as above: the interest “...must be so related to the subject matter of the vote that a reasonably well-informed person would conclude that the interest may well influence the councillor's vote.” (p. 151) It is submitted that this is the “connection” requirement, (often discussed in the case law in terms of “direct” and “indirect” interest, and closely related to considerations of proximity).

Shaw J. went on to consider cases which applied these common law conflict of interest principles. It is notable that the cases he considers all involve at least some influence of economic or pecuniary interests; cases involving consideration of the influence of solely non-economic interests rarely arise.

Applying these principles to the case before the court, Shaw J. said that the councillor was not a member of the historical society; further, that the project was essentially historical in nature, not religious; and that the replica building would be for the benefit of all the residents of Burnaby. He concluded that there were no personal ends to be gained by the councillor over and above the benefits to his fellow citizens in Burnaby.

Non-pecuniary interests were also discussed in *Harwood Industries Ltd v. Surrey* (1992), 65 BCLR (2d) 216 (BCSC). The disputed bylaw concerned the development of a senior citizens' housing complex. An alderman, “who was interested (though not in any pecuniary sense)”, abstained from the voting on this matter, and left the meeting when votes were held. Tyrwhitt-Drake J. believed it appropriate to say the following on the alderman's interest: the alderman was an officer of the Bible Fellowship Housing Society which was petitioning to build the housing complex. “The objects of the society were entirely eleemosynary [having charitable or benevolent purposes] in scope, and none of its officers were paid.” His interest was well known to all the members of the council and to the municipal staff, he having declared it on several occasions in the past. (p. 222)

“A genuine conflict of interest would require that an alderman declare his position and take no part in any debate or vote in the council where the alderman's interest was involved. Such an interest, in my opinion, would be one in which he would be in a position to profit financially, or obtain some other advantage which would not be available to other inhabitants of the municipality.” (p. 222)

Tyrwhitt-Drake J. then quoted Anderson J.'s principles from *Re Hoepfner* (above), distinguishing between being instrumental in having a bylaw enacted to obtain “advantages which are purely personal” and an influence where “the same advantages as those obtained by the public at large” results.

He concluded that the alderman's interest in the resolutions “... was not an interest in any way advantageous to him in the sense that I have just outlined. The fact that he abstained from voting on those resolutions is alone indicative of his honourable intentions.” (p. 223) While the reasoning in

this case is far from transparent, it seems clear enough that the court decided that the “interest” in this case was not sufficient to raise the presumption of bias. It was not a “conflicting” interest.

In both these cases, the allegation of non-pecuniary bias arose in circumstances where a society group might be seen to have influenced both the application to the municipal council and the decision of the council on that application. Instances where possible non-pecuniary bias might also arise include family relationships and other social or religious groupings.¹⁶

2. Pre-judgment

It has already been noted that the judgment in *Old St Boniface* distinguishes pre-judgment bias from conflict of interest bias. Sopinka J. pointed out that the degree of pre-judgment inherent in the role of a councillor would run foul of the ordinary rule which disqualifies a decision-maker for apprehension of bias. This reasonable apprehension of bias test applies only to personal interest situations: where the councillor had either a pecuniary interest or a relationship with the applicant on a matter before Council. The test for pre-judgment bias, accordingly, is whether the councillor has a closed mind and is not capable of being persuaded otherwise: pre-judgment to the extent that any representations at variance with the councillor's adopted view would be futile.

Note, however, the reasoning of La Forest J., disagreeing with the majority judgment of the court, in the similar case of *Save Richmond Farm Society v. Richmond* (1990), 75 DLR (4th) 425 (SCC), (heard concurrently with *Old St Boniface*).¹⁷ In rejecting the “amenable to persuasion” test as impractical, he stated that it is too easy to avoid allegations of bias by stating that one retains an open mind. Instead, he believed that the test ought to be that, whether or not the councillor had a closed mind, the councillor is not disqualified without evidence of corruption. Provided the closed mind is the result of “honest opinions strongly held”, it is acceptable. (pp. 430-432)

It is suggested that if corruption or bad faith were the test, then this would bring evidence of undue influence by improper interests back into consideration. In the meantime, the evidentiary burden required to establish the pre-judgment form of bias is overwhelming. A council member need only maintain that, while he or she strongly favours the proposal and it would take a good deal of

¹⁶ The reasoning in *Watson v. Burnaby* was followed in the case of *Calgary Roman Catholic Separate School District No. 1 v. O'Malley*, 2007 ABQB 574, [2007] A.W.L.D. 4200, 2007 CarswellAlta 1261, where the court simply held that nothing in the School Act indicated that the Legislature intended it to be a complete code for disqualification so as to preclude the continued existence of the common law relating to conflicts of interest.

¹⁷ The decision in *Save Richmond Farm Society v. Richmond* was upheld in several other decisions, notably *Waste Management of Canada Corp. v. Thorhild (County) No. 7*, 2008 CarswellAlta 2139, 2008 ABQB 762, [2009] A.W.L.D. 663. The court held that although the council member (before his election) appeared to hold strongly-decided views on the feasibility of a land fill, he did not promise his constituents that he would defeat a bylaw concerning the landfill should he be elected. By contrast, he promised only to represent the wishes of the majority against the wishes of the minority. He acted as a strongly-principled but fair-minded politician after his election to the municipal council. He had strong opinions, honestly held, but did not exhibit a closed mind.

evidence to convince him or her of their error in holding such a view, their mind is not closed to persuasion.

A case considering the issue of pre-judgment bias is *Save the Eaton's Building Coalition v. Winnipeg (City)* 2002 MBCA 140, affirming (2002), 214 D.L.R. (4th) 348 (Man. Q.B.). That case concerned the demolition of the Eaton's building in downtown Winnipeg and the construction of a sports and entertainment complex. A coalition opposing the development challenged two decisions of the City Council on the grounds of pre-judgment bias: the amendment of the applicable zoning by-law and the issuance of a conditional use order. The basis of the coalition's argument was that the Council had entered into an agreement in principle and master funding agreement and had expended money towards the project under the master funding agreement before hearings were held regarding the by-law amendment and conditional use order application. The Coalition also argued that statements made by certain councillors indicated pre-judgment bias.

The Manitoba Court of Appeal agreed with the trial judge that the agreements and the amount of money expended under the funding agreement, approximately 3% of the City's total funding contribution, were not such as would cause the councillors to become so committed to the complex that they would be unable to deal with the conditional use application and the application to amend the by-law with sufficiently open minds as to be capable of persuasion. The court found that with the exception of one outspoken councillor, there was no evidence that the members of City Council viewed the application with closed minds. Therefore, according to the test set forth in *Old St. Boniface*, pre-judgment bias was not established.

III. Effect of the Conflict

It is necessary to refer to the relevant source of the law to determine the effects of the conflict of interest on an elected official.

A. On the Member

An elected official who contravenes his or her procedural obligations under sections 100 to 103 of the *Community Charter* or under section 145.1 of the *Vancouver Charter*, unless it is through inadvertence or error in judgment in good faith, is disqualified from continuing to hold office as a member of council.

Even though disqualification follows automatically from a contravention of sections 100 to 103, the disqualification is likely to take the form of a resolution of the council or regional district board under 111 of the *Community Charter* to bring an application to court for an order of disqualification. The elected official must be notified of the resolution under section 111(5). It should be noted that at least one case suggests that a procedural defect in the resolution, such as a failure to provide the elected official with prior notice of the proposed resolution is, in and of

itself, insufficient grounds for a Court to quash a council resolution vacating the official's seat where the resolution was passed pursuant to a substantive violation of a conflict of interest provision: *Payne v. Cow Head (Town)* (2001), 26 M.P.L.R. 293 (NFLD Sup. Ct.).

At common law, for non-pecuniary interests, the cases are clear on the fact that a member with such an interest is disqualified from voting (see *L'Abbe* and *Old St. Boniface* above). However, if a member with such a conflict of interest nevertheless voted, the resultant effect could be invalidation of the bylaw or resolution, but not disqualification from office.

Where a councillor has a pecuniary interest, and no exceptions or exemptions apply, at least one Court has held that it may exercise its discretion and not declare the councillor's seat vacant if the Court finds that the councillor's actions were "not sufficiently egregious to cause his removal." In *Crowsnest Pass v. Prince*, [2001] A.J. No. 330, the Court decided that since the councillor's term was almost over, the electors of the municipality should decide whether the councillor should be removed from office.

1. Accounting for Profits

There is a "flip side" when discussing the effects of the conflict of interest. That is its effect on the private interests of the elected official.

As a matter of general law, a person in a fiduciary position may be liable to account for profit earned as a result of information obtained in that position. "Liable to account" is a legal euphemism for "pay over the profit" to those to whom the fiduciary duty is owed.

There is little doubt that a member of municipal council is an agent or trustee accountable to the municipal corporation whose affairs he or she administers and his or her duties are of fiduciary nature.

There are essentially four types of fact situations where the trustee's liability to account for profit may arise:

1. The trustee profits out of a transaction, whether secretly or otherwise, with the beneficiary (see *Toronto v. Bowes*, (1854) 4 G.R. 489, affirmed 6 G.R. 1, affirmed 14 E.R. 770). In such a case the courts have no difficulty in holding the trustee liable to account for a breach of his fiduciary duty "which in its generality betokens loyalty, good faith and avoidance of a conflict of duty and self interest".
2. The trustee takes for himself property or a business opportunity which because of his position in the organization (eg. a director in a corporation) he intercepts against the interest of, or without the beneficiary's concurrence (see *Canadian Aero Service Ltd. v. O'Malley et al.*, [1974] S.C.R. 592). Here, once again, the courts have no

difficulty in holding the trustee (or the director) liable to account for the profit he made at the expense of the beneficiary (or company). In the words of Mr. Justice Laskin speaking for the court in *Canadian Aero*:

It follows that O'Malley and Zarzycki stood in a fiduciary relationship to Canadian Aero which in its generality betokens loyalty, good faith and avoidance of a conflict of duty and self interest. Descending from the generality, the fiduciary relationship goes at least this far: a director or senior officer like O'Malley or Zarzycki is precluded from obtaining for himself either secretly or without the approval of the company (which would have to be properly manifested upon full disclosure of the facts), any property or business advantage either belonging to the company or for which it has been negotiating and especially it is so where the director or officer is a participant in the negotiations on behalf of the company... In my opinion, this ethic disqualifies a director or senior officer usurping for himself or diverting to another person or company with whom or with which he is associated a maturing business opportunity which his company is actively pursuing; he is also precluded from so acting even after his resignation where the resignation may fairly be said to have been prompted or influenced by a wish to acquire for himself the opportunity sought by the company.

3. The trustee profits personally by making an investment in circumstances where both the information which satisfied the trustee that the investment would be a good one, and the opportunity to make it, came to the trustee as a result of acting on behalf of the beneficiary (see discussion below of *Boardman v. Phipps*, (1966) 3 All E.R. 721 (H.L.)). Depending on the circumstances of the particular case, the court may well impose a liability to account for the profit earned by the trustee.
4. The trustee uses his position as trustee to encourage the beneficiary to take action which results in a profit for the trustee personally (see *City of Edmonton v. Hawrelak*, [1976] 1 S.C.R. 387). In such circumstances, the court would impose a liability to account for a profit earned by the trustee.

It is the fact situations described in categories 3 and 4 that most likely could arise in the municipal context. That being so, it is timely to review the facts in each of the cases cited under those patterns.

In *Boardman v. Phipps* one of the beneficiaries of the trust brought suit against, amongst others, the solicitor for the trust. The trust owned 8,000 shares in a company. The solicitor acted as solicitor for the trust and in that capacity he received a letter from other shareholders in the company asking whether the trust would be willing to sell its shares. The solicitor met with one of the trustees who was also an experienced accountant and they both expressed their dissatisfaction with the return earned on the shares held by the trust in the company and they both looked for a way to improve the trust's position in the company. In light of this dissatisfaction, the solicitor for the trust attended the

annual meeting of the company in question, representing the trust. At that meeting he did not really learn anything of much value. Thereafter the solicitor for the trust suggested to the trustees that the trust purchase control in the company as being the only way of really improving the trust's position in the company. The accountant/trustee advised the solicitor that he would not recommend such a course of action to the trust, thinking it was too much of a risk. Thereafter the solicitor, with the knowledge of two of the three trustees, decided to personally purchase control in the company with one of the other defendants.

Thereafter the solicitor entered upon negotiations with the remaining shareholders of the company for the purpose of acquiring those shares and during negotiations he learned much of the affairs of the company while purporting to act as solicitor for the trust.

To simplify the facts, the solicitor eventually acquired a substantial holding in the company personally and he thereafter managed to earn a substantial profit both for himself and for the trust. In these circumstances the House of Lords held the solicitor liable to account to the beneficiaries suing for the profit earned by the solicitor on the investment.

It is very difficult to extract from the various judgments given in the case any rule of general application.

The head note to the case summarizes the ratio as follows:

Although the mere use of knowledge or opportunity coming to a trustee or agent in the course of the trusteeship or agency does not necessarily render him accountable for profit from its use, yet in the present case as both the information which would satisfy the defendants that the purchase of the shares would be a good investment and the opportunity to bid for them came to the defendants as a result of the defendant solicitors acting or purporting to act on behalf of the trustees for certain purposes, the defendants were liable to account to the plaintiff for the profit thereon.

Lord Cohen as one of the majority acknowledges his attraction to the argument pressed by the defendant that, in light of the fact that the information in the company acquired by the solicitor could never have been used by the trust to make the same investment, the defendant solicitor could not be held to account, but he suggests that this argument does not give due weight to the fact that the defendant obtained both the information which satisfied him that the purchase of the shares would be a good investment and the opportunity of acquiring those shares as a result of acting for certain purposes on behalf of the trust.

Lord Hodgson, another member of the majority, quotes with approval the following statement of law:

“No person standing in a fiduciary position when demand is made upon him by the person to whom he stands in a fiduciary relationship to account for profits acquired by him by

reason of his fiduciary position and by reason of opportunity and knowledge or either resulting from it, is entitled to defeat the claim on any grounds save that he made profits with the knowledge and assent of the other person.”

The majority in *Boardman v. Phipps* appears to hold that it is immaterial that in the circumstances of the particular case the trust itself could not have purchased control in the company. While making this statement it does appear, however, that the majority did consider that there was a slim possibility that the trust, by making application to the court, could have received authorization to make the investment on behalf of the trust that was made by the solicitor in his personal capacity. It is not completely apparent that the majority would have decided the case in the manner that it did had it been that it was absolutely impossible for the trust to itself make the investment.

Nevertheless, it will be seen that the majority in *Boardman v. Phipps* is not suggesting that it is the use of any information acquired by a trustee during the course of his trusteeship that makes him liable to account. One must look at the facts of each case. It would seem that the knowledge and the opportunity coming to the trustee to make the investment must have come to him by reason, and only by reason, of carrying out his duties as trustee.

With the reasoning in *Boardman v. Phipps* in mind, it is easy to conjure a number of scenarios at the municipal level where liability to account for profit earned may arguably arise when a council member makes use of information obtained in confidence in his capacity as a member of council.

The facts in *City of Edmonton v. Hawrelak* represent, perhaps, a more common potential for liability to account to arise at the local government level.

In *Hawrelak* the defendant was elected mayor of the City of Edmonton in October, 1963. At that time he was a major shareholder in a company which owned lands in a part of the City. The City at that time was involved in carrying out a re-plotting scheme in this area for the purposes of its eventual development and this scheme included the mayor's company's lands. Eventually the re-plotting scheme was carried out, the mayor sold his shares in the company at a considerable profit and the municipality sued the mayor for that profit.

While there appears to be some evidence that the mayor during his term in office actively encouraged the municipality to carry out the re-plotting scheme, it appears that the majority in the Supreme Court of Canada held as a fact that the evidence did not disclose that the mayor influenced the eventual adoption of the re-plotting scheme of the municipality. The majority in the Supreme Court of Canada, in dismissing the City's claim against the mayor, appears to rely primarily on the fact that the re-plotting scheme was a part of the development plan of the City and had become the firm policy of the City well before the defendant became mayor. Further, the fact that in adopting the re-plotting scheme the municipality did so after it had full knowledge of the mayor's interest in the company and the company's interest in lands included within the re-plotting scheme also appears to have swayed the court.

The majority in the Supreme Court of Canada did not feel that this was an appropriate case in which to impose a liability to account for the profit earned by the mayor. Nevertheless, the decision is a stark illustration of what the potential effect on an elected official in his private capacity may be in a conflict situation.

Liability to account was the issue in another Alberta case, *Carlsen et al v. Gerlach*, (1979) 16 A.R. 553 (Alta. Dist. Ct.). In this case, ratepayers claimed that the defendant, a former municipal councillor, must account to the municipality for benefits he had made or might make from a real estate purchase. In about 1950 the municipality bought a 10 acre site to provide a dump for the residents of Rochester and environs. Over the years it became apparent that it would be necessary to close this dump. After the council member was elected, he purchased lands in the vicinity of the dump which, when the dump was eventually closed, were developed. The ratepayers sought to recoup the profit earned by the council member as a result of the development of these lands. The action was dismissed because the court found that the council member did not acquire any benefit from his fiduciary position as an officer of the municipality. The dump was to be closed in any event, and the council member did not promote its closure or the actual location of the new dump. Once again, while liability to account was not imposed, the fact situation is common enough to make even the potential of liability to account a serious consideration for council members who own lands with development potential within the municipality.

Note that this concept has been codified into the *Community Charter*. Further note that this concerns the remedy for breach of trust in respect of trust property, and is quite distinct from the criminal offence concerning abuse of public trust.

2. Costs

A few cases have allowed councillors to escape disqualification from office, but councillors have nevertheless on occasion incurred costs penalties.

In *Wetaskiwin v. Burghardt*, [1994] 3 WWR 251 (Alta. QB), the vote by council was a redundancy and so could not monetarily affect anyone. Ritter J. stated, “[The councillor] was successful in defending the disqualification challenge only because the vote was redundant and not because he took the “high road” in his participation in that vote.” He was not awarded his costs because he “voted in relation to a matter where common sense should have told him not to.” (p. 267)

In *Forbes v. Trask*, (above) the reeve's contravention did not result in disqualification because his interjection was through inadvertence or by reason of a bona fide error in judgment. However he was ordered to pay the costs of the application on a party-and-party basis.

In allocating costs, Goodearle J. was “not unmindful of the fact that this was the second time in less than a year that [the reeve] was found to be in breach...”. (p. 45) He also noted that the applicant in this action and the reeve “are not friendly and they have competing enterprises.” He expressed

bemusement on “...why, if he wishes to preside over this domain, that he also wishes to conduct business with it so extensively. Or... why, if he wishes to engage in profitable contractual exchanges, does he wish to govern the very domain with which he does business so extensively?” He observed that the reeve was excused costs in a somewhat similar set of circumstances in May 1990. “He cannot be excused a second time. If his difficult balancing act cannot be achieved, perhaps he should abandon one of these functions.” (p. 46)¹⁸

Courts may, however, award costs to elected officials who successfully defend applications to disqualify or unseat them. In *Wainwright v. Willerton*, [2000] A.J. No. 1595, a councillor who successfully defended the application to unseat him was awarded his solicitor-client costs. The Court had found in an earlier decision that the councillor’s wrongful decision was the result of inadvertence or was “a mere good faith error of judgment.” The Court found that since the councillor has been successful according to law, there was no reason to disentitle him to costs. The Court was conspicuously silent on its reasons for ordering solicitor-client costs instead of ordinary costs.¹⁹

It is more likely that elected officials who are awarded costs would receive their ordinary, or party-and-party, costs. In *Moss v. Flatrock*, *supra*, the council disqualified two councillors, a husband and a wife, from office on the basis of an alleged conflict of interest. The Court held that the disqualification was unjustified because there was no actual conflict and the council had breached its duty of natural justice. The councillors were awarded ordinary costs.

B. On the Vote

There is nothing in the *Community Charter* to determine the effect of contravention on the vote. In the absence of statutory guidance, the common law supplies the position.

While this area of the law of conflict is difficult to summarize, the following propositions appear to be supported by the case law:

1. Where municipal council is acting in a judicial or quasi-judicial capacity, the disqualification of a voting member of council, as a matter of common law in a particular matter, will invalidate the entire proceeding. This is so even if the vote of the disqualified member was neither necessary for passage of the bylaw, nor was his

¹⁸ The discretionary nature of costs is shown in *Jaffary v. Greaves*, 2008 CarswellOnt 4277, 47 M.P.L.R. (4th) 15. The court stated that there was no connection between a party’s right to appeal in statute and the court’s inherent discretion to award costs.

¹⁹ In *Waste Management of Canada Corp. v. Thorhild (County)* No. 7, 2009 ABQB 157, [2009] A.W.L.D. 1320, the court gave a more cogent explanation of why it refused to give solicitor-client costs in a dispute between a corporation and a municipality. In its view, the corporation’s conduct was not so reprehensible, scandalous, or outrageous so as to justify solicitor/client costs. The court distinguished *Waste Management* from *Wainright*, stating briefly that the court in *Wainright* had found the municipality’s conduct “subject to criticism.”

presence necessary to form a quorum of council. Generally, council will be found to be acting in a judicial or quasi-judicial capacity when it is, in effect, deciding issues between persons or affecting the rights of persons. The issuance or refusal of a business licence would be an example of a quasi judicial function. As well, when exercising its zoning power, the Supreme Court of Canada has held that council is acting in a quasi-judicial capacity. This is especially so where the bylaw in question affects a single property or a limited number of properties within the municipality.

2. If council is acting in a legislative or administrative context, then the vote by a member disqualified as a matter of common law from voting on a particular issue will not void the proceeding of council if, without the member, there was a quorum of council and the vote of the interested council member was not necessary to make up the necessary votes to pass or defeat the bylaw or resolution in question.

The second principle is demonstrated in two cases.

In *Regina v. Canada Safeway Ltd.*, [1988] 5 W.W.R. 658 (Alta. Q.B.) a bylaw regulating shopping hours was struck down because of an alderman's conflict where his vote was necessary to the majority passing the bylaw.

In contrast are the facts in *Re Winter and District of Surrey* (1976), 72 D.L.R. (3d) 373 (B.C.S.C.). The impugned resolution passed by a vote of 7 to 1. The court distinguished the cases where the proceeding before council is judicial or quasi-judicial in nature, in which event a conflict of interest can vitiate the proceedings no matter the need of the particular vote for a majority, and cases of ministerial or administrative conduct where those factors are relevant considerations.

Obviously the common law effects on the vote and any resulting measure would apply equally where there was a non-pecuniary conflicting interest.

The 2005 case of *Millennium Properties Ltd. v. West Vancouver (District)* 15 M.P.L.R. (4th) 224 dealt with the question of what constituted “an affirmative vote of a majority of all council members” pursuant to the *Local Government Act* and the *Community Charter* provisions requiring this number of votes to perform certain actions.

In this case, two of the five councillors had declared conflicts of interest and had absented themselves from the meeting. A motion to amend a bylaw (which required a majority of all council members) received three votes in favour and two votes against and was declared defeated. The court agreed. In calculating the “majority of all council members” under these acts, the entirety of the council is taken into account including any members who are disqualified from voting because of conflicts, not merely the eligible voting members on any particular motion.

IV. Officers and Employees

The majority of this review deals with the special conflict of interest rules that govern the activities of elected officials in and around council and board meetings. It is important to note however, that many of the concepts discussed are applicable to local government officers as well.

Two of the statutory provisions discussed apply directly to municipal officials. The *Financial Disclosure Act* provides that municipal employees must make written disclosure of their interests when they are hired, between January 1 and 15 of each year that they are an employee, and when they cease to be an employee: ss. 3, 4, and 5. Sections 121, 122 and 123 of the *Criminal Code* all have the potential to apply to municipal officials.

The discussion of the common law found above is also partially applicable to local government officials and employees. Bias can be used as a grounds to challenge administrative decisions made by municipal officials as well as those made by elected officials. Also, it is possible for a municipal official or employee to be in the position of a fiduciary. As such, the remedies available for breach of a councillor's fiduciary duties that are discussed above would also be available against a fiduciary employee who breached her or his duties.

Though the above discussion will give a general idea of the potential conflict pitfalls a municipal officer faces, it is not written with that context in mind, and should not be taken to be an exhaustive analysis of that subject.

V. Conclusion

It is not possible to briefly summarize the law on conflict of interest. If an elected official stands to gain monetarily, even in a minor way, from a decision of a council or board, an analysis is probably warranted. If a council member has before council an applicant with whom the member has a personal, professional or business relationship, an analysis is a prudent step. As the wrong decision can result in harsh consequences, this is one area of law where the adage that "an ounce of prevention is worth a pound of cure" is entirely appropriate. No elected official has yet been faulted by the courts for erring on the side of caution.

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1. Project Name

Provide a name for the project that is proposed in this funding application:

HaiCo World Indigenous Basketball Challenge

2. Applicant Profile

Applicant organization (legal name): Skidegate Saints Basketball Club	Non-profit society registration no. (if applicable): 973979-3
Address (mailing address including street, city, postal code): Box 111, Tlell, BC, V0T1Y0	
Telephone: 250-559-4106	Fax:
Email: dwahl@sd50.bc.ca	Website (URL): Facebook - "HaiCo World Indigenous Basketball Challenge"

3. Primary Contact Information

Primary contact (for this application): Dave Wahl	Position/title: Director
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Complete the following if different from applicant organization contact information:

Address (mailing address including street, city, postal code): Box 111, Tlell, BC, V0T1Y0	Email: dwahl@sd50.bc.ca
Telephone: 250-559-4106	Fax:

4. Select the Appropriate Account

Northern Development accepts Marketing Initiatives funding applications to each of the following trust accounts. See the application guide for more information on the advisory review and approval process.

Select **one** of the following regional development accounts:

☐ Cariboo-Chilcotin/Lillooet

☐ Northeast

☒ Northwest

☐ Prince George



Identify the municipality or regional district that is providing a resolution of support for this funding application:

Skeena Queen Charlotte Regional District

Resolution of support:

☐ A resolution of support from the municipality or regional district is attached.

☒ A resolution of support has not yet been secured from the municipality or regional district.

The date when this funding application is scheduled for review is: May 26, 2016

Applicants are responsible for securing a resolution outlining support for the Northern Development funding request from a municipality or regional district. The applicant must provide a copy of the resolution of support to Northern Development before an application can be considered for funding.

Sample Resolution:

THAT, the (insert local government name) supports the application to Northern Development Initiative Trust from the (insert applicant organization name) for a grant of up to \$(insert amount) for the (insert project name) from the (insert regional development account name).

5. Project Overview

Identify the project's **primary** investment area:

- | | |
|--|---|
| <input type="radio"/> Agriculture | <input type="radio"/> Olympic Opportunities |
| <input type="radio"/> Economic Development | <input type="radio"/> Pine Beetle Recovery |
| <input type="radio"/> Energy | <input type="radio"/> Small Business |
| <input type="radio"/> Forestry | <input checked="" type="radio"/> Tourism |
| <input type="radio"/> Mining | <input type="radio"/> Transportation |

Northern Development project investments must fall within the ten investment areas above as identified in the Northern Development Initiative Trust Act.

Provide a description of the project:

One of the teams I coach is the Skidegate Saints Men's Team. This team is made up of adult men from the community of Skidegate on Haida Gwaii. This team has won the last five All-Native Tournaments in Prince Rupert. The All-Native Tournament has been held in Prince Rupert for the last 55 years. This event enjoys incredible support from coastal people. Last year, our MLA Jennifer Rice reported in the Legislature that 180 000 people watched our championship game online. (Youtube: Jennifer Rice on All-Native Excitement) There are usually between 2000 and 3500 people at the final game. I share this information to demonstrate the immense interest in basketball amongst Aboriginal people in BC.

This past summer, we travelled to New Zealand to play against the Maori National Team. This was an incredible experience. The Maori Team performed the Haka before games and our team performed Haida Men's dances after games. The competition was fierce and unfortunately we lost all four games we played (the last two were very close). The Maori Team is made up of professional, national team and top college players. The cultural sharing was amazing to witness. Many Haida and Maori people believe that there is an ancient connection between their cultures. In fact, we learned of a theory that Maori people may have originated on Haida Gwaii.

The Maori team has committed to travelling to Canada this coming summer. We have created a tournament around their visit. It is called the HaiCo World Indigenous Basketball Challenge.

We have the following teams committed to attend:

1. Skidegate Saints
2. Maori National Team
3. Senior Men's National Team – Papua New Guinea
4. Team Seminole

Explain the rationale for the project:

The event in Burnaby will benefit Haida Gwaii communities because all aspects of the event will promote Haida Gwaii to the world. We will serve Haida Wild Seafood at the opening ceremonies, Haida songs and dances will be performed and Haida basketball players will demonstrate their unique talents. We believe that this celebration of Indigenous culture hosted by the Skidegate Saints will draw the attention of thousands (if not millions) of people. The basketball world has been waiting for decades to see the South Sudanese players play as a nation – their choice to make our event their first international competition will draw online viewers from around the world.

When our Skidegate team travelled to New Zealand last summer, the Maori team paid for all of our meals and accommodation. Despite this support, each of the 20 people who travelled spent over \$1000 while in New Zealand. The Maori team has also committed to bringing 20 people and we will be covering their food and accommodation costs. Assuming each of these visitors spends \$1000, the Maori team alone will inject \$20 000 into the local economy. Members of their travelling party have inquired about fishing charters, boat rentals, camping and sailing tours.

Our experiences hosting local tournaments in the winter allow us to predict that the exhibition games with the Maori team in Skidegate will generate between \$5000 and \$10 000 in admission and concession sales. We have agreed to allow all of this money to go towards the Skidegate Saints boys and girls youth teams. We feel that this will greatly reduce their fundraising burden in the fall and winter.

The most important impact of this exhibition series will come from the role it plays in local tourism. Haida Gwaii is considered by many

Focus on community or regional needs with regards to economic development that the proposed project will address specific to the primary investment area.

6. Key Deliverables

The following key deliverables will be reported on by the applicant organization for a two year period to demonstrate the direct economic benefits of the project:

Outline the projected economic benefits to the local or regional economy:		
We anticipate that the Haida/Maori Series on Haida Gwaii will bring \$120 000 to the local economy immediately. This is based on 100 tourists coming to Haida Gwaii (and spending \$1000 each) and \$20 000 being spent by the Maori Team. By doubling the number of teams in 2017, we will double the amount of interest and the amount of tourism revenue.		
The tournament in Burnaby will promote Haida Gwaii tourism to the world and the benefits will be seen over the next decade. In addition to running tourism promotional videos, local businesses will be able to purchase commercial time during the Via Sport live stream broadcast. It is reasonable to assume that this live stream broadcast that will reach over 150 000 people per year and that this		
	Projected annual revenues	
Current annual revenues:	Year 1	Year 2
\$ \$0	\$ 220 000	\$ 340 000
INCREASED REVENUE EXPECTED OVER TWO YEARS:		\$
<i>Increased revenue expected is the sum of the projected annual revenues for the two years after the project, minus the current annual revenues over the same two year period.</i>		
Describe how the revenue will be generated and the sources of revenue:		
Revenue will be generated with tourist purchases in hotels, stores and bookings with tour operators.		

7. Project Milestones

Stage of project:	Scheduled date: (dd-mmm-yyyy)	Describe the current stage of the project:
1) Project start date		We have received commitments from over 16 teams. We have secured the majority of our funding and we are about to complete a live streaming deal with Via Sport Media that will allow us to broadcast all games. This will allow us to run over 500 minutes of commercials promoting Haida Gwaii.
2) HaiCo World Indigenous Basketball Challenge	10-08-2016	
3) Haida/Maori Series on Haida Gwaii August 14-19	14-08-2016	The Maori team has funding in place for their trip to Burnaby and Haida Gwaii.
4)		
5)		
6)		
7)		
8) Project completion date	19-08-2016	

Complete the above, however if you wish to provide a more detailed project schedule, please attach separately to this application.

8. Project Budget

Expense item:	Amount (\$):	Verification:
Via Sport Live Stream	\$ 10000	<input checked="" type="checkbox"/> Quote(s) attached
Baden Canada Custom Basketball Order	\$ 2793.00	<input checked="" type="checkbox"/> Quote(s) attached
Logo Design - Cori Savard Haida Artist	\$ 1500.00	<input type="checkbox"/> Quote(s) attached
Merchandise Purchase (to be sold at tournament)	\$ 8000.00	<input type="checkbox"/> Quote(s) attached
Printing costs - programs, tickets	\$ 1000.00	<input type="checkbox"/> Quote(s) attached
	\$	<input type="checkbox"/> Quote(s) attached
	\$	<input type="checkbox"/> Quote(s) attached
	\$	<input type="checkbox"/> Quote(s) attached
TOTAL PROJECT BUDGET:		\$0

Complete the above, however if you wish to provide a more detailed project budget, please attach separately to this application.

Please refer to the [Marketing Initiatives Application Guide](#) for eligible and ineligible costs.

9. Funding Request

The following funding is requested from Northern Development:

Funding type:	Amount (\$):	
Grant	\$ 6500	Maximum allowable grant is \$20,000 per marketing project.

10. Other Funding Sources

Funding source:	Amount (\$):	Identify funding terms:	Identify funding confirmation:
Skidegate Saitns Basketball Club	\$ 10000	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input checked="" type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
Haida Gwaii Community Futures	\$ 2500	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input checked="" type="radio"/> Date approval expected: June 1
Misty Islands Economic Development	\$ 2500	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input checked="" type="radio"/> Date approval expected: June 1
HaiCo - Title Sponsors	\$ 4000	<input type="radio"/> Grant <input type="radio"/> Loan <input checked="" type="radio"/> Other:	<input checked="" type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
	\$	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
	\$	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
	\$	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
	\$	<input type="radio"/> Grant <input type="radio"/> Loan <input type="radio"/> Other:	<input type="radio"/> Approval letter attached <input type="radio"/> Date approval expected:
TOTAL OTHER FUNDING: \$ 0		TOTAL PROJECT FUNDING: \$ 0 (Northern Development + Other Sources)	

Northern Development must receive copies of letters of approval for all other funding sources. Please attach all letters of approval received to date with this application. If there are more than eight other funding sources, attach a complete list separately.

11. Leveraging

Northern Development’s funding leverage for the project:

The funding request as a percentage of total project funding is: %

Leverage % = (Northern Development funding request) ÷ (Total project funding)

Northern Development provides funding up to a maximum of 28.57% of an eligible project budget (a leveraging ratio of \$1.00 from Northern Development to \$2.50 from other sources).

12. Attachments

List all documents attached to this application:

Document name:

1) Quote for Via Sport Live Stream

2) Skidegate Saints Letter - amended

3) Baden Canada Reciept

4) Baden Canada - sample ball #1

5) Baden Canada - sample ball #2

6) HaiCo - proof of sponsorship

7) Skidegate Saints Account Balance

8)

9)

10)

13. Authorization

I have read and understand the [Marketing Initiatives Application Guide](#) including the eligible and ineligible costs.

I confirm that the information in this application is accurate and complete, and that the project proposal, including plans and budgets, is fairly presented.

I agree that once funding is approved, any change to the project proposal will require prior approval of Northern Development Initiative Trust (Northern Development).

I also agree to submit reporting materials as required by Northern Development, and where required, financial accounting for evaluation of the activity funded by Northern Development.

I understand that the information provided in this application may be accessible under the Freedom of Information (FOI) Act.

I agree to publicly acknowledge funding and assistance by Northern Development.

I authorize Northern Development to make enquiries, collect and share information with such persons, firms, corporations, federal and provincial government agencies/departments and non-profit organizations, as Northern Development deems necessary for decision, administration, and monitoring purposes for this project.

I agree that information provided in this application may be shared with the appropriate regional advisory committee(s), board of directors, Northern Development staff, and consultants.

Name: David Wahl

Organization signing authority

Title: Director - Skidegate Saints Basketball Club

Date: May 12, 2016

14. Submitting Your Application

Completed funding applications (with all required attachments) should be provided electronically to Northern Development by email.

Email: info@northerndevelopment.bc.ca

PROVIDE A DESCRIPTION OF THE PROJECT

One of the teams I coach is the Skidegate Saints Men's Team. This team is made up of adult men from the community of Skidegate on Haida Gwaii. This team has won the last five All-Native Tournaments in Prince Rupert. The All-Native Tournament has been held in Prince Rupert for the last 55 years. This event enjoys incredible support from coastal people. Last year, our MLA Jennifer Rice reported in the Legislature that 180 000 people watched our championship game online. (Youtube: Jennifer Rice on All-Native Excitement) There are usually between 2000 and 3500 people at the final game. I share this information to demonstrate the immense interest in basketball amongst Aboriginal people in BC.

This past summer, we travelled to New Zealand to play against the Maori National Team. This was an incredible experience. The Maori Team performed the Haka before games and our team performed Haida Men's dances after games. The competition was fierce and unfortunately we lost all four games we played (the last two were very close). The Maori Team is made up of professional, national team and top college players. The cultural sharing was amazing to witness. Many Haida and Maori people believe that there is an ancient connection between their cultures. In fact, we learned of a theory that Maori people may have originated on Haida Gwaii.

The Maori team has committed to travelling to Canada this coming summer. We have created a tournament around their visit. It is called the HaiCo World Indigenous Basketball Challenge.

We have the following teams committed to attend:

1. Skidegate Saints
2. Maori National Team
3. Senior Men's National Team – Papua New Guinea
4. Team Seminole
5. Team South Dakota
6. Team Minnesota
7. Team Vancouver
8. Team Saskatchewan
9. Heiltsuk Nation
10. Team Winnipeg
11. New Mexico G. Elite
12. Team Blackfoot Confederacy
13. Team Vancouver Island
14. Team Haiti – Bongu
15. Team Manitoba

16. Senior Men's National Team - Bermuda
17. Punjab Basketball Association Pakistan
18. Team Belize – Western Ballaz
19. South Sudan – Senior Men's National Team
20. Zambia – Senior Men's National Team

After this tournament, both our team and the Maori National Team will be travelling to Haida Gwaii for a week of exhibition games, cultural sharing and future planning. Our goal is to run the tournament in Burnaby every year and also host a 4 team tournament on Haida Gwaii.

The goal of this project is to create an annual basketball tournament that will unite Indigenous people around the world while also creating an annual basketball event on Haida Gwaii that will increase tourism and bring off-island money into the local economy. To quote the president of the South Sudan Basketball Federation, this event can “uplift the people through love and peace”. It's hard to phrase our goal any better than that.

EXPLAIN THE RATIONALE FOR THE PROJECT

The event in Burnaby will benefit Haida Gwaii communities because all aspects of the event will promote Haida Gwaii to the world. We will serve Haida Wild Seafood at the opening ceremonies, Haida songs and dances will be performed and Haida basketball players will demonstrate their unique talents. We believe that this celebration of Indigenous culture hosted by the Skidegate Saints will draw the attention of thousands (if not millions) of people. The basketball world has been waiting for decades to see the South Sudanese players play as a nation – their choice to make our event their first international competition will draw online viewers from around the world.

When our Skidegate team travelled to New Zealand last summer, the Maori team paid for all of our meals and accommodation. Despite this support, each of the 20 people who travelled spent over \$1000 while in New Zealand. The Maori team has also committed to bringing 20 people and we will be covering their food and accommodation costs. Assuming each of these visitors spends \$1000, the Maori team alone will inject \$20 000 into the local economy. Members of their travelling party have inquired about fishing charters, boat rentals, camping and sailing tours.

Our experiences hosting local tournaments in the winter allow us to predict that the exhibition games with the Maori team in Skidegate will generate between \$5000 and \$10 000 in admission and concession sales. We have agreed to allow all of this money to go towards the Skidegate Saints boys and girls youth teams. We feel that this will greatly reduce their fundraising burden in the fall and winter.

The most important impact of this exhibition series will come from the role it plays in local tourism. Haida Gwaii is considered by many to be one of the top tourism destinations in the world. Unfortunately, Haida Gwaii does not have the vibrant nightlife that can be found in other island destinations. Of all the summer tourism events, only the Edge of the World Music Festival creates evening excitement. We believe that this week of evening basketball and cultural sharing in the days leading up to the Haida Heritage Center anniversary celebration will be the premier family oriented tourism event of the summer. Remembering that 180 000 people watched our team play the ANBT finals online, it isn't hard to imagine 100 people from the Prince Rupert area choosing to come to Haida

Gwaii to watch these games. Unlike the Maori team, these people would cover their own food and accommodation costs while on island. The Skidegate Saints enjoy a great deal of support and interest from media outlets across the province – we will be able to promote this event in newspapers, on television and online.

We are about to complete a Live Streaming deal with Via Sport Media. This will allow all games to be broadcast on the internet. They do an excellent job with their production – 5 cameras, commentators, replays etc. We will be able to run commercials that will promote Haida Gwaii tourism to the world. We have over 500 minutes of commercial air time available during the tournament.

In the years to come, we will expand the tournament in Burnaby to 32 teams and will host three teams on Haida Gwaii – two from overseas and one from another part of Canada. We have targeted the Senior Men's National Team of Papua New Guinea, Team Haiti-Bongu and Team Blackfoot Confederacy of Alberta as the teams we will invite to Haida Gwaii for the summer of 2017.

OUTLINE THE PROJECTED ECONOMIC BENEFITS TO THE LOCAL OR REGIONAL ECONOMY

We anticipate that the Haida/Maori Series on Haida Gwaii will bring \$120 000 to the local economy immediately. This is based on 100 tourists coming to Haida Gwaii (and spending \$1000 each) and \$20 000 being spent by the Maori Team. By doubling the number of teams in 2017, we will double the amount of interest and the amount of tourism revenue.

The tournament in Burnaby will promote Haida Gwaii tourism to the world and the benefits will be seen over the next decade. In addition to running tourism promotional videos, local businesses will be able to purchase commercial time during the Via Sport live stream broadcast. It is reasonable to assume that this live stream broadcast that will reach over 150 000 people per year and that this could translate to an increase of 100 tourists per year to Haida Gwaii. This would mean an increase of \$100 000 in tourist revenue to the island each year.

Daniel Fish

From: Dean McKinley <dean@northerndevelopment.bc.ca>
Sent: Thursday, May 19, 2016 2:00 PM
To: mikeracz3@gmail.com; Daniel Fish
Subject: additional thought

Based on my conversation with Michael this morning. Should there be additional costs that are eligible but that have not been captured, you may wish to consider providing a resolution for a slightly higher number (say \$7,500 -\$8,500) just in case there are other eligible items we identify during the due diligence finalization.

Dean McKinley
Director, Economic Development
Phone 250-561-2525
dean@northerndevelopment.bc.ca



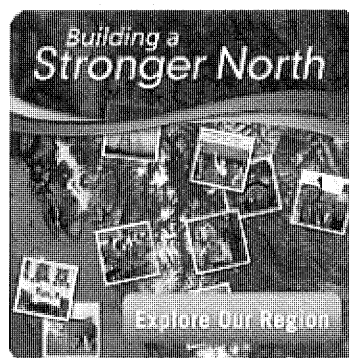
Northern Development Initiative Trust
301-1268 Fifth Avenue, Prince George BC V2L 3L2
<http://www.northerndevelopment.bc.ca/>



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REPORT TO HAIDA GWAII COUNCILS**DATE:** May 16, 2016**AUTHOR:** Lori Wiedeman, Chief Administrative Officer, Village of Queen Charlotte**SUBJECT:** Rural Dividend Fund Haida Gwaii CAOs Meeting May 2, 2016**RECOMMENDATIONS:**

1. That Council receives this report on the Rural Dividend Fund meeting held on May 2, 2016.
2. That Council identify priorities for grant applications to the Rural Dividend Fund and provide letters of support as appropriate.
3. That Council direct staff to participate in the development of a joint cover letter for island-wide Rural Dividend Fund partnership projects, where such projects have been supported by all island communities.
4. That Council support regular collaboration meetings in advance of Rural Dividend Fund intakes to facilitate agreement on island-wide priorities.

BACKGROUND:

Last September at UBCM the Premier announced a new Rural Dividend Pilot Program that would provide funding of **\$25 million per year for three years**. The funding is for rural BC communities with less than 25,000 residents. Applicants can include municipal or regional governments, First Nations band councils or corporations controlled by First Nations; and not-for-profit organizations. The goal is to build capacity and promote economic diversification through the use of partnerships. The funding was announced on April 4, 2016, and the first intake for the program closes on May 31, 2016. There will be a second intake in 2016 in October. Intakes in 2017 and 2018 have not yet been announced.

With the opportunity of funding up to \$500,000 (40% matching) for partnerships, a meeting of Island CAOs was coordinated for May 2, 2016. Each community was asked to put forward potential projects with islands-wide impact with recommendations to be sent to each Council to provide a consistent basis for informed decision making.

To assist with determining potential economic development priorities for Haida Gwaii, Cameron Bell, Economic Development Officer, Misty Isles Economic Development Society (MIEDS) prepared a summary of a variety of key plans and strategies developed for Haida Gwaii since 2003. The report summarizes the recommendations from each document and provides a list of common themes and priorities (attached).

Janine North, CEO, Northern Development Initiative Trust (NDIT) facilitated the meeting and along with Carla Lutner, Executive Director, Gwaii Trust, provided input from a grant funder perspective on potential synergies with their programs.

Great importance was placed on strategies to maximize funding possibilities and how to best utilize funds for island wide economic growth. Also considered were other grant funding opportunities which may be a better match for some of the potential projects that were identified.

PARTICIPANTS

May Russ, CAO, Council of the Haida Nation*
Florence Lockyer, CAO, Old Massett Village Council*
Kim Mushynsky, CAO, Port Clements
Lori Wiedeman, CAO, Queen Charlotte
Alissa McMullin, Grant Writer, MIEDS
David Borth, ED Rural Dividend Fund, FLNRO
Darrell Gunn, DM Skeena District, MoTI
Carla Lutner, ED, Gwaii Trust
Mike Racz, GM, Community Futures

* Not in attendance

Doug Chapman, CAO, SQCRD*
Andrew Merilees, Mayor, Masset
Babs Stephens, CAO, Skidegate Band Council
Cameron Bell, EDO, MIEDS
Shelley Termuende, Intern, Queen Charlotte
Len Munt, DM Haida Gwaii, FLNRO
Marc von der Gonna, RM North Coast, JTST
Janine North, CEO, NDIIT
Doug Daugert, Councillor, Port Clements

PROJECTS CONSIDERED

The attached list of projects provides a brief summary of each idea, along with an assessment of potential grant funding partners. Each project idea was discussed prior to identification of overall recommendations.

POTENTIAL PROJECT RECOMMENDATIONS

Following a broad discussion about each potential projects, participants voted based on:

- Highest potential for economic development and diversification;
- Job creation;
- Capacity building; and
- Business development

Projects were further sorted based on the three funding streams of the Rural Dividend Fund.

Project Development Funding Stream – providing up to 100% of \$10,000 to develop feasibility assessments and business cases for projects

Tourism Sector Development projects that could be considered for this level of funding included:

- **Bicycle Haida Gwaii** – developing an island wide bicycle network plan to increase eco-tourism and promote green transportation options for locals.
- **Marine Economy Development** – attract new business and revitalize the marine economy on Haida Gwaii through activities such as the development of a maritime centre on the Queen Charlotte causeway, assessing the feasibility of local seafood sales, pursuing allocation of community quotas, assessing infrastructure needs and facilitating shellfish aquaculture (as per the Haida Gwaii Marine Plan).
- **Trail Development** – inventory, prioritize and manage trails for local, recreational and tourism purposes.
- **Haida Heritage Centre** - to research sustainable measures to make the Centre a green, energy efficient building and invest in replacing and upgrading the fire suppression systems in the museum.

- **Conference Centre and 5 Star Accommodations** – developing a business case for building a conference centre and rental cabins in proximity to the Haida Heritage Centre.

Public Transit was also identified as a potential project for business case development to better facilitate movement of locals and tourist between communities. Potential stakeholder who provide regular transport of supplies/materials/people up and down the island include:

- School District 50 – spends \$500,000 annually on transportation for students;
- Northern Health – laundry service, laboratory samples, staff, and mail;
- Northern Savings Credit Union;
- Government Agents Office;
- RCMP;
- Department of Fisheries and Oceans; and
- Eagle Transit.

Single Applicant Funding Stream – providing \$100,000 (up to 80% of total project costs)

Some of the projects identified for “Project Development” funding could be ready for “Single Applicant” funding for the October 2016 intake of the Rural Dividend Fund.

Partnerships Funding Stream – providing \$500,000 (up to 60% of total project costs)

The main project identified for this level of funding was the Haida Gwaii Higher Education Society (HGHEs) expansion to all island communities. Over three years, the society hopes to develop:

- **Reconciliation** programming in Old Massett and Massett;
- **Marine Planning** in Sandspit;
- **Community and Rural Studies** in Port Clements; and
- **Heritage Resource Management** in Skidegate and the Village of Queen Charlotte.

For all communities HGHEs hopes to expand speaker series events as well as continuing education and professional development. The society also wishes to acquire funds to promote youth mentorship and to provide local bursary programs for local residents with a goal to increasing local participating in programming.

From a funder perspective, the HGHEs project showcases a strong community lens, offers long term sustainable employment and diversified economy growth potential which could be sustained independently from grant funding.

NOTE: Carlos Ormond, Executive Director, HGHEs feels that although the project is close to being ‘shovel-ready’ he would prefer to apply for “Project Development” funding for the first intake in May 2016. Having the additional \$10,000 funding to develop a thorough business case will give the project the best opportunity to be successful. The overall project would required \$5 million over 3 years as currently envisioned.

PROJECTS NOT ALIGNED WITH THE RURAL DIVIDEND FUND

Two projects were identified that are considered to be of high importance which would have better alignment with other funding opportunities:

- **Improving Connectivity** – GwaiiTel is working on a strategy to provide the infrastructure required for fibre-to-the-home. With the current \$10 million project running fibre-optic between Skidegate and Masset scheduled for testing mid-June 2016 they are working on developing a new proposal for grant funding. They hope to have estimates ready for the fall. This project is seen to have significant potential for improving economic outcomes and attracting new residents and businesses.
- **All Islands Governance** – this has come up in a number of studies and plans in the past and is currently being discussed at a political level between the Haida communities and the municipalities/regional district.

STRATEGIC APPLICATIONS

The value of being strategic in applying for grants from the Rural Dividend Fund and other grant funders was discussed in detail. Being able to collaborate on a regular basis and agree on priorities will ensure that Haida Gwaii benefits from both current and future grant opportunities.

Highlighting all islands support of partnership projects will be important for making our applications unique for the funders, and in particular the Rural Dividend Fund which is hoping to facilitate collaboration between communities.

As the timeframe for the first intake period are quickly approaching, should the recommended projects receive support from all of the islands Council's the following leads have been identified:

Project	Lead Community/Org	Grant Writing Contact
Bicycle Haida Gwaii	VQC	Lori Wiedeman
Marine Economy Development	VQC/QCHA	Dani Lacusta
Trail Development	MIEDS	TBD
Haida Heritage Centre <ul style="list-style-type: none"> • Green Building Options • Fire Suppression 	Skidegate	Dr. Scott Marsden
Conference Centre/accommodations	Skidegate	Babs Stephens
Public Transit	Port Clements	Kim Mushynsky
HGHES Expansion	Masset/Old Masset	Carlos Ormond

BUDGETARY IMPACT (if applicable):

Budget impacts for each partnership will be determined through the business case development process.

Budgeted Amount: n/a

Unbudgeted Amount: n/a

SIGNATURE:

Lori Wiedeman, Chief Administrative Officer
Village of Queen Charlotte

Project Name	Short Description	Organization(s) Involved	Funding/Granting Opportunities and Partners	Approx \$ (if known)
HG Higher Education Society Expansion	To expand the HGHS education programming to Old Masset, Masset, Port Clements and Sandspit over 3 years	HGHES/UBC All communities/RD Advanced Ed	BC Rural Dividends Program Gwaii Trust Major Contributions (\$250,000, 75%) NDIT Economic Diversification	\$5 million over 3 years
Tourism Sector Development	Increase marketing/advertising, assess feasibility of an islands-wide booking service, coordinate collaborative sector development initiatives	MIEDS, CHN, Visitor Centres, businesses	Gwaii Trust Community Innovation (\$10,000, 50%) Gwaii Trust Vibrant Communities (\$250,000, core funding incl.)	\$\$\$
Transit Infrastructure/Synergies	Looking to better organize and provide cross island's transit services for residents and businesses	NH, SD50	BC Rural Dividends Program Public Transit Infrastructure Fund Gwaii Trust Community Innovation (\$10,000, 50%) Gwaii Trust Major Contributions (\$250,000, 50%) Green Municipal Fund (GHG/Energy Plans or Energy/Transport Projects - max. \$5m in loan-grants, 80%) BC Rehab Foundation (\$2000 - \$5000)	\$\$\$
Bicycle Haida Gwaii	Develop an island-wide bicycle network plan to increase eco-tourism and promote green transportation options	Bike RePsych All communities/RD MoTi	BC Rural Dividends Fund Ministry of Transportation BikeBC Program Gwaii Trust Community Innovation Gwaii Trust Major Contributions Green Municipal Fund (Plans - GHG/Energy Plan) BC Rehab Foundation (\$2000 - \$5000)	\$
Trail Development	Inventory, prioritize, and manage trails for recreation and tourism	FLNRO, Communities, CHN, HG Rec	HCTF Enhancement and Restoration Grants MEC Access & Activity Grants NDIT Trust Community Halls & Recreation Facilities (\$30,000, 70%) Gwaii Trust Major Contributions (\$250,000, 50%)	\$
Maritime Centre	To build a multi-purpose Maritime centre on the Queen Charlotte Causeway to attract new business and revitalize the marine economy on Haida Gwaii	QCHA SCH of DFO All communities/RD	Recreation and Cultural Infrastructure Fund, NDIT Economic Diversification Program (\$250,000, 70%) Gwaii Trust Major Contributions (\$250,000, 50%) BC Rehab Foundation (\$2000 - \$5000)	\$\$\$
Marine Sector Development	Assess feasibility of local seafood sales, pursue allocation of community quotas, assess infrastructure needs, facilitate shellfish aquaculture (in accordance with Marine Plan)	CHN, Communities, DFO, FLNRO?	Gwaii Trust Community Innovation grant (\$10,000, 50%) NDIT Economic Diversification Program (\$250,000, 70%)	\$
Island Governance	Looking to reduce fracturization between local governments for long term strategic planning.	Elected leadership	Gwaii Trust Community Innovation (\$10,000, 50%) Regional Community to Community Forum	\$
GwaiiTel last mile fibre connections	Install a distribution system that will connect to the new fibre line to facilitate residential hook ups	GwaiiTel All communities/RD TICS	NDIT Connecting Rural BC Program Gwaii Trust Major Contributions (\$250,000, 75%)	\$\$\$\$
Community Expansion	As the number of available lots is decreasing, new residents are finding it harder to find suitable locations for new development - we need to review existing sub-division bylaws to ensure that they adequately protect the municipalities without being too onerous for potential developers and look at perhaps harmonizing the bylaws between the municipalities for additional ease.	All communities/RD	Asset Management Fund	\$
Artist/Maker Space	To build an Artist/Maker Space on island with equipment and training for value-added wood processing using a cooperative membership approach	TAAN Forest SD 50 All communities/RD Advanced Ed	NDIT Connecting Rural BC Program Gwaii Trust Major Contributions (\$250,000, 75%)	\$\$\$
Haida Heritage Centre Green Building Business Case	To research and develop a strategy to transform the Museum and Heritage Centre into a sustainable green building	Kaay Centre	Recreation and Cultural Infrastructure Fund Community Energy Leadership Program (\$20,000 - \$150,000)	\$
Haida Heritage Centre fire suppressions system replacement	To replace the fire suppression system in the Museum and sections of the Heritage Centre	Kaay Centre	Recreation and Cultural Infrastructure Fund	\$
Tsunami Poles	Tsunami Awareness through visual passive indicators on BC Hydro Poles	BC Hydro All communities/RD EMBC/MoTi	BC Hydro Grassroots Grants	\$
Community Forest	Conduct research and develop a feasibility study for the creation of a CFA tenure	Communities, CHN, BCTS, FLNRO	Small Communities Fund NDIT Trust Capital Investment Analysis Program (\$10,000, 50%)	\$10,000 - \$100,000
Agriculture Support	Research growing conditions and market opportunities to facilitate expanded production. Pursue community farm land allocations and other recommendations from the Agriculture Strategy	Communities, CHN, GIEC Farmers Institute, Provincial Ministries	Agrinvest, AgriMarketing & Agrinvest (for producers) Canada-BC Agri-Innovation Program (CBCAIP) BC Buy Local Program, AgriSpiri	\$
Survey/Census	Conduct an islands-wide survey to establish baseline data for community economic development indicators	Communities, CHN	Affiliation with universities (research)	\$
Non-Timber Forest Products (i.e. mushrooms and others)	Map productive areas, facilitate access and harvesting, support related small businesses	CHN, FLNRO, MIEDS, Community Futures	BC Buy Local Program	\$
New Resident Attraction	Create info packages, provide online information, attract new residents	Communities, MIEDS, (CHN and Province?)	Gwaii Trust Community Innovation (\$10,000, 50%)	\$
Human Resource Development	Assess needs, facilitate increased training offerings, connect workforce entrants with employers and mentorship opportunities (collaborate with FSTI)	HSEDS SD50 NWCC	Gwaii Trust Community Innovation (\$10,000, 50%)	\$
Small Business Support	Offer skills training, host a small business forum, identify opportunities and connect entrepreneurs with resources	Community Futures, MIEDS, Communities	NDIT Business Façade Program (Masset, QC, PC. \$30,000 available per community) Gwaii Trust Community Innovation Grant (\$10,000, 50%) NDIT Competitiveness Consulting Rebate (\$30,000, 50%)	\$
Conference Center and Log homes	Short term tourist based rentals and conference space for meetings		Gwaii Trust Major Contributions (\$250,000, 50%)	\$\$\$

Daniel Fish

From: Doug Chapman <cao@sqcrd.bc.ca>
Sent: Friday, May 20, 2016 12:01 PM
To: Daniel Fish
Subject: FW: Rural Dividend Fund Skidegate Haida Language Application
Attachments: Haida L & C course descriptions Yr 3&4.docx; Haida course planning for Skidegate DSTC yr3&4-2.xlsx; 05 31 2016 Joint Letter of Submission Haida Language DRAFT 1.docx

Importance: High

We may want to put this on an agenda of some sort...I think.

Take a look and tell me what you think.

Doug

From: Lori Wiedeman [<mailto:cao@queencharlotte.ca>]
Sent: May-20-16 11:57 AM
To: Kim Mushynsky; Trevor Jarvis; Florence Lockyer (omycadmin@mhtv.ca); May Russ (may.russ@haidanation.com); Doug Chapman (cao@sqcrd.bc.ca); Babs Stevens (cao@skidegate.ca)
Cc: Alissa MacMullin; Carlos Ormond; Shelley Termuende
Subject: Rural Dividend Fund Skidegate Haida Language Application
Importance: High

Good morning,

I had a good conversation with Babs this morning. She is going into a meeting with her Band Council and will add this to the agenda.

Her understanding from our meeting on May 2 was that if they supported the partnership they couldn't make their own application and also that Skidegate would have to be the sponsor for the HGHEs application.

I clarified that isn't the case as Masset is looking at sponsoring the HGHEs as the first project will be in their community, and we hadn't identified a project for the Single Applicant funding stream.

I would like to propose that the other island communities consider supporting their application for this stream. I have included a description of the Haida Language Project that Skidegate will be submitting for your information and discussion with your Council.

I will be sending this electronically to my Council for a letter of support. If all communities also support this grant application, then we could provide another joint letter. The advantages would be that we would have a unified voice for all three Rural Dividend applications for this intake:

- Project Development Funding Stream (\$10,000) – Public Transit Business Case (sponsored by the Village of Port Clements)
- Single Applicant Funding Stream (\$100,000) – Haida Language Program (sponsored by Skidegate Band Council)
- Partnership Funding Stream (\$500,000) – HG Higher Education Society Expansion to Masset/Old Massett (sponsored by the Village of Masset)

As the timeframe for the applications is so short, I have included a DRAFT letter for this project for you to consider.

Thanks and please let me know ASAP if your Council can provide support to this project and the other 2. Cheers and hope you all have a fantastic long weekend.

Lori – CAO Village of Queen Charlotte

From: Dana Moraes [<mailto:danalouisemoraes@gmail.com>]

Sent: Friday, May 20, 2016 9:59 AM

To: Lori Wiedeman; Barbara Stevens

Subject: Fwd: Updated descriptors - see attached

Hi Laurie,

Please find enclosed the description of the Haida Language Development Term Certificate Program.

We are applying to the BC Rural Dividend Fund for \$100,000

Skidegate Band Council is looking for letters of Support.

Thank-you,

Dana Moraes
Proposal Writer

Haida Language and Culture DSTC program

The Haida Language and Culture (HLC) program is offered in partnership with the Skidegate Band Council (SBC) and UNBC. This HLC program was designed to address the declining number of teachers required to revitalize the Haida Xaat Kill ancestral language. The goal of the HCL program is to: 1) develop academic skills of Haida learners enabling them to become more economically self-sufficient and strengthening their connection to their community; 2) increasing the number of Haida speakers beyond the elderly; 3) educating students to qualify for UNBC Diploma in Haida Language and qualify for the BC's Development Standard Term Certificate (DSTC) program; and providing teaching employment opportunities to Haida residents. We hope that this program is funded in two stages: Stage 1: Year 3 Programming – First Nations Diploma in Haida Language (April 2016 to March 2017); Stage 2: Year 4 Programming – Development Standard Term Certificate (April 2017 to April 2018). Funding the program for both years 3 and 4 will provide students an additional year of Education courses that will qualify them under the BC's Development Standard Term Certificate (DSTC) program to be classroom teachers in Indigenous languages and culture.

This program provides university level courses that focus on labour market needs and respond to the educational needs of the Haida people. The program promotes the establishment of partnerships between SBC and UNBC along with Haida community members. The program not only addresses language revitalization of the Haida language, currently on the UNESCO critically endangered language list (UNESCO, 2011), but it also provides skills to Haida learners needed to acquire employment both locally and regionally.

The Haida language, in particular, the Skidegate dialect Xaaydaa Kill, is on the critically endangered language list (UNESCO, 2011) referring to a population where the youngest speakers are the grandparents and older. According to Lachler (2012), “While a hundred years ago all Haida were fluent in the Haida language, today the number of speakers is down to no more than 3 or 4 dozen, and nearly all of those speakers are over the age of 70.”

Efforts within Haida Gwaii to revitalize the Haida language are ongoing. An example is the Skidegate Haida Immersion Program (SHIP) program aimed at preserving and revitalizing the Skidegate Haida language to ensure future generations of Haida people are able to speak the Skidegate Haida language. Another example is the UNBC/SBC Haida Language and Culture program focused on language retention and education.

The Haida Language and Culture program began in the Fall of 2014. SBC successfully secured 2 years of funding through TRICORP and the Gwaii Trust, allowing students to complete a UNBC Certificate in Haida Language. This AANDC PSPP proposal outlines funding required for students to complete their last 2 years of study in 2 stages. Stage 1: year 3 course work (9 courses) leading to a First Nations Diploma in Haida Language; and Stage 2: year 4 course work (13 courses) allowing students to reach their potential in becoming classroom teachers in Indigenous languages and culture.

Overall, the Haida Language and Culture program in Skidegate is a successful program fostering education, employment-readiness, and language revitalization for Haida Gwaii residents. The funding of year 3 and 4 will provide the needed education to ensure that future generations of Haida residents retain their ancestral language.

Stage 1: Year 3 programming

First Nations Diploma in Haida Language

(April 2016 to March 2017)

List of courses by semester:

SU16 (May-Aug): FNST 100-3, FNST 321-3, FNST 325-3;

FA16 (Sept-Dec): FNST 217-3, FNST 420-3, FNST 422-3;

WI17 (Jan-Apr): FNST 322-3, FNST 324-3, FNST 421-3

Course descriptions:

FNST 100-3 The Aboriginal Peoples of Canada. This course is an introduction to the languages, history, culture, and enduring presence of the aboriginal people of Canada, intended to explore the range of aboriginal social formations, both past and present, and to consider the future. Oral, written, and archaeological records will be examined. Special attention will be given to the crucial economic, social, and spiritual contacts that exist within aboriginal societies, as well as to materials on the changes that have occurred since contact with Europeans. Prerequisites: None

FNST 217-3 Contemporary Challenges Facing Aboriginal Communities. This is a survey course focusing on the contemporary challenges faced by Aboriginal peoples in Canada. In this course students research and participate in seminars on the specific challenges facing Aboriginal communities today. This includes specific challenges that arise out of the broader topic areas of language and culture, land rights, economics, governance, youth, education, health, social services, violence, healing, community development, repatriation of cultural property, and decolonization. Prerequisites: FNST 100-3

FNST 321-3 First Nations Advanced Composition and Conversation, Level 1. Advanced composition and conversation, using texts and tapes including poetry. Prerequisites: Level 4 (or equivalent) in the appropriate First Nations language.

FNST 322-3 First Nations Advanced Composition and Conversation, Level 2. Advanced composition and conversation, using texts and tapes including poetry. Prerequisites: FNST 321-3

FNST 324-3 Advanced First Nations Language Immersion* This course provides advanced intensive immersion experience in one First Nations language to extend and deepen student skills and fluency in conversation and other oral genres (public speaking, storytelling, etc.). It will be taught in a number of different sections, each of which will focus on a different language, e.g. Haida, Sm'algyax (Coast Tsimshian), Nisga'a, Gitksanimx, Haisla, Tlingit, Sekani, Beaver, Slavey, Tahltan, Witsuwit'en, Dakelh / Carrier, Chilcotin, or another Athabaskan language, or Shushwap. Student transcripts will indicate the specific language studied. May be repeated for up to three additional credits with permission of the Program Chair; if repeated, credits may substitute for an advanced language course in the relevant language with permission of the Dean. Prerequisites: FNST 223-3 *Specific equivalent courses for each First Nations language may be substituted.

FNST 325-3 First Nations Language Mentoring* This course provides an opportunity for students of First Nations languages to work with fluent speakers in a mentoring or apprenticeship context to develop language skills. It will be available in a number of different sections, each of which will focus on a different language, e.g. Haida, Sm'algayax (Coast Tsimshian), Nisga'a, Gitxsanimx, Haisla, Tlingit, Sekani, Beaver, Slavey, Tahltan, Witsuwit'en, Dakelh / Carrier, Chilcotin, or another Athabaskan language, or Shushwap. Student transcripts will indicate the specific language studied. Prerequisites: FNST 220-3 or FNST 223-3 Co-requisites: FNST 220-3 or FNST 221-3 *Specific equivalent courses for each First Nations language may be substituted.

FNST 420-3 Developing Language Materials. A presentation of design goals and practical considerations in the preparation of reference and pedagogical materials for poorly documented languages, with an emphasis on languages of northern BC. Prerequisites: FNST 220-3

FNST 421-3 First Nations Songs and Poetry. A study of songs and poetry in a First Nation's language. Prerequisites: Level 4 (or equivalent) in the appropriate First Nations language.

FNST 422-3 First Nations Speeches and Stories. A study of speeches and stories in a First Nation's language. Analysis of the various linguistic variations which accompany different kinds of speeches and stories. Prerequisites: Level 4 (or equivalent) in the appropriate First Nations language.

Haida Language and Culture DSTC program

Stage 2: Year 4 programming Developmental Standard Term Certificate (April 2017 to March 2018)

List of courses by semester:

SU17 (May-Aug): MATH 190-4, HIST 210-3/GEOG 200-3/GEOG 203-3, BIOL 110-3;

FA17 (Sept-Dec): EDUC 380-3, EDUC 390-3, EDUC 341-2, EDUC 342-2, EDUC 351-2;

WI18 (Jan-Apr): EDUC 391-3, EDUC 446-2, EDUC 435-2, EDUC 333-2, EDUC 356-2.

Course descriptions:

BIOL 110-3 Introductory Ecology. This course is designed to introduce non-science majors to ecological systems. Principles of ecology, biotic and abiotic conditions, population, community and ecosystem structure, human impacts on these systems, and basic concepts of conservation and preservation of ecosystems. Prerequisites: None Precluded: BIOL 201-3

EDUC 333-2 Learning, Development & Motivation. Human social, emotional, cognitive, linguistic, and physical development and learning across the lifespan. In particular, the emphasis is children's and adolescents' development during the school years and implications for teaching and learning. Topics will include: theories of development; age-related social, behavioural, and academic expectations; developmental diversity; social, cultural, and gender bases of identity; and the teacher's role in creating developmentally appropriate, nurturing environments for learning. Students will complete a term project relevant to their educational stream (Early Years or Senior Years).

EDUC 341-2 Principles of Instruction. Theoretical foundations and practical applications of instructional psychology. The course will address: contemporary theories of learning, models of memory and cognition, learning strategies, teaching effectiveness, instructional planning, classroom processes, teaching to accommodate individual differences, and the cultural psychology of education.

EDUC 342-2 Social Dynamics of Classrooms. This course addresses the social dynamics of classrooms and introduces contemporary approaches to classroom management. Through a combination of lecture, discussion, small group activities, and case analysis, we will address the following central topics: foundations of classroom management, interpersonal relationships in classrooms, effective instruction to promote learning and motivation, classroom organization and management, and approaches to exceptional cases. Students will interrogate their own assumptions about the roles of teachers and students, and will develop practical strategies for classroom management and discipline.

EDUC 351-2 Curriculum & Instruction: Second Language (EY). Curriculum and instruction methods for teaching a second language in the Early Years. The language offered may be French, or another provincially approved second language, such as a local First Nations language.

EDUC 356-2 Language & Literacy: Development (EY). An introduction to the nature of language and literacy, and their development prior to and during the early years of schooling. The course will focus on the components of language, how they develop in oral and written forms, and diversity among learners in language and literacy development. Students will learn the curricular expectations for grades K to 5 for listening, speaking, reading, writing, and spelling, and will be introduced to instructional strategies for oral language and emergent/early literacy.

EDUC 380-3 Foundations of Education Introduction to the historical, philosophical, psychological, and sociological foundations of education. Students will reflect on their beliefs about education and teaching, including their assumptions about gender, culture, race, and social class. This course will include an emphasis on the historical roots of present educational institutions and approaches, and change processes in education as applied to contemporary Canadian social and educational contexts.

EDUC 390-3 Classroom Practice and Seminar I. Three-week equivalent practicum, comprising observations and supervised practical experience in a school, along with weekly seminars with team members addressing ongoing practice issues such as: practical skills, case management, reflection, problem-solving, accessing resources, professional issues, teacher research, and portfolio development. Graded on a Pass/Fail basis. Pre- or Co-requisite: Secondary Years: EDUC 360-4; Elementary Years: EDUC 356-2 and 376-2

EDUC 391-3 Classroom Practice and Seminar II. Three-week equivalent supervised practical experience in a school, along with weekly seminars with team members addressing ongoing practice issues such as: practical skills, case management, reflection, problem solving, accessing resources, professional issues, teacher research, and portfolio development. Graded on a Pass/Fail basis. Prerequisites: EDUC 390-3 Pre- or Co-requisite: Secondary Years: EDUC 345-4, 370-3, and one of EDUC 315-4, 361-4, or 372-4; Elementary Years: EDUC 351-2, 357-3, 366-2, 377-2, and 387-2.

EDUC 435-2 Learning & Diversity: Inclusive Classrooms. This course addresses individual differences and inclusion based on the premises that all students have individual differences in their experiences, skills, knowledge, perspectives, and cultural beliefs; and that curricular materials and instruction must be selected, designed, and adapted to include all learners. Within this wider philosophical framework, particular focuses of the course will include: history of special education and contemporary approaches; working with students with physical, intellectual, or emotional/behavioural challenges or talents; individualized education plans; assessment; the team approach; and accommodating social, cultural, and linguistic diversity.

EDUC 446-2 Aboriginal/Indigenous Education: Epistemology. This course is an introduction to Aboriginal/ Indigenous epistemology. Central to this study are the thinking and listening processes of orality. Oral history stories provide a unique way to know and to understand the world. Topics include Aboriginal/ Indigenous epistemology, Aboriginal/Indigenous education metatheory, orality, Aboriginal/Indigenous spirituality and education, and Aboriginal/Indigenous curricula, and phenomenology.

GEOG 200-3 British Columbia: People and Places. This course provides an introduction to the biophysical and human landscapes of British Columbia with a special emphasis on the relationship of Northern BC to the rest of the province. The course takes a regional approach to understanding the links between the physical geography of the province and its settlement patterns, resource use and economic development. Prerequisites: None

GEOG 203-3 Roots, Ruggedness, and Rituals: A Geography of Canada. Regionally and nationally, this course examines Canada, its peoples, and our diverse environments. Students consider Aboriginal/ non-Aboriginal/Métis identity, Canadian culture, national fault lines, symbols, icons, and trends, focusing on shared patterns and divergent distinctions in Canadian development, changes and future possibilities. Prerequisites: None

HIST 210-3 Canada before Confederation. Canada is still profoundly shaped by its history before 1867. This course examines the political, social and economic development of Canada from earliest times. Prerequisites: None

MATH 190-4 Mathematics for Elementary School Educators. This course develops an understanding of mathematical concepts and relationships used in the elementary school curriculum. The content focus is on numbers and number systems, patterns and relations, shapes and space, and statistics and probability. Problem solving and deductive reasoning are stressed throughout the course. Prerequisites: Principles of Math 11 or Pre-calculus 11 or Foundations of Math 11 Precluded: MATH 100-3, MATH 105-3, MATH 152-3. Students who have taken MATH 100-3, MATH 105-3, MATH 152-3 or equivalent require permission of the Chair

Haida DSTC Program - Year 3 and 4 (April 1, 2016 - March 31, 2018)
Skidegate Band Council and UNBC Post Secondary Partnership Program

Delivery Year	Year 3	Year 4	Comments for Year 3 Estimates
Programs	Language & Culture program (9 courses to complete WI17)	BEd program (13 courses to complete)	
Delivery timeframe			
Start date	1-Apr-16	1-Apr-17	
End date	31-Mar-17	31-Mar-18	
Instructors wages	\$ 70,200	\$ 105,310	SU16: FNST 100-3, 321-3, 325-3; FA16: FNST 217-3, FNST 420-3, FNST 422-3; WI17: FNST 322-3, FNST 324-3, FNST 421-3
<i>Academic Learning Advisor</i>	<i>Provided by UNBC - In kind contribution</i>	<i>Provided by UNBC - In kind contribution</i>	In kind contribution from UNBC Aboriginal Service Plan funding - Academic Learning Advisor (estimated \$24,000 per year based on 14 hours per week)
Aboriginals/Elders providing mentoring, tutoring, cultural programs	\$ 8,700	\$ 750	SU16: FNST 321, 325; FA16: FNST 422; WI17: FNST 322, 324, 421; Fluent speakers: \$150 per day (# of speakers vary per course)
Travel (instructors) for course delivery	\$ 22,500	\$ 33,568	All course taught by local instructors. Exception, if local instructors unavailable - instructors from Prince George, Terrace, Prince Rupert, Edmonton
Travel (admin.)	\$ 6,128	\$ 6,128	NW Regional Chair/Deans travel to Skidegate - 4 trips (\$1,532 per trip)
Textbooks/printing	\$ 6,320	\$ 19,720	Estimated \$120 per student per course for textbooks (based on 12 students - 3 courses estimated); \$2,000 printing expense for other courses
Total Instruction Fee	\$ 113,848	\$ 165,476	

10% Administrative support & overhead	\$	11,385	\$	16,548
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TOTAL COURSE DELIVERY FEE	\$	125,233	\$	182,024
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Other expenditures*	Year 3	Year 4	Comments for Year 3 Estimates - In kind contribution
			In-kind contribution by SBC - estimate based on \$180 per day or \$140 for 3 hours per day (estimated 70 days for 9 courses) - \$11,640
Classroom rental	\$ 11,640	\$ 14,400	
Admin assistant wages	\$ 22,505	\$ 22,505	Estimate based on 14 hours per week
Postage/Shipping	\$ 1,000	\$ 1,000	Provided by SBC
Printing/Photocopier	\$ 1,750	\$ 1,750	Provided by SBC
Advertising & Promotion	\$ 500	\$ 500	Provided by SBC
Computer Equipment for Coordinator/Admin	\$ -	\$ -	Provided by SBC
Office supplies	\$ 1,500	\$ 1,500	Provided by SBC
Office Space (Administrative Assistant)	\$ 2,400	\$ 2,400	Assume: Administrative Assistant employed by SBC and located at SBC office
Internet, Telephone & Fax Long Distance	\$ 1,500	\$ 1,500	Provided by SBC
Graduation ceremony & celebration	\$ 2,000	\$ 2,000	Provided by SBC
TOTAL OTHER EXPENSES	\$ 44,795	\$ 47,555	
Grand Total	\$ 170,028	\$ 229,579	

* SBC expenditure estimates for Year 3 & 4 - actual amounts are provided by SBC

May 31, 2016

David Borth, Executive Director
Rural Dividend Fund
Ministry of Forestry, Lands and Natural Resource Operations
3rd Floor, 441 Columbia Street
Kamloops BC V2C 2T3

Dear David:

**Re: Haida Gwaii Community Single Applicant Funding Stream Application
Rural Dividend Fund May 31, 2016 Intake**

The communities of Haida Gwaii have come together to coordinate our application to the Rural Dividend Fund in order to have the greatest economic impact possible for the islands.

With the opportunity of funding up to \$500,000 (40% matching) for partnerships, a meeting of Island CAOs was coordinated for May 2, 2016. Each community was asked to put forward potential projects with islands-wide impact with recommendations to be sent to each Council to provide a consistent basis for informed decision making.

To assist with determining potential economic development priorities for Haida Gwaii, Cameron Bell, Economic Development Officer, Misty Isles Economic Development Society (MIEDS) prepared a summary of a variety of key plans and strategies developed for Haida Gwaii since 2003. The report summarizes the recommendations from each document and provides a list of common themes and priorities (attached).

Janine North, CEO, Northern Development Initiative Trust (NDIT) facilitated the meeting and along with Carla Lutner, Executive Director, Gwaii Trust, provided input from a grant funder perspective on potential synergies with their programs. Great importance was placed on strategies to maximize funding possibilities and how to best utilize funds for island wide economic diversification and growth.

While no specific project was identified at that meeting for the Single Applicant funding stream, it opened the door for subsequent discussions. The Skidegate Band Council's proposal for the Haida Language and Culture Program (HLC) has received support from all communities. The program is offered in partnership with the Skidegate Band Council (SBC) and UNBC and was designed to address the declining number of teachers required to revitalize the Haida Xaat Kill ancestral language. The goals of the HCL program are to:

- 1) develop academic skills of Haida learners enabling them to become more economically self-sufficient and strengthening their connection to their community;
- 2) increase the number of Haida speakers beyond the elderly;
- 3) educate students to qualify for UNBC Diploma in Haida Language and qualify for the BC's Development Standard Term Certificate (DSTC) program; and providing teaching employment opportunities to Haida residents.

We believe that this partnership between the First Nations and municipal communities of Haida Gwaii is as unique as the islands we call home. We are always stronger when we work together and this project

will contribute to the overall wellness, sustainability and livability of all of our communities for generations to come.

Thank you for taking the time to consider our application.

Yours truly,

Peter Lantin, President
Council of the Haida Nation

Ken Rae, Chief Councillor
Old Massett Village Council

Andrew Merilees, Mayor
Village of Masset

Ian Gould, Mayor
Village of Port Clements

Mike Racz, Area E Director
Skeena/Queen Charlotte Regional District

Bill Beldessi, Area D Director
Skeena/Queen Charlotte Regional District

Billy Yovanovich, Chief Councillor
Skidegate Band Council

Greg Martin, Mayor
Village of Queen Charlotte



ENVIRONMENTAL ASSESSMENT OFFICE

Environmental Assessment Information Session**LNG Marine Transport and Facility Public Safety****Prince Rupert Area LNG Projects****April 13, 2016 Information Session Summary Notes**

Agenda	1
Attendees.....	2
Presenters	3
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LNG Marine Transport and Facility Public Safety**April 13, 2016: 0900 – 1415 (Pacific Time)**

North Coast Meeting & Convention Centre
 240 – 1st Avenue West, Prince Rupert, BC

Meeting Objective:

- The information session focuses on federal and provincial regulatory frameworks and operational practices associated with public safety aspects of LNG carrier transport and facility operations, to promote a greater knowledge base before entering the application review stage of the LNG facility environmental assessments (EAs).

Presentations:

- Transport Canada (TC), Canadian Coast Guard (CCG), Pacific Pilotage Authority (PPA), Prince Rupert Port Authority (PRPA), Western Canada Marine Response Corporation (WCMRC) – THE MARINE SAFETY SYSTEM: Voyage of a Vessel from International Waters to Prince Rupert, B.C.
- Oil and Gas Commission (OGC) – Facility Operations Regulatory Overview

Agenda

Item	Description	Presenters
1.	Welcome and Introductions LNG Project EA Timeline Update	EAO
2.	THE MARINE SAFETY SYSTEM Part 1: Voyage Of A Vessel From International Waters To Prince Rupert, B.C.	TC / CCG / PPA / PRPA

3.	THE MARINE SAFETY SYSTEM Part 2: Emergency Response, and Liability and Compensation	TC / CCG / PPA / PRPA / WCMRC
4.	LNG Facility Operations Regulatory Overview	OGC
5.	Session Wrap-Up	EAO

Attendees

EA Working Groups for proposed LNG projects in the Prince Rupert area currently in the Pre-Application stage of the EA process (Aurora LNG, WCC LNG, Grassy Point LNG and Prince Rupert LNG Project) were invited to attend.

The following government agencies and First Nations attended in person or by teleconference:

Federal Government

- Canadian Environmental Assessment Agency (CEAA)
- Transport Canada (TC)
- Canadian Coast Guard (CCG)
- Pacific Pilotage Authority (PPA)
- Prince Rupert Port Authority (PRPA)
- Environment and Climate Change Canada (ECCC)
- Health Canada (HC)
- Natural Resources Canada (NRCAN)

Provincial Government

- BC Environmental Assessment Office (EAO)
- BC Oil and Gas Commission (OGC)
- Ministry of Environment (MOE)
- Ministry of Forests, Lands and Natural Resource Operations (FLNRO)
- Ministry of Transportation and Infrastructure (MOTI)
- Ministry of Health (MOH)
- Ministry of Community, Sport and Cultural Development (CSCD)
- Northern Health (NH)

Local Government

- City of Prince Rupert
- Skeena-Queen Charlotte Regional District
- Dodge Cove Improvement District
- District of Port Edward

First Nations

- Metlakatla First Nation

- Gitxaala Nation
- Kitsumkalum First Nation

Note: Representatives from Lax Kw'alaams Band, Kitselas First Nation, Gitga'at First Nation, Metis Nation British Columbia, and Haida Nation were invited, however, were not able to participate.

Presenters

- Yvette Myers – Regional Director, Marine Safety & Security, Transport Canada (TC)
Email: yvette.myers@tc.gc.ca Phone: 604-666-5470
- Lindsay Funk – Manager, Marine Safety Initiatives, Canadian Coast Guard (CCG)
Email: lindsay.funk@dfo-mpo.gc.ca Phone: 250-480-2669
- Phil Murdock – Superintendent, Environmental Response, Canadian Coast Guard (CCG)
Email: philip.murdock@dfo-mpo.gc.ca Phone: 250-480-2722
- Kevin Obermeyer – CEO, Pacific Pilotage Authority (PPA)
Email: oberkev@ppa.gc.ca Phone: 604-666-6771
- Gary Paulson – VP Operations and Harbour Master, Prince Rupert Port Authority (PRPA)
Email: gpaulson@rupertport.com Phone: 250-627-2517
- Robert Stromdahl – North Coast Area Manager, Western Canada Marine Response Corporation (WCMRC)
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Summary Notes

Key Topics/Issues:

- Marine Safety System presentation (TC/CCG) noted there is currently no Hazardous Noxious Substance (HNS) spill response regulatory framework yet in place, including for LNG marine transportation in Canada.
- Following recommendations in the [2010 Report of the Commissioner of the Environment and Sustainable Development included an Audit on Oil Spills from Ships](#), which provided a series of recommendations for the CCG, TC and Environment Canada. The Audit recommended the Coast Guard:
 - Assess its pollution response capacity;
 - Assess its preparedness to respond;
 - Review the use of Incident Command System; and,
 - Work with TC to undertake a national risk assessment.
- CCG has responded to the majority of recommendations, including a review of Incident Command System, and awaits outcomes of the TC risk assessment and the recommendations of the Tanker Safety Panel to inform the response to remaining recommendations.

- CCG Environmental Response Program – LNG HNS spill response regulatory framework currently being developed for the north coast of BC with CCG Incident Command System (ICS) will include communications and training with local First Nation communities for spill response planning specific for LNG carrier incidents.
- TC and CCG are working together with International Maritime Organization (IMO) – the United Nation’s agency responsible for improving marine safety and preventing pollution from marine carriers – for developing an LNG spill response framework in Canada to be informed by international best practices and spill response programs currently implemented in other areas around the world.
- Project partnership with TC and CCG for installing new shore-based radar stations in Prince Rupert in 2016-2017 to improve vessel tracking and Automatic Identification System (AIS) to help monitor and manage marine traffic.
- Concerns were raised that there may be a gap in formalized emergency spill response in the event of an LNG carrier collision, grounding and/or LNG terminal accident or malfunction. What is a “world class” incident response framework for LNG carriers and export terminals?
- Concerns were raised regarding risks to public safety, hazard zones in proximity to local communities and emergency response plans in the event of a spill from an LNG carrier and/or LNG export terminal. Public safety concerns include other marine traffic in Prince Rupert harbour, and communities in close proximity to proposed LNG export terminals and marine shipping routes.
- Questions and concerns were raised regarding the need for a complete assessment in EAs of risk of LNG incidents, hazard zones, and any possible exclusion zones associated with the proposed LNG facilities and marine transportation routes in close proximity to the local communities in the Prince Rupert area.
- Questions and concerns were raised regarding, in light of no formal LNG spill response plan in place, how Canada and BC regulatory agencies and proponents have, or will be considering established international best practices, risk analysis and risk reduction guidelines in siting and operating LNG export terminals in BC to protect public safety. The Society for International Gas Transport and Terminal Operators (SIGTTO) and Sandia reports were referenced:
 - SIGTTO report: [*“Site Selection and Design for LNG Ports and Jetties” \(SIGTTO, 1997\)*](#); and
 - Sandia Report: [*“Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas \(LNG\) Spill Over Water” \(Sandia National Laboratories, 2004\)*](#).
- The Sandia report provides guidelines for assessing risk of LNG carrier (intentional and accidental) incidents and associated guidelines for managing those risks, based on 3 hazard zones radiating out from an incident site. How are the Sandia report hazard zones and SIGTTO guidelines, and associated risk analyses and management guidelines being considered by proponents in their EA applications, by TC in TERMPOL review process, or by OGC in LNG facility permitting within existing regulatory framework in BC?
- There are different hazards and risks associated with an LNG spill on water (i.e. versus an oil spill) that must be considered for ensuring public safety and emergency response planning. LNG spills result in a rapid conversion from liquid to gas which can create a vapor cloud with potential risk of explosion if there is a source of ignition.
 - Local response to incidents is typically to rush out to the scene to help (e.g. community of Hartley Bay response to BC Ferries Queen of the North sinking). This may not be the appropriate response to an LNG carrier incident. Where is the regulatory structure to guide appropriate incident responses for local first responders?

- LNG spill response plans need to be developed in communication with regulatory authorities, First Nations, local communities and other marine users to ensure mitigation measures are appropriate for public safety and emergency preparedness.
- Proposed LNG project EA Applications are required to assess potential risk of spills and mitigation measures in the Accidents and Malfunctions chapter of the Application. Risk assessment and risk-reduction mitigation measures identified in the proponent's Application and TERMPOL review process can be used to inform the development of project-specific marine transportation management plans/emergency spill response plans. It is not reasonable for Applications to simply state risks of potential adverse effects will be addressed in future response management plans: EA Applications should include as much detail as possible to help reviewers determine whether the planned risk-reduction measures are adequate in addressing potential adverse effects.
- *Canada Shipping Act* requires that all LNG carriers entering Canadian waters must have a vessel-specific spill response plan and safety equipment on board at all times. Vessels are required to have a contract with WCMRC for providing spill response.
- LNG carriers would be required to file a Vessel Traffic Report to CCG base in Prince Rupert 96 hrs prior to arrival in Canadian waters to identify any vessel deficiencies (e.g. radar deficiencies, mechanical issues, risk of pollution), planned route and time of arrival in Port of Prince Rupert.
- Vessel calls to Prince Rupert Traffic Centre (PRPA) are required to confirm if there are any threats of pollution and to assess if any potential interference with other traffic on inbound journey from Triple Island Pilot Station to Prince Rupert harbour. There are designated anchorage locations assigned by PRPA to be used by LNG carriers awaiting arrival at terminal for loading.
- *Canada Shipping Act* – Ballast Water Control Regulations prevent the introduction of invasive aquatic species potentially transported in ship ballast water from international waters. Mid-ocean exchange of ballast water is required at least 200 nautical miles offshore, i.e. outside of Canadian waters "Exclusive Economic Zone". Vessel reporting to TC is required to confirm time and location of ballast water exchange.
- First Nations indicated that an LNG spill response regulatory framework must be developed prior to any LNG project going into operations within their traditional territories.
 - LNG spill response regulatory framework and project-specific marine transportation management plans/emergency spill response plans should include input from First Nations to inform, assess and mitigate potential effects.
 - Information from First Nations regarding marine transportation routes, timing and location of marine resource harvesting, sensitive ecosystems and culturally important areas should be considered.
- PRPA – Prince Rupert Port Operations and Environmental Stewardship Committee has meetings quarterly with First Nations and fishing industry members involved in marine safety planning and water quality monitoring.
 - Shoreline habitat mapping and identification of culturally important areas has been conducted within PRPA boundaries to identify areas of concern (e.g. ship wake effects to marine harvester safety, shoreline erosion of archaeology sites) and identify mitigation measures (e.g. no wake zones, slow vessel speeds).
 - PRPA welcomes additional information from First Nation for improving marine safety and environmental protection in Prince Rupert harbour.

- Questions were asked to clarify who is responsible for marine safety and spill response in Prince Rupert harbour? What are the differences in areas within and outside of PRPA jurisdiction (e.g. Grassy Point LNG Project and marine transportation routes to Triple Island Pilot Station are located outside PRPA boundary)?
 - TC, CCG, PPA, PRPA provided clarification on shared roles and responsibilities within Prince Rupert harbour and areas outside PRPA jurisdiction.
 - PPA has authority in areas outside PRPA boundaries (e.g. Triple Island Pilot Station, Grassy Point).
 - *Canada Shipping Act* and its regulations (administered by TC) apply to all areas within Canadian waters “Exclusive Economic Zone” (within 200 nautical miles offshore), including areas within PRPA boundaries.
 - *Pilotage Act* - Pacific Pilotage Regulation (administered by PPA) includes mandatory pilotage areas, requiring the use of BC Coast Pilots and tethered tugs on LNG vessels when transiting from Triple Island Pilot Station to and from the LNG facility, including areas within and outside PRPA boundary.
 - See **Appendix A: Roles and Responsibilities for Marine Safety**
 - See **Canada’s Marine Safety System** presentation (TC/CCG/PPA/PRPA) for additional information.
- TERMPOL - Technical Review Process of Marine Terminal Systems and Transshipment Sites. TC chairs the [TERMPOL Review Process](#), a federal government initiative that assesses the safety and risks associated with oil/gas tanker movements to, from and around Canada’s marine terminals.
 - TERMPOL is a voluntary review process that may be requested by proponents involved in building and operating a marine terminal system for bulk handling of oil, chemicals and liquefied gases.
 - It focuses on the marine transportation components of a project and examines the safety of tankers entering Canadian waters, navigating through channels, approaching berthing at a marine terminal and loading or unloading oil or gas.
 - TERMPOL review process includes a project-specific assessment of marine shipping routes and shipping terminal operations to assess risks and identify mitigation measures (e.g. vessel speed, use of tugs) for improving marine safety.
 - The review is led by TC and can involve other federal departments and other stakeholder representatives, as required. The review may consider any safety measures above and beyond existing regulations to address any site-specific circumstance.
- TERMPOL is voluntary and recommendations are not legally binding, but can provide some project and spatially-explicit mitigations and management considerations for operations of LNG carriers. Some proponents are choosing to conduct the TERMPOL process prior to submitting an EA Application to inform their assessment and mitigation measures.
 - TC noted there is currently consideration whether TERMPOL should become mandatory with legally binding conditions.
- What is the role of TERMPOL in EAs? How can recommendations from TERMPOL review process be considered in EA conditions?
 - Challenges and opportunities for EA process to consider recommendations resulting from TERMPOL review process. However, TERMPOL is voluntary and often undertaken following the EA process.
 - LNG Canada Project TERMPOL review process identified specific recommendations related to navigation and ship safety components. How can these recommendations be considered in the EA process for proposed LNG projects in the Prince Rupert area?

- What information is required to be provided by proponents in EA Applications Accidents and Malfunctions chapter to identify risks and mitigation measures for marine safety?
- What are the requirements for vessels when entering Canada from US waters in Alaska into Dixon Entrance?
 - Some container ships go through US waters in Alaska around the Aleutian Islands and when approaching Prince Rupert via Dixon Entrance (north of Hecate Strait and Haida Gwaii).
 - There is agreement in place between CCG and US Coast Guard for coordination and communication. South bound vessels from Alaska ports going to Washington - vessel notification reports are filed from Port in Alaska and tracked on radar by CCG and US Coast Guard with marine traffic Automatic Identification System (AIS).
- What happens when bad weather prevents pilot boarding and tug escort?
 - Vessels are required to stay offshore until weather permits safe access to Triple Island Pilot Station.
 - Tethered tugs are required to assist vessels in transit from Triple Island to marine terminal. In the event of vessel loss of propulsion, tethered tugs have control to stop and redirect the vessel.
- Concerns were raised about potential effects from increased shipping traffic on marine safety and First Nations marine resource harvesting (e.g. interference with marine navigation and fishing activities, potential collisions with fishing vessels, vessel wake effects, shoreline erosion of archaeological sites, safety of elders harvesting shellfish at intertidal sites, possible exclusion zones limiting access). What happens if a ship runs aground and spills fuel in a sensitive ecosystem and food harvesting area? These issues are often missed in EA Applications when assessing cumulative effects of increased shipping traffic.
 - Need to understand potential effects on FNs and how mitigation can be implemented using FN information (e.g. timing and location of harvesting shellfish in winter at low tide at night). Vessels should have this information to adjust routes when entering Prince Rupert harbour.
 - PPA – Slow vessel speed is required in sensitive areas on coast to minimize wake effects to shoreline, public marinas, docks and seafood harvesting areas. Notice to Pilots and Notice to Mariners includes areas on charts for planned vessel routes, anchorages and timing for arrival at port.
 - TC – Fisheries interactions and timing of fishing activities are provided in advance in coordination with DFO, TC and PRPA to mitigate potential interactions with other marine traffic. The vision is to have information sharing with First Nations, including vessel AIS and communication to bridge of vessels.
- How is marine traffic managed during day light vs night time?
 - PRPA operates 24 hr per day. Once a vessel is cleared to enter Canadian waters, PRPA accepts vessels into port at any time of day. Pilot boarding also occurs 24 hr per day.
- Questions were raised regarding CCG response to an incident in 2015 when the Russian bulk cargo vessel Simushir lost power and was adrift off Haida Gwaii.
 - TC - Simushir incident highlighted several issues including emergency response time and inability for tugs to get a tow line on the vessel in adverse weather conditions. Simushir did not have adequate tow line on board. Towing array with adequate length of tow line is required to be kept onboard vessels.
 - TC is reviewing emergency response plans including timing, location and capacity for tug support.

Appendix A: Roles and Responsibilities for Marine Safety

ROLES & RESPONSIBILITIES IN MARINE SAFETY

		TC	CCG	PPA	EC	Ports	Other
Prevention	Pre-arrival reporting and clearance	X	X			X	
	Marine Communications and Traffic Services		X				
	Aids to navigation		X				
	Administering regulations on safe shipping	X				X	
	Navigating vessels through coastal waters			X			
	Managing vessel speeds			X		X	Vessel master
	Escort tugs			X		X	
	Aerial & satellite surveillance	X			X		
	Vessel inspections and enforcement	X					
	Crew certification	X					
	Vessel construction standards	X					
	Marine meteorological services				X		
Preparedness & Response	Search and rescue		X				
	Incident command system		X				
	Ensuring an appropriate spill response		X				
	Salvaging wrecks and derelict vessels	X	X				shipowner
	Area / Geographic response planning	X	X		X		RO / DFO
	Certifying response organizations	X					
	Establishing planning standards for response times and equipment capacity	X					
	Ensuring shipboard oil pollution plans	X					
	Regional advisory councils	X					
	Places of refuge	X					
	Scientific advice on spilled product				X		
	Oil spill trajectory modeling				X		DFO
	Fate and behaviour of oil				X		DFO / NRCan
	Shoreline Cleanup Assessment Team (SCAT)				X		RO
	Oiled wildlife				X		
	Oily waste						BC
	Post-spill restoration						X
Polluter Pays	Polluter pays principle	X					
	Shipowner's insurance	X					P&I Club
	International oil pollution compensation funds	X					IOPCF
	Canada's ship-source oil pollution fund	X					SOPF
Environmental Protection	Ballast water	X					
	Vessel air emissions	X					
	Vessel sewage	X					
	Vessel waste	X					
	Oily discharges	X					
	Vessel interactions with marine mammals	X		X		X	DFO
	Managing vessel wake by managing speed			X		X	Vessel master

Acronyms

TC	Transport Canada
CCG	Canadian Coast Guard
PPA	Pacific Pilotage Authority
EC	Environment Canada
DFO	Fisheries and Oceans Canada
NRCan	Natural Resources Canada
RO	Response Organization (i.e. Western Canada Marine Response Corporation)
IOPCF	International Oil Pollution Compensation Funds
SOPF	Ship-Source Oil Pollution Fund (i.e. Canada's domestic fund)
P&I Club	Protection & Indemnity Club (i.e. shipowner's insurer)