AMENDED AGENDA
REGULAR COMMITTEE OF THE WHOLE MEETING
SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2013-NOV-25, AT 4:30 P.M.

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1. **CALL THE REGULAR COMMITTEE OF THE WHOLE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

- Item 7 (d) - Council's Role in the Policy Group in an Emergency Response - Add delegation Mr. Tim McGrath.

- Item 8 (b) - eTown Hall Event – Nanaimo to Vancouver Passenger Ferry Service – Add delegation Mr. David Marshall, Island Ferry Services Ltd.

- Item 15 – Procedural Motion - Add *Community Charter* Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

3. **ADOPTION OF AGENDA:**

4. **ADOPTION OF MINUTES:**

(a) Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, on Monday, 2013-NOV-04 at 4:30 p.m. *Pg. 6-10*

(b) Minutes of the Special Open Committee of the Whole Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, on Wednesday, 2013-NOV-06 at 9:00 a.m. *Pg. 11-12*

(c) Minutes of the Special Open Committee of the Whole Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, on Wednesday, 2013-NOV-13 at 9:02 a.m. *Pg. 13-14*

(d) Minutes of the Special Open Committee of the Whole Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, on Wednesday, 2013-NOV-20 at 9:12 a.m. *Pg. 15-16*

5. **PRESENTATIONS:**

(a) Mayor John Ruttan to present Mr. Russ Burke with a proclamation declaring November 17-23, 2013, Leadership Week in the City of Nanaimo.

(b) Mr. E. C. Swabey, City Manager, to provide a presentation regarding a new organizational structure.

6. **ADMINISTRATION:**

NONE

7. **COMMUNITY SAFETY AND DEVELOPMENT:**

(a) **Special Occasion Licence Application Process and Checklist**

Purpose: To obtain Council authorization for a change to the City's Special Occasion Licence Application Process and Checklist by shifting the delegation authority from the General Manager of Community Safety & Development to the General Manager of Community Services.

Staff Recommendation: That Council endorse the amended Special Occasion Liquor Licence Application Process and Checklist, as outlined in the report. *Pg. 17-22*

(b) **Liquor Licence Amendment (LA100) – Application for a Permanent Change to a Liquor Licence – Splitsville Entertainment – 171 Calder Road**

Purpose: To advise Council of the application in advance of Staff requesting comments from adjacent property owners and occupants.

Staff Recommendation: That Council receive for information the report regarding Liquor Licence Amendment (LA100), Application for a Permanent Change to a Liquor Licence at 171 Calder Road, Splitsville Entertainment. *Pg. 23-29*

(c) **December Downtown Parking Promotion**

Purpose: To obtain Council approval for a December downtown parking promotion at the three main City of Nanaimo parkades: Harbour Front, Port of Nanaimo and Bastion Street.

Staff Recommendation: That Council approve free daytime parking in the three main City of Nanaimo parkades for the three Saturdays preceding Christmas Day, 2013. *Pg. 30-32*

(d) **Council's Role in the Policy Group in an Emergency Response**

Purpose: To update Council on Short Term Risk Mitigation Plan for Colliery Dam and the role of the policy group in the event that the Middle and Lower Chase River Dams Emergency Action Plan is implemented.

Delegation:

1. Mr. Tim McGrath

Staff Recommendation: That Council receive for information the report regarding Council's role in the policy group in an emergency response. *Pg. 33-40*

8. **CORPORATE SERVICES:**

(a) **Nanaimo Economic Development Corporation (NEDC) Board Nominating Committee**

Purpose: To appoint the 2014 Nanaimo Economic Development Corporation Nominating Committee Members.

Staff Recommendation: That Council: *Pg. 41-43*

1. appoint the 2014 Nanaimo Economic Development Corporation Nominating Committee consisting of: at least two members of Council; a member of the Regional District of Nanaimo Board; and,

2. authorize this Committee to select one or two members of the public to assist in the nomination process.

(b) **eTown Hall Event – Nanaimo to Vancouver Passenger Ferry Service**

Purpose: To gather feedback on the public's support for an all season passenger ferry service from Nanaimo to Vancouver, with cooperation from Island Ferry Service.

Delegation:

1. Mr. David Marshall, Island Ferry Services Ltd.

Staff Recommendation: That Council direct Staff to host an eTown Hall event in early December to discuss the proposed Nanaimo to Vancouver passenger ferry service. *Pg. 44-45*

9. **COMMUNITY SERVICES:**

(a) **Packaging and Printed Paper – Multi-Material British Columbia (MMBC) and BFI Canada Waste Management Contracts**

To be introduced by Mr. G. Franssen, Manager of Sanitation, Recycling and Cemeteries.

Purpose: To obtain Council authorization to proceed with signing of the Agreement provided to the City by MMBC for collection of Packaging and Printed Paper.

Staff Recommendation: That Council: *Pg. 46-51*

1. authorize the Mayor and Corporate Officer to sign the Contract with Multi-Material British Columbia (MMBC) for the collection of residential packaging and printed paper as described in this report for a five year Term - Service start date May 19, 2014; and,

2. authorize a 4% fee increase to the BFI Canada (BFI) Curbside Recycling Service Contract as an adjustment to their service fee, covering the period May 19, 2014 to March 31, 2015; and,

3. authorize a one year extension of the BFI Curbside Recycling Service Contract covering the period, April 1, 2015 to March 31, 2016, and the associated 2% Fee increase that would apply for this period; and,

4. direct Staff to prepare an appropriate Addendum to the BFI Curbside Recycling Service Contract that recognizes items (2) and (3) above and contract adjustments related to the City and its Contractor providing Curbside Recycling collection services pursuant to the Agreement between the City and MMBC.

10. **CORRESPONDENCE (not related to a Report to Council):**

NONE

11. **NOTICE OF MOTION:**

12. **OTHER BUSINESS:**

13. **DELEGATIONS (not related to a Report to Council):** (10 MINUTES)

(a) Ms. Sharon Gregson, regarding a brief overview of the Community Plan for a Public System of Early Care & Learning, also known as the $10/day Child Care Plan for BC. *Pg. 52*

(b) Ms. Erin Hemmens, Nanaimo Division of Family Practice, regarding an in depth review of the local primary care community as part of the GPforMe Initiative. This initiative will survey both the medical community as well as patients in Nanaimo and on Gabriola Island to determine how the current systems works, and where we can affect positive, lasting change to better meet the health needs of our community. *Pg. 53*

14. **QUESTION PERIOD:** *(Agenda Items Only)*

15. **PROCEDURAL MOTION:**

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter* Section 90(1):

(g) litigation or potential litigation affecting the municipality;
(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,

Community Charter Section 90(2):

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

16. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR MCKAY

2013-OCT-21 to 2013-DEC-01

MINUTES
REGULAR COMMITTEE OF THE WHOLE MEETING
SHAW AUDITORIUM, 80 COMMERCIAL STREET,
MONDAY, 2013-NOV-04 AT 4:30 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Absent: Councillor G. Anderson

Staff: E. C. Swabey, City Manager
T. P. Seward, Acting General Manager of Community Safety and Development
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
B. E. Clemens, Director of Finance
D. Lindsay, Acting Director of Development
A. J. Tucker, Director of Planning
P. Cooper, Communications Manager
R. Davidson, Manager Parking Services / Assistant Manager Bylaw, Regulation and Security
A. Kemp, Urban Forestry Coordinator
D. Stevens, Applications Analyst
G. Ferrero, Acting Manager, Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda item 7 (d) - Tree Management Protection Bylaw – add delegation Mr. Joe Lychak.

(b) Agenda item 7 (e) – Downtown Parking Administration – add presentation from Mr. Rod Davidson, Manager, Parking Services / Assistant Manager Bylaw, Regulation and Security.

(c) Agenda item 7 (f) – Waste-to-Energy Facility – Operations Review - replace page one of the report, including the Staff recommendation and add the following delegations:

1. Mr. Tim McGrath
2. Mr. John Lucas, Seaspan, Mr. David Garcia, Urbaser
3. Mr. Kim Smythe, Chamber of Commerce

(d) Councillor Pattje advised that Mr. Adrian Piloto and Ms. Brunie Brunie were in attendance and wished to address Council as late delegations regarding agenda item 7 (f) Waste-to-Energy Facility – Options Review.

(e) Councillor Kipp advised that Mr. Shaun Sweeney was in attendance and wished to address Council as a late delegation regarding agenda item 7 (f) Waste-to-Energy Facility - Options Review.

(f) Councillor Brennan advised that Mr. Paul Manly was in attendance and wished to address Council as a late delegation regarding agenda item 7 (f) Waste-to-Energy Facility - Options Review.

It was moved and seconded that Mr. Adrian Piloto, Ms. Brunie Brunie, Mr. Shaun Sweeney, and Mr. Paul Manly be permitted to address Council, regarding agenda item 7 (f) Waste-to-Energy Facility – Options Review, as late delegations with five-minute time limitations. The motion carried unanimously.

(g) Councillor Bestwick advised that Mr. Tim McGrath was in attendance and wished to address Council as a late delegation regarding 25 Victoria Road, Nanaimo Centre Stage.

It was moved and seconded that Mr. Tim McGrath be permitted to address Council as a late delegation with a five-minute time limitation regarding 25 Victoria Road – Nanaimo Centre Stage. The motion carried unanimously.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2013-OCT-21 at 4:02 p.m. and the Minutes of the Special Open Committee of the Whole Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, on Wednesday, 2013-OCT-23 at 9:02 a.m. be adopted as circulated. The motion carried unanimously.

5. COMMUNITY SAFETY AND DEVELOPMENT:

(a) Development Variance Permit Application No. DVP219 – 200-2980 Island Highway North

It was moved and seconded that Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP219 at 200 - 2980 Island Highway North. The motion carried unanimously.

Councillor Brennan vacated the Shaw Auditorium at 4:39 p.m. declaring an apprehension of bias as her spouse is a School District 68 Board Member.

(b) Development Variance Permit Application No. DVP221 – 5101 Rutherford Road

It was moved and seconded that Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP221 at 5101 Rutherford Road. The motion carried unanimously.

Councillor Brennan returned to the Shaw Auditorium at 4:42 p.m.

(c) Development Variance Permit Application No. DVP222 – 6010 & 6016 Tweedsmuir Crescent

It was moved and seconded that Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP222 at 6010 and 6016 Tweedsmuir Crescent. The motion carried unanimously.

(d) Tree Management Protection Bylaw

Mr. Alan Kemp, Urban Forestry Coordinator, provided a presentation regarding the Tree Management Protection Bylaw.

Delegation:

1. Mr. Joe Lychak

It was moved and seconded that Council receive for information the report regarding the proposed "Tree Management and Protection Bylaw 2013 No. 7126". The motion carried unanimously.

(e) Downtown Parking Administration

Mr. Rod Davidson, Manager, Parking Services / Assistant Manager Bylaw, Regulation and Security, provided a presentation regarding downtown parking.

Councillor Greves vacated the Shaw Auditorium at 5:30 p.m.

It was moved and seconded that Council receive for information the report regarding downtown parking administration. The motion carried unanimously.

Councillor Greves returned to the Shaw Auditorium at 5:32 p.m.

(f) Waste-to-Energy Facility – Operations Review

Delegations:

1. Mr. Russ Black, Vice President Corporate Development, Belkorp Environmental Services Inc.
2. Mr. Tim McGrath
3. Mr. John Lucas, Seaspan, and Mr. David Garcia, Urbaser
4. Mr. Kim Smythe, Interim Chief Executive Officer, Chamber of Commerce
5. Mr. Adrian Piloto
6. Ms. Brunie Brunie
7. Mr. Shaun Sweeney
8. Mr. Paul Manly

It was moved and seconded that Council receive for information the report regarding the Waste-to-Energy Facility – Operations Review. The motion carried unanimously.

6. COMMUNITY SERVICES:

(a) Minutes of the Parks, Recreation and Culture Commission Meeting held 2013-SEP-25.

Councillor Brennan vacated the Shaw Auditorium at 6:43 p.m.

7. CORRESPONDENCE (not related to a Report to Council):

(a) Letter dated 2013-OCT-14 from Mr. Denis Lemelin, National President, Canadian Union of Postal Workers, requesting Council support for a review of the *Canadian Postal Charter* and the need for postal banking.

Councillor Brennan returned to the Shaw Auditorium at 6:45 p.m.

8. DELEGATIONS (not related to a Report to Council):

(a) Mr. Tim McGrath regarding Nanaimo Centre Stage – 25 Victoria Road.

9. QUESTION PERIOD:

- Mr. Fred Taylor, re: Downtown Parking Administration, Tree Management Protection Bylaw.
- Mr. Gord Fuller, re: Waste-to-Energy Facility – Operations Review.

It was moved and seconded that Council direct Staff to request that the Minister responsible for Canada Post:

1. use the upcoming review of the *Canadian Postal Service Charter* to focus on revenue-generating services, not cuts, including financial services such as bill payments, insurance and banking; and,
2. improve the *Canadian Postal Service Charter* and make the upcoming review of the *Charter* open to public input.

The motion carried unanimously.

- Mr. Tim McGrath, re: Nanaimo Centre Stage – 25 Victoria Road.

10. ADJOURNMENT:

It was moved and seconded at 7:07 p.m. that the meeting terminate. The motion carried unanimously.

_____
CHAIR

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

MINUTES
SPECIAL OPEN COMMITTEE OF THE WHOLE MEETING
BOARD ROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2013-NOV-06 AT 9:00 A.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick (Departed at 10:11 a.m.)
Councillor M. D. Brennan (Arrived at 9:17 a.m., departed at 10:14 a.m.)
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Absent: Councillor G. Anderson

Staff: E. C. Swabey, City Manager
T. P. Seward, Acting General Manager of Community Safety and Development (Arrived 9:46 a.m.)
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
B. E. Clemens, Director of Finance
D. Lindsay, Acting Director of Development
R. J. Harding, Director of Parks, Recreation and Culture
S. Clift, Director of Engineering and Public Works
S. Samborski, Senior Manager of Recreation and Culture Services
A. J. Tucker, Director of Planning (Departed at 9:56 a.m.)
D. Duncan, Manager of Financial Planning
M. Demecha, Manager of Civic Facilities
B. Joiner, Infrastructure Planning and Energy Manager
L. Clarkson, Manager of Aquatics
D. Osborne, Manager of Arenas
I Blackwood, Manager of Facility Maintenance & Construction
G. Ferrero, Acting Manager of Legislative Services (Arrived at 9:29 a.m.)
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special Open Committee of the Whole Meeting was called to order at 9:05 a.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. PRESENTATIONS:

(a) Mr. R. J. Harding, Director of Parks, Recreation and Culture, provided a presentation and a Staff/Council discussion took place regarding the 2014-2018 Financial Plan for Parks, Recreation and Culture.

It was moved and seconded that Council direct Staff to schedule a Special Committee of the Whole Meeting focusing on sponsorship, to be guided by a specialist in the industry. The motion carried unanimously.

Councillor Bestwick vacated the Board Room at 10:11 a.m.

Councillor Brennan vacated the Board Room at 10:14 a.m.

It was moved and seconded that Council direct Staff to prepare a comprehensive report to assist in determining future investment regarding 25 Victoria Road and that the report include potential additional funding requirements and calculations regarding the number of users and associated costs to operate the facility. The motion carried unanimously.

4. QUESTION PERIOD:

- Mr. Jim Taylor

5. ADJOURNMENT:

It was moved and seconded at 11:08 a.m. that the meeting terminate. The motion carried unanimously.

_____
CHAIR

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

MINUTES
SPECIAL OPEN COMMITTEE OF THE WHOLE MEETING
BOARD ROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2013-NOV-13 AT 9:02 A.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick (entered at 9:03 a.m.)
Councillor M. D. Brennan (entered at 9:13 a.m. / vacated at 10:13 a.m.)
Councillor G. E. Greves
Councillor D. K. Johnstone (vacated at 10:16 a.m.)
Councillor J. A. Kipp
Councillor J. F. K. Pattje

Absent: Councillor G. Anderson
Councillor W. B. McKay

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, Acting General Manager of Community Safety and Development (vacated at 9:30 a.m.)
B. E. Clemens, Director of Finance
D. Lindsay, Acting Director of Development (vacated at 10:05 a.m.)
A. J. Tucker, Director of Planning (vacated at 10:05 a.m.)
T. Hartley, Director, Human Resources (vacated at 10:10 a.m.)
B. Prokopenko, Senior Manager of Engineering
B. Denbigh, Manager of Roads and Traffic (vacated at 10:08 a.m.)
D. Duncan, Manager of Financial Planning
J. Elliott, Manager of Utilities
D. Fournier, Manager of Infrastructure and Planning
G. Franssen, Manager of Sanitation, Recycling, Cemeteries and Office Administration (vacated at 10:08 a.m.)
W. Fulla, Manager, Finance, Community Services
B. Sims, Manager of Water Resources
G. Ferrero, Acting Manager of Legislative Services
D. Smith, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special Open Committee of the Whole Meeting was called to order at 9:02 a.m.

Councillor Bestwick entered the Board Room at 9:03 a.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. PRESENTATIONS:

(a) Mr. Tom Hickey, General Manager, Community Services, provided a presentation and a Staff/Council discussion took place regarding the 2014-2018 Financial Plan for Engineering and Public Works.

Councillor Brennan entered the Board Room at 9:13 a.m.

Councillor Brennan vacated the Board Room at 9:44 a.m.
Councillor Brennan returned to the Board Room at 9:45 a.m.

Councillor Bestwick vacated the Board Room at 10:06 a.m.

Councillor Brennan vacated the Board Room at 10:13 a.m.

Councillor Greves vacated the Board Room at 10:13 a.m.
Councillor Greves returned to the Board Room at 10:15 a.m.

Councillor Johnstone vacated the Board Room at 10:16 a.m.

Mayor Ruttan vacated the Board Room at 10:28 a.m.
Mayor Ruttan returned to the Board Room at 10:30 a.m.

Councillor Bestwick returned to the Board Room at 10:35 a.m.

Councillor Kipp vacated the Board Room at 10:37 a.m.
Councillor Kipp returned to the Board Room at 10:38 a.m.

4. QUESTION PERIOD:

- Mr. Jim Taylor, re: water annual operating budget.

6. ADJOURNMENT:

It was moved and seconded at 10:58 a.m. that the meeting terminate. The motion carried unanimously.

_____
CHAIR

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

MINUTES
SPECIAL OPEN COMMITTEE OF THE WHOLE MEETING
BOARD ROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2013-NOV-20, AT 9:12 A.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor G. Anderson (entered at 10:00 a.m., vacated at 11:10 a.m.)
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Staff: E. C. Swabey, City Manager
I. Howat, General Manager of Corporate Services
T. Hartley, Director of Human Resources and Organizational Planning (entered at 11:00 a.m.)

1. CALL THE OPEN MEETING TO ORDER:

The Special Open Committee of the Whole Meeting was called to order at 9:12 a.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the agenda be adopted. The motion carried unanimously.

3. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter* Section 90(1):

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

The motion carried unanimously.

Council moved into "In Camera" at 9:13 a.m.

Council moved out of "In Camera" at 11:25 a.m.

4. ADJOURNMENT:

It was moved and seconded at 11:26 a.m. that the meeting terminate. The motion carried unanimously.

_____
CHAIR

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: SPECIAL OCCASION LICENSE APPLICATION PROCESS AND CHECKLIST

STAFF RECOMMENDATION:

That Council endorse the amended Special Occasion Liquor License Application Process and Checklist, as outlined in this report.

PURPOSE:

The purpose of this report is to seek Council authorization for a change to the City's Special Occasion License (SOL) Application Process and Checklist by shifting the delegation authority from the General Manager of Community Safety & Development to the General Manager of Community Services.

BACKGROUND:

An SOL liquor license is a license issued for a temporary or one-time-only event. SOL's are usually for private functions or fundraising events for not-for-profit organizations but not for the prime purpose of making a profit. Where an SOL is to be issued for a private function such as a wedding, the SOL may be issued by the manager of the BC Government Liquor Store. Where an SOL is to be issued for a public event such as a fundraiser, the Liquor Control and Licensing Branch (LCLB) requires written approval from an "authorized official of that [local] government" and "local police authority" (RCMP) approval.

On 2007-JUN-18, Council amended the City's liquor license application process, including a formalized method for handling SOL applications. As part of that amended Application Process and Checklist, all public events required Council approval while private events on public property would be approved by staff, in accordance with Section 15 of the Liquor Control and Licensing Regulation (BC Reg. 244/2002).

Due to the time sensitive nature of SOL applications, it became difficult to bring applications to Council prior to the event. In order to allow staff to process SOL applications in a more timely manner, on 2008-APR-28 Council amended the City's SOL Application Process and Checklist by designating the General Manager of Development Services as the authorized official of the local government to review and approve all SOL applications. A copy of the 2008 Council Report (Attachment A) is included for Council's information. Currently, all SOL applications are reviewed by Planning and Design staff before being signed by the General Manager of Community Safety & Development for approval (Attachment B – Current Special Occasion License Application Process and Checklist).

☐ Council
☑ Committee (DW)
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date 2013-NOV-25

DISCUSSION:

The vast majority of SOLs reviewed by the City are for events held in City facilities. In order to book a City facility, event organizers must contact the Parks, Recreation & Culture (PRC) allocation clerk responsible for the venue and meet with the manager of that facility. For larger public events, the event organizers are often asked to meet with PRC staff to prepare an event plan.

Through the booking process, PRC staff already require event insurance; through the current SOL process Planning & Design staff request a copy of the insurance to confirm the insurance includes liquor liability. This often leads to a duplication of items requested, and possible confusion for event organizers. In order to streamline the process for event organizers, it is recommended that one City staff person be responsible for managing the City's review of the event. Given that PRC staff are often the first and most frequent City contact for a special event organizer, staff recommends that PRC be given the authority to review and approve SOL applications.

As PRC staff best know their facilities and which events are appropriate in their own facilities, giving PRC staff the ability to review SOL licenses is the best possible approach for both the City and the event organizers. Staff of Planning & Design and PRC together have reviewed the SOL process and agreed the change proposed would better serve the customer.

Given that the current signing authority is at the General Manager (GM) level, staff recommend maintaining the requirement for GM approval, but shifting the signing authority from the GM of Community Safety & Development (responsible for Planning & Design) to the GM of Community Services (responsible for PRC). A copy of the amended SOL Application Process and Checklist document is attached as Attachment C.

Respectfully submitted,

for: B. Anderson, MCIP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:

A. Tucker, MCIP
DIRECTOR
PLANNING

T. Seward
ACTING GENERAL MANAGER
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-NOV-07
G:Devplan/Files/Liquor/Reports/2013Nov18 SOL Application Process and Checklist Cncl Rpt.docx
DS/pm/lb

ATTACHMENT A

FILE COPY

2008-APR-22

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPEMNT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: POLICY DIRECTION FOR LIQUOR LICENSE APPLICATIONS

STAFF'S RECOMMENDATION:

That Council endorse the amended Special Occasion Liquor License application policy as outlined in this report.

EXECUTIVE SUMMARY:

On 2007-JUN-18, Council amended the City's liquor license application process. Part of this amended process included a formalized method for handling Special Occasion License (SOL) applications in which all public events require Council approval while private events are reviewed and approved by Staff. Since that time, Staff has received a number of last minute applications for public SOL licenses. Due to the time sensitive nature of these applications it is often difficult to bring the application to Council prior to the event. In order to allow Staff to process SOL applications in a more timely manner, Staff recommend that Council amend the SOL application process. The proposed amendment, if approved, will revise the liquor license application process by designating the General Manager of Development Services with the authority to review and approve all SOL applications.

BACKGROUND:

The Liquor Distribution Branch (LDB) requests that municipal government review all SOL applications for events on City-owned land. On 2007-JUN-18, Council amended the City's liquor license application process. Part of this amended process included a formalized method for handling SOL applications. As part of this amended policy, all public events would require Council approval while private events would be approved by Staff.

SOLs are not for the prime purpose of making a profit, unless the purpose of the event is to raise funds for a genuine charitable purpose. Unlike other liquor license application types, SOL applications are for a specific event only. As such, these types of applications are extremely time sensitive. As many of these events are organized by people unfamiliar with Council policy, last minute requests are common for SOL events.

Under the current SOL policy, if an application is received for an event that is scheduled to occur prior to the next Council meeting, Staff is unable to approve the application. The current SOL policy may force Staff to turn down an application for an event that the City would otherwise encourage.

In order to allow Staff to process SOL applications in a more timely manner Staff recommend that Council amend the SOL application process. The proposed amendment would allow the General Manager of Development Services to approve all SOL applications for any event open to the public. Public SOLs are for events that are open to the general public, advertised through the media and / or publically displayed posters and sell tickets in advanced or at the door. These events can include community festivals, such as the dragon boat or bathtub race, beer or wine festivals, or an outdoor concert.

Under the proposed new policy, an applicant for a public SOL will be required to provide Staff with a copy of the SOL application form, a cover letter describing the nature of the event, RCMP approval and proof of insurance. Once Staff has received a complete application, the General Manager of Development Services will provide the applicant with a letter of approval, which they are required to submit to the LDB. If a proposed event is unable to obtain RCMP approval or if in the opinion of the General Manager the event may conflict with other Council policies or objectives, the application will be forwarded to Council for its consideration.

SOL applications for private events, such as wedding receptions or invitation only parties, will continue to be signed off by Staff once proof of insurance and RCMP approval has been received.

Respectfully submitted,

D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

for A. Tucker
Acting Director, Planning & Development
DEVELOPMENT SERVICES DEPARTMENT

DS/pm
Council: 2007-APR-28
G:DevPlan/Files/Liquor/General/2008Apr28 Cncl Rpt SOL Policy.doc10

To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

Attachment B
CURRENT

CITY OF NANAIMO
THE HARBOUR CITY

PLANNING & DESIGN SECTION

SPECIAL OCCASION LICENSE
APPLICATION PROCESS AND CHECKLIST

Local government is asked to approve a Special Occasion License ***where the event is to be held on public property.***

THE PROCESS:

1. Application

(a) Applicant picks up a Special Occasion License (SOL) application from any approved British Columbia Liquor Store.
(b) Applicant must obtain approval from the RCMP.
(c) SOLs are not to be issued for the prime purpose of making a profit, unless that profit is directed to raise funds for a charitable purpose as determined by the Liquor Distribution Branch. As such, City Staff will not charge an application fee for the municipal review of SOL applications.
(d) The applicant shall provide City Staff with proof of insurance for the event and a letter outlining the nature of the event, security measures to be implemented to prevent underage drinking or any public disturbance, and the dates and times of the event.

2. City's Decision

Once a complete application has been received, Staff will forward the completed application to the General Manager of Development Services. Private events, such as a wedding or invitation only parties, may be approved by staff of the Parks, Recreation and Culture Department.

Attachment C
PROPOSED

CITY OF NANAIMO
THE HARBOUR CITY

PLANNING & DESIGN SECTION

SPECIAL OCCASION LICENSE
APPLICATION PROCESS AND CHECKLIST

Local government is asked to approve a Special Occasion License ***where the event is a public event or on public property.***

THE PROCESS:

1. Application

(a) Applicant picks up a Special Occasion License (SOL) application from any approved British Columbia Liquor Store.
(b) Applicant must obtain approval from the RCMP.
(c) SOLs are not to be issued for the prime purpose of making a profit, unless that profit is directed to raise funds for a charitable purpose as determined by the Liquor Distribution Branch. As such, City Staff will not charge an application fee for the municipal review of SOL applications.
(d) The applicant shall provide City Staff with proof of insurance for the event and a letter outlining the nature of the event, security measures to be implemented to prevent underage drinking or any public disturbance, and the dates and times of the event.

2. City's Decision

Once a complete application has been received, Staff will forward the completed application to the General Manager of Community Services. Private events, such as a wedding or invitation only parties, may be approved by staff of the Parks, Recreation and Culture Department.

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: LIQUOR LICENSE AMENDMENT (LA100) - APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENSE - SPLITSVILLE ENTERTAINMENT – 171 CALDER ROAD

STAFF RECOMMENDATION:

That Council receive the report.

PURPOSE:

The purpose of this report is to advise Council of the application in advance of Staff requesting comments from adjacent property owners and occupants. As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

The City has received a copy of an application to the Liquor Control and Licensing Branch (LCLB) from Mr. Pat Haggerty, on behalf of Splitsville Entertainment Ltd., for a structural change to an existing licensed establishment at 171 Calder Road (Attachment A). Mr. Haggerty is applying to relocate his existing liquor primary licensed area to replace the establishment's current food primary liquor licensed area and change the liquor primary license to permit minors.

Mr. Haggerty has applied to the LCLB to convert the establishment's current food primary liquor license area to a liquor primary license with a change to permit minors. The bowling alley currently includes a liquor primary lounge area with a capacity for 40 patrons, as well as a food primary licensed area which allows for 148 persons. The applicant wishes to cancel the food primary license and relocate the liquor primary license to the existing food primary area. The applicant is also requesting a change to the liquor primary license in order to allow minors to be in recreational areas where liquor is consumed. The existing liquor primary lounge area will be converted to an interactive redemption arcade for children and will not be licensed for liquor consumption.

A liquor primary license is generally associated with a nightclub or neighbourhood pub, in which minors are not permitted to be present, while a food primary license is associated with a restaurant in which food service is the primary business and minors are permitted. Minors are commonly allowed in licensed entertainment establishments such as theatres, arenas, stadiums, ski resorts and bowling alleys at the discretion of the LCLB.

☐ Council
☑ Committee of the whole
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-NOV-25

The applicant previously submitted an application to expand the existing liquor primary license in order to allow for up to 200 persons and to allow minors until 10pm. On 2012-MAY-28 Council voted not to support the previous application due to opposition raised by the surrounding neighbourhood. In this application, the applicant has decreased the maximum number of persons from 200 to 148 in his request for a liquor license. The applicant has since consulted with local residents, including hosting two open houses on 2013-AUG-8 and 2013-NOV-21, and is now ready to proceed with a revised application.

DISCUSSION:

A Public Notice and comment sheet will be mailed and delivered to all of the owners and occupants of buildings and properties surrounding the subject location at 171 Calder Road. All referral responses, including comments from the RCMP, will be summarized and attached to a future report. As per Council policy, this report has been placed on this evening's agenda for information only.

Respectfully submitted,

for: Bruce Anderson, MCIP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:

Andrew Tucker, MCIP
DIRECTOR
PLANNING

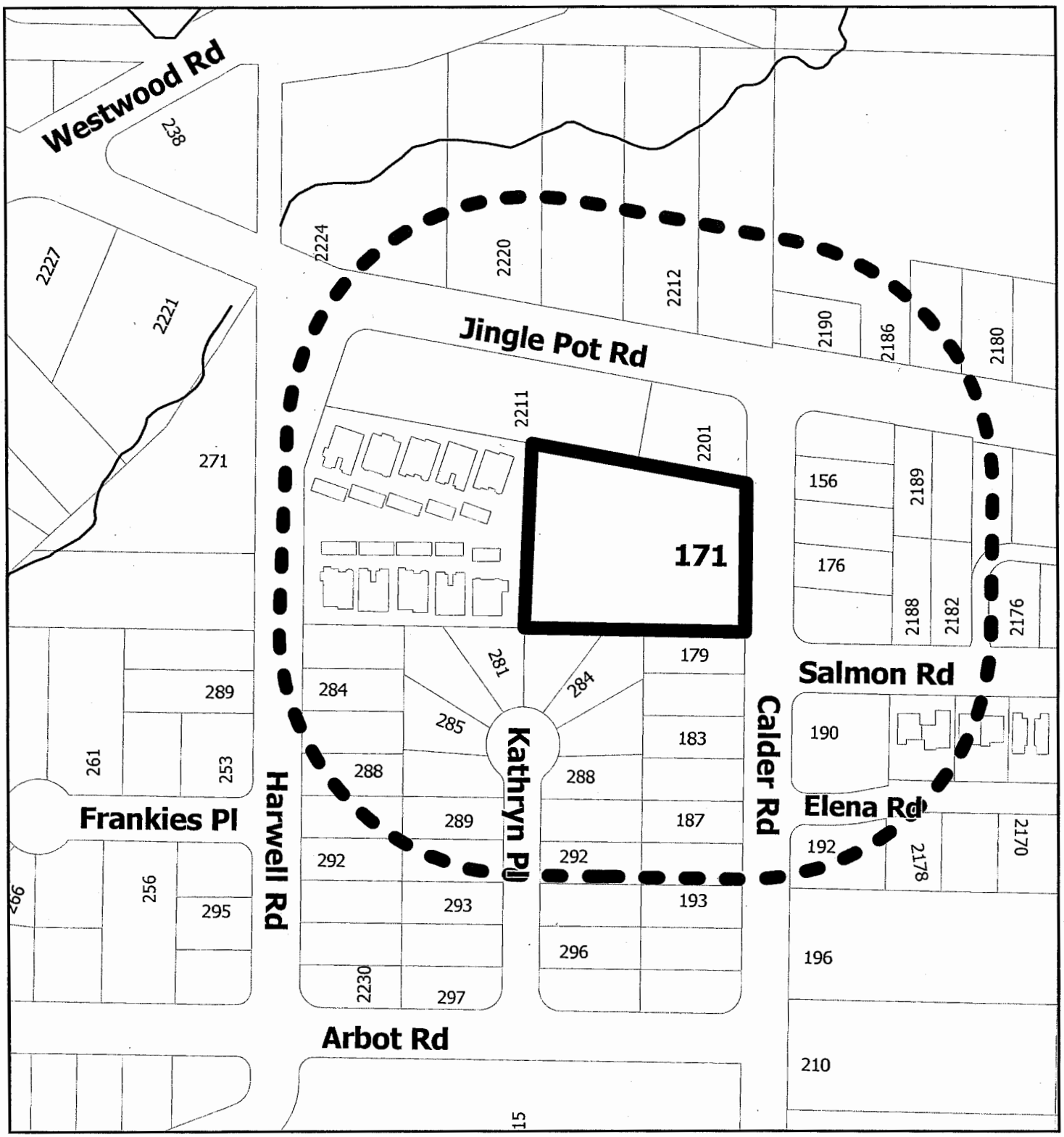
Toby Seward
ACTING GENERAL MANAGER
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-NOV-15
Prospero: LA000100
DS/pm/hp

Attachment A



LIQUOR LICENSE APPLICATION NO. LA000100

N

LOCATION PLAN

Civic: 171 Calder Road
Splitsville Bowling Alley

Subject Property

Notification Area

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2012-MAY-28

AUTHORED BY: DAVE STEWART, PLANNER, CURRENT PLANNING

RE: LIQUOR LICENSE AMENDMENT APPLICATION NO. LA79 - SPLITSVILLE ENTERTAINMENT

STAFF RECOMMENDATION:

That Council recommend the Liquor Control and Licensing Branch (LCLB) deny the application for a structural change to an existing licensed establishment at 171 Calder Road.

PURPOSE:

The purpose of this report is to provide information and request Council comment regarding the application from Splitsville Entertainment to expand an existing liquor primary liquor license area from 82 patrons to 200 patrons and permit minors until 10pm.

SUMMARY:

The City has received a copy of an application to the LCLB from Mr. Calven Chow, on behalf of Splitsville Entertainment Ltd., for a change to an existing licensed establishment at 171 Calder Road (Attachment 'A'). Mr. Chow is applying to expand the existing liquor primary licensed area to include the bowler's areas and concourse and to include the existing food primary license areas as part of the liquor primary licensed area. Note: there is no structural alteration to the building proposed.

As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

Mr. Chow has applied to the LCLB to increase the size of the liquor primary licensed area within the existing bowling alley. The bowling alley currently includes a liquor primary lounge area with a capacity for 40 patrons, as well as a food primary licensed area which allows for 42 persons. The applicant wishes to cancel the food primary license and expand the liquor primary licensed area to allow for 200 persons (Attachment 'B').

A liquor primary license is generally associated with a nightclub or neighbourhood pub in which minors are not permitted to be present, while a food primary license is associated with a restaurant in which food service is the primary business and minors are permitted.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2012-MAY-28

In regards to recreational facilities, such as bowling alleys, minors within the liquor primary area are permitted until 10pm, at the discretion of the LCLB. The applicant is requesting the ability to permit minors in the liquor primary area until 10pm.

Subject Property
The existing bowling alley is included within 'Neighbourhood' designation of the City's Official Community Plan (OCP) and is currently zoned Commercial Recreation Centre (CC6). A bowling alley is permitted as a recreational facility within the CC6 zone, an accessory lounge is permitted within a recreational facility provided the Gross Floor Area of the lounge is less than 380m^2. The proposed expanded licensed area would be approximately 262m^2.

Parking
The City's "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" requires five parking spaces for every lane within a bowling alley. The bowling alley currently has 16 lanes and no new lanes are proposed; as such, 80 parking spaces would be required within the existing parking regulations. Approximately 70 parking spaces exist on the current site; however, as the applicant is not increasing the number of bowling lanes no increase in parking will be triggered by the proposed license amendment.

Good Neighbour Agreement
While Staff is recommending Council not support the proposed license amendment application, if Council does decide to support the application Staff recommends that the City enter into a Good Neighbour Agreement (GNA) with the bowling alley. A GNA is a formal agreement between the liquor license holder, the City and the RCMP which recognizes that liquor licensed establishments have a civic responsibility beyond the requirements of the *Liquor Control and Licensing Act* to control the conduct of their patrons. Generally, the City only enters into these agreements with downtown nightclubs; however, the City has in past requested a GNA for a liquor primary establishment within an existing neighbourhood such as the Wellington Pub. Given the number of concerns raised by local residents regarding noise and disturbance relating to the bowling alley, should Council choose to support the application, a GNA is advisable.

Liquor Control and Licensing Branch Criteria
Prior to making a recommendation to support or deny an application, the LCLB asks the local government to consider the following:

1. ***The potential for noise if the application is approved:*** The bowling alley is located immediately behind the Jingle Pot Pub, liquor store and gas station, to the north, and is in an established low density residential neighbourhood. To the west of the subject property is a forty-unit, multiple family strata complex, while to the south and east are single family dwellings. While some noise can be expected due to the presence of the existing bowling alley and neighboring pub, this is generally considered a quiet residential area. When deciding on whether or not to support the proposed liquor licensed area expansion, Council is asked to consider if the change in licensing status will result in an increased level of noise and disturbance within the neighbourhood.

   During the public notification process many of the neighboring property owners expressed concerns related to increased noise levels if the application is approved.

2. ***The impact on the community if the application is approved***: Splitsville bowling alley provides Nanaimo residents and visitors with recreational bowling opportunities and hosts a number of competitive leagues and tournaments. The business has contributed positively to the community in a number of ways, as outlined in the applicant letter (Attachment 'C'). If the application is approved, bowling alley patrons will be able to enjoy an alcoholic beverage while remaining in the bowling concourse area.

   The subject property is located within the 'Neighbourhood' designation of the OCP. Entertainment options are generally not supported within this designation and are instead encouraged to be located within the City's Urban Nodes and Commercial Centre designations.

   Under British Columbia's liquor laws, a recreational facility is permitted to apply for liquor primary licenses in which minors are permitted until 10pm. As part of their application, the bowling alley wishes to permit minors within the expanded licensed area until 10pm.

   During the public notification process, some members of the public expressed concerns regarding the presence of minors within a liquor license primary area; Staff share these concerns. Due to the large size of the bowling alley, Staff also feels it may be difficult for serving staff to monitor minors within the license area and ensure they are not consuming alcohol.

   It should be noted that local government comment is not required for an application to allow minors within a liquor primary area of a recreational facility, local government comment is however required for the proposed expansion of the licensed area.

   The RCMP do not support the application. A copy of the RCMP letter is attached (Attachment 'G').

3. ***The views of the residents***: A public notice and comment sheet was mailed to all owners and occupants of the buildings and properties within 100m of the subject property. A total of 96 comment sheets were mailed and delivered, one local resident also requested and received additional comment sheets to distribute to her neighbours, some of whom may be outside of the 100m notification area.

   Of the 46 responses received, 2 are in support of the application and 44 are opposed. Those opposed to the application cited concerns related to increased noise, traffic, and litter as well as the presence of minors within the facility. Copies of responses received are attached (Attachment 'D').

   In addition to the returned comment sheets, the City has a copy of a petition, signed by 14 local residents, to the RCMP regarding excessive noise and disturbance allegedly emanating from the bowling alley (Attachment 'E') and a second petition to the City of Nanaimo, signed by 36 local residents, requesting the existing liquor license be revoked (Attachment 'F'). While Council may recommend against the proposed license change and in extreme circumstances may even revoke an existing business license; it should be noted that as liquor licensing is a provincial matter the City does not have the authority to cancel an existing liquor license.

Opt Out of Application Process

With respect to all food and liquor primary license applications, it is worth noting that Council has the option to provide no comment.

If Council chooses to opt out of the application process, Staff will inform the LCLB of Council's decision and no further action will be taken by Staff regarding the application. If a local government chooses to opt out, the LCLB will start their own review process, which could considerably delay the application process. As such, Staff does not recommend Council opt out of the decision making process regarding this application.

DISCUSSION:

Based on the number of concerns raised during the public notification phase and the location of the bowling alley within an existing residential area, Staff recommends that Council not endorse the application. If Council does choose to support the application, Staff recommends that Council support be conditional upon the bowling alley entering into a GNA with the City.

Respectfully submitted,

Dave Stewart, MCIP
PLANNER
CURRENT PLANNING

Concurrence by:

Andrew Tucker, MCIP
DIRECTOR
PLANNING

Ted Swabey
GENERAL MANAGER
COMMUNITY SAFETY AND DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

Drafted: 2012-MAY-22
Prospero attachment: LA79
DS/pm

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: ROD DAVIDSON, MANAGER OF PARKING SERVICES
ASSISTANT MANAGER, BYLAW, REGULATION & SECURITY
COMMUNITY SAFETY & DEVELOPMENT

RE: DECEMBER DOWNTOWN PARKING PROMOTION

STAFF RECOMMENDATION:

That Council approve free daytime parking in the three main City of Nanaimo parkades for the three Saturdays preceding Christmas Day, 2013.

PURPOSE:

To request approval from Council for a December Downtown Parking Promotion at the three main City of Nanaimo parkades; Harbour Front, Port of Nanaimo and Bastion Street.

DISCUSSION:

The Downtown Nanaimo Business Improvement Association (DNBIA) has made a request to the City that the three main City of Nanaimo parkades offer free daytime parking from 8:00 a.m. to 5:00 p.m. for the three Saturdays preceding Christmas Day, 2013. This free parking will enhance activities in the downtown and Old City Quarter including a Santa's Workshop and Trolley rides.

The on-street parking regulations would not be altered during this time, so as to maintain a turnover of vehicles on the streets. The anticipated loss of revenue to open all three of the parkades to free parking for three days is estimated to be less than $2000.

This type of grant has been successful in jurisdictions such as Penticton. This promotion is a result of the City's ongoing work with the new DNBIA Parking Committee with regards to flexibility in downtown pay parking. This initiative will also help to fill underutilized parking facilities and may encourage future use by the public of the downtown parkades. In turn, this promotion will also encourage shopping and parking in the City's downtown core.

☐ Council
☑ Committee of the Whole
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-Nov-25

Respectfully submitted,

Rod Davidson
Manager of Parking Services
Assistant Manager, Bylaw, Regulation and Security

Concurrence by:

Andrew Tucker
Director of Planning
Community Safety & Development

Toby Seward
Acting General Manager
Community Safety & Development

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-NOV-15
g:\CPSO\Reports\CouncilReports\2013\RPT20131125DecemberDowntownParkingPromotion.docx
RD/cr

ATTACHMENT A

discover DOWNTOWN NANAIMO
It's all here.

November 12th, 2013

Rod Davidson,
Manager of Parking Services,
City of Nanaimo, 455 Wallace Street
Nanaimo, BC V9R 5J6

Dear Rod,

As we prepare for our Christmas season of events downtown, the DNBIA would like to request that the City of Nanaimo supply or provide parking in the 3 parkades for no charge for the 3 Saturdays preceding Christmas.

The DNBIA invests and produces several events each weekend in December at Santa's workshop, Diana Krall Plaza, in the Old City Quarter and the Trolley Rides throughout the streets downtown. We have had great success in the past with designated free parking for our events and it is widely appreciated by everyone who attends.

We would really like to make this Christmas another success for everyone downtown and hope that we can offer free parking on our marketing material. Please let me know if this will be a possibility this year.

Sincerely,

Corry Hostetter

Corry Hostetter, General Manager
Downtown Nanaimo Business Improvement Association

Downtown Nanaimo Business Improvement Association

A10 Victoria Crescent
(250) 754-8141 fax (250) 754-8108
info@dnbia.ca **www.dnbia.ca**

dnbia
DOWNTOWN NANAIMO BIA

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: CRAIG RICHARDSON, DEPUTY CHIEF – OPERATIONS.
NANAIMO FIRE RESCUE

RE: COUNCIL'S ROLE IN THE POLICY GROUP IN AN EMERGENCY RESPONSE

STAFF RECOMMENDATION:

That Council receive the report.

PURPOSE:

To update Council on Short Term Risk Mitigation Plan for Colliery Dam and the role of the Policy Group in the event that the *Middle and Lower Chase River Dams Emergency Action Plan* is implemented.

BACKGROUND:

The City of Nanaimo has an established process to respond to an emergency that is consistent with the British Columbia Emergency Response Management System and is the basis for development of Response and Recovery Plans.

In 2012, the City established an Emergency Action Plan for the Colliery Dams. This action plan has been updated in 2013 to respond to the possible need to evacuate the area below the Colliery Dams in the event of an extreme weather event (heavy rainfall) or a seismic event.

On September 9th, 2013 Council approved a Short Term Risk Mitigation Plan for Colliery Dam that focused on Public Safety with the Dams being in place throughout the 2013/14 Winter Season. A total of 28 objectives were identified in the plan (Attachment A). Of the 28 objectives, 21 are completed with the remainder scheduled to be completed in the near future.

DISCUSSION:

If an emergency occurs or is anticipated to occur, Council's role as a Policy Group is fundamental in the decision-making process. Following is an update on the status of the key objectives and the role of Mayor and Council should the Emergency Coordination Centre (ECC) be activated.

☐ Council
☑ Committee of the whole
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-NOV-25

Policy Group

The Policy Group (Attachment B) consists of the City of Nanaimo Chief Administrative staff and elected officials. Mayor and Council would be contacted through FireComm to advise of the activation of the Emergency Coordination Centre. Directions as to status of the emergency would be provided. Initially it is anticipated in the Emergency Action Plan that the initial operational period of the ECC will be monitoring. Should there be a requirement based on this monitoring to assemble, Mayor and Council will be requested by the ECC Director to attend the HR Training Room in the City Hall Facility, Second Floor. A communication link will be established between the Policy Group and the ECC either by telephone or radio in the event of a telecomm failure. The Policy Group will generally be engaged in the following functions:

Progress Reports – The ECC will provide updates to the Policy Group ongoing through communication between the ECC Director and the City Manager.

Declarations and Orders – Mayor and/or their designate would be required to sign off on any evacuation alerts, orders or Declarations of State of Emergency. For Colliery Dams, these have been prepared in advance, reviewed by Emergency Management British Columbia and ready for signature.

Public Information – In an emergency event Mayor and Council may be asked to speak to the media about the situation. Briefing and speaking points will be coordinated and provide by the Public Information Officer from the Emergency Coordination Centre (ECC)

Consultation on Policy Decisions – Where items fall outside the normal bylaws and policies already in place within the municipality, the Mayor or Council may be requested to expedite a decision or interpretation of policies to assist the ECC in managing the emergency response and recovery.

Extraordinary Financial Decision – The Policy Group sets the budget for response and recovery in emergency situations and may be required to authorize spending beyond the city budget. The ECC Director will work within their spending limits and look to the Policy Group for above and beyond.

Short-term Risk Mitigation Plan for Colliery Dams

With the majority of the 28 objectives set out in the short-term mitigation plan completed, staff has focused on public information, evacuation and response, and exercises. The following summarizes the outcomes on some of the key objectives.

To Organize a Strategy to Outreach All Affected Residents – The objective was to have face to face discussions with residents to inform them of the risk, the emergency evacuation procedures established in the Emergency Action Plan, and to sign up residents for the Emergency Call Alert Program. Approximately 50 RCMP and Fire Rescue crews undertook a door to door campaign on November 7, 8, and 9 where 583 addresses were visited and contact was made with 419 (72%) residents. A total of 351 (84%) residents were signed up for Emergency Call Alert. 164 residents did not answer, but were left an information package. The campaign was extremely positive with residents appreciating the face-to-face communications and emergency crews increasing their familiarity with the area.

To Conduct a Public Meeting to Review Risk, Notification, and Evacuation Procedures – The objective was to further enhance the face to face communication from the door to door campaign by providing residents with an additional opportunity to clarify any questions arising from the campaign or the information package left at that time. A public open house style meeting was facilitated at Nanaimo Aquatic Centre on November 20. Only 4 residents attended. A second meeting is scheduled for November 25, plus the Colliery Dam Park Preservation Society is holding an information session November 26, which City staff will attend.

To Conduct Emergency Coordination Centre Exercises - While several ECC exercises have been conducted since the risk was identified, two additional exercises were conducted since the September 2013 Council report establishing this objective. One exercise focused on the Planning Section, followed by a second full activation exercise. Both were very successful in increasing awareness of the Emergency Action Plan and understanding its implementation. Besides the invaluable participation and discussion simulating the management of a potential dam failure situation, additional positive outcomes include exemplary interdepartmental collaboration and an overall enhanced understanding of ECC functions.

To implement an Inundation Area Alert and Exercises – A community exercise will take place November 28 from 8:30 a.m. to 12:00 noon as follows:

1. Four objectives of the exercise:
   - support Barsby Community School evacuation approximately 10:00 a.m.;
   - test call alert;
   - test sirens (3 minute siren) approximately 10:40 a.m.;
   - set up unified command at Fire location and the dam location; and
2. Will activate the Public Works DOC.
3. Will put information on the exercise on the website and the media will be informed.
4. A report will go to Council on November 25 to provide what will be required of them in an event. They will also receive a briefing on the date of the exercise.

Respectfully submitted,

For C. Richardson
Deputy Chief – Operations

Concurrence by:

T.P. Seward
Acting General Manger,
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:
I concur with the staff recommendation.

Drafted: 2013-NOV-19
G:\2013 Files\Colliery Dam Park\Reports\RPT131125 Council Role in Emergency_Response
TPS/CR/hp

ATTACHMENT A

Colliery Dams – Virtual ECC
November 20, 2013 9:00 am

1. **To establish flow thresholds**
   a. **Complete**

2. **To provide a monitoring process**
   a. **The two new level monitors are installed and connected to the SCADA network, and recording levels. This is at Upper Chase Dam and Lincoln Rd Bridge.**
   b. **Complete**

3. To investigate feasibility of a ground movement sensor system
   a. Working on ground movement monitor - ongoing

4. **To develop a departmental operational plan**
   a. **The document has been completed.**
   b. **Complete**

5. **To formalize an early ECC activation process**
   a. **Put in ECC plan and emergency action plan and communicated with John Barsby School. Complete.**

6. **To update the emergency action plan/notification**
   a. **Complete.**

7. **To research audible systems**
   a. **Complete**

8. **To identify and secure suitable location(s) for sirens**
   a. **Cercomm and pole company working together to get pole installed.**
   b. **Complete**

9. **To purchase/install a notification system**
   a. **Sirens will be installed Nov 20 & 21, then a week of testing.**
   b. **Lights will be installed Nov 22.**
   c. **Zetron install will be done this week.**

10. **To organize testing of the notification system**
    a. **Tied into item #9**
    b. **Testing will be the 1st Wed at 10:00 am monthly, a warning tone, then a 50% sound. This information will need to be sent out once silent sound checks are complete. Include information at the Information Night.**
    c. **Parks staff will be on site for the first test.**
    d. **Complete**

11. To establish operational procedures
    a. Tied into item #9
    b. Testing procedure drafted. An operational guidelines drafted.

12. To promote emergency call alert within inundation area
    a. Test scripts completed.
    b. Once approved, needs to be recorded
    c. 808 addresses are in the call alert system.

13. To establish a media communication backup plan
    a. Contractor working on programming. Will be installed this week, will also be on a backup radio in FireComm.
    b. School Board radio was too costly. We will get access to their radio frequency, waiting for School Board.

14. To research and determine dam flood area sign format
    a. Complete

15. To identify specific sign locations
    a. Complete

16. To design, develop information signs in key locations
    a. Complete

17. To erect signs
    a. Signs being installed today.
    b. Complete

18. To assemble an information package for resident distribution
    a. Script finalized for TV
    b. Information for door package done
    c. 700 completed packages will be ready Nov 7 at noon
    d. News release will be sent today.

19. To organize a strategy to outreach all affected residents
    a. 583 homes were visited and contact was made with 419 residents. A total of 351 residents signed up for Emergency Call Alert. 164 people did not answer but were left packages.
    a. South Branch Division D – commercial/industrial properties to be done this week.

20. To determine resources and make assignment for delivery
    a. Door to door staffing complete

21. To consult with other organizations
    a. Ongoing.
    b. Aligned trigger points with School District for consistency for community messaging.

22. To conduct a public meeting to review risk, notification and evacuation procedures
    a. Nov 20 & 25 Open House dates are confirmed 7-9 pm at NAC
    b. IT will have a person with an iPad available to enroll people in Call Alert system.

23. To review EMBC evacuation guidelines
    a. Complete

24. To update and revise emergency action plan
a. Complete

25. To provide evacuation process training to all potential responders
a. Mapping and responder kits are being created. The printing of the maps and kits will be approx $2,000-$3,000. 24 sets needed for the RCMP plus 1 for 9-1-1 dispatch.
b. Responder training to be completed but is in progress. Will be done next week.

26. To conduct emergency coordination centre exercises
a. Complete

27. To implement interagency incident command exercises
a. Fire Services will do other three exercises.
Will be done Nov 22 & 25. 2:30 pm – 4:00 pm.
b. Will include Public Works and the Safety Officer.
c. Public Works is doing a DOC exercise this Friday.

28. To implement an inundation area alert and exercises
a. Response based exercise is scheduled for Nov 28th 8:30 am – 12:00 noon
b. Four objectives of the exercise:
- support Barsby Community School evacuation approx 10:00 am
- test call alert
- test sirens (3 minute siren) approx 10:40 am
- set up unified command at Fire location and the dam location

c. Public Works DOC will be activated.
d. Information will be put on the exercise on the website and the media will be informed.
e. A report will go to Council on Nov 25 to provide what will be required of them in an event. They will also receive a briefing on the date of the exercise.

Adjourned: 9:35 am

G:\2013 Files\Colliery Dam Park (0440-20)\REPORTS\RPT131125 Attachment A - Council's Role in Emergency_Response.docx

3.2 Policy Group

Responsibilities:

1. The City of Nanaimo Chief Administration Staff are responsible for providing emergency policy direction to the ECC Director and staff. The ECC Director is responsible for interpreting this policy and, in turn, providing response priorities to Incident Commanders, who establish objectives and strategies at the site of the incident.
2. Elected officials are the only ones permitted by law to declare a "State of Local Emergency". The steps and the officials involved in this process are contained in Section 2 of this plan. It is recommended that the ECC Director and Emergency Program Manager as well as the Director of the Provincial Emergency Program be consulted and their advice sought prior to any declaration being proclaimed.
3. Accurate public information is extremely important during major emergencies. Elected officials should work closely with the ECC Director and the Information Officer to ensure one coordinated message is delivered to the public at risk and the media.

Activation Phase:

- Respond to the Council Board Room at 455 Wallace Street and await information from ECC Director and Information Officer
- Establish Policy Group at 455 Wallace Street.
- Receive briefing from ECC Group and determine if special policies are required.
- Based on situation briefing, provide priorities to ECC Director.
- Follow the Generic Activation Phase checklist (3.1).

Operational Phase:

- Monitor ongoing operations.
- At request of, and coordinated with the ECC Director and Information Officer, provide updates to media and public from elected officials' perspective.
- Declare "State of Local Emergency" if warranted and requested after consultation with ECC Director and Emergency Program Manager.
- Provide policy direction to the ECC Director.
- Liaise with senior elected officials if required.
- Provide recovery priorities to ECC Director.
- Establish and maintain contacts with elected officials from adjacent jurisdictions as appropriate.

Demobilization Phase:

- ☐ Continue liaison with ECC Director and Information Officer.
- ☐ Ensure recovery policies are established, if required.
- ☐ Follow the Generic Demobilization Checklist (3.1).
- ☐ Leave a forwarding phone number where you can be reached.

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: GUILLERMO FERRERO, ACTING MANAGER OF LEGISLATIVE SERVICES

RE: NANAIMO ECONOMIC DEVELOPMENT CORPORATION (NEDC) BOARD NOMINATING COMMITTEE

STAFF RECOMMENDATION:

That Council:

1. appoint the 2014 Nanaimo Economic Development Corporation Nominating Committee consisting of: at least two members of Council; a member of the Regional District of Nanaimo Board; and,

2. authorize this Committee to select one or two members of the public to assist in the nomination process.

PURPOSE:

To appoint the 2014 Nanaimo Economic Development Corporation (NEDC) Nominating Committee members.

BACKGROUND:

During the Regular Council Meeting held 2013-FEB-18, Council adopted the new "Nanaimo Economic Development Appointments" Policy which outlined the nominations and appointments procedure for the Board of Directors of the NEDC.

For the 2013 NEDC Nominating Committee, Council appointed Councillor Johnstone, Councillor Pattje and Mr. Howard Houle, Director, Regional District of Nanaimo Board.

DISCUSSION:

Through the NEDC's Articles of Incorporation, the City is to appoint board members to the NEDC. The 2013 appointments were done through a nominating committee appointed by Council pursuant to the "Nanaimo Economic Development Corporation Appointments" Policy, which specifies that Council is to select members of a nominating committee on or before January 15th each year.

☐ Council
☑ Committee of the Whole
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-NOV-25

This report is presented to Council as the first step of the nomination and appointment procedure for **one-third** of the Board of Directors of the NEDC. When the Board nominations are presented to Council, the nominees will be presented with all of the Board members, so that Council continues to comply with the articles by appointing or reappointing one-third of the members annually.

Respectfully submitted,

Guillermo Ferrero
Acting Manager of Legislative Services

Concurrence by:

Ian Howat
General Manager, Corporate Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-NOV-11

ATTACHMENT A

CITY OF NANAIMO
THE HARBOUR CITY

COUNCIL POLICY MANUAL

Section:	**Administration**	**1**
Subsection:	**Council – Committees**	**0540**
Title:	**Nanaimo Economic Development Corporation (NEDC) Appointments**	**01**

POLICY

Select Committee

- On or before November 1 of each year Council will create a NEDC Nominating Committee.
- The NEDC Nominating Committee must seek nominations of qualified candidates to serve as directors on the Board of Directors of the NEDC.
- City Staff and the Chief Executive Officer of the NEDC will provide support and advice to the NEDC Nominating Committee.
- On or before December 1 of each year, the NEDC Nominating Committee will provide a list of qualified candidates to Council.

Council

- Council will consider the recommendations of the NEDC Nominating Committee.
- Council will appoint nominees or other qualified candidates to the Board of Directors of the NEDC on or before December 31 of each year or as required.
- Council may appoint a director for a term of 1 to 3 years.
- Council will make appointments to the Board of Directors in a manner that supports an annual one-third vacancy rate.

Directors

- All of the directors will be appointed by Council and serve at the pleasure of Council.
- The number of directors will not be less than 1 or exceed 17.
- A person may not serve more than 9 consecutive years.

REASON FOR POLICY

To outline the nominating and appointment procedure for the Board of Directors of the Nanaimo Economic Development Corporation.

AUTHORITY TO ACT

Retained by Council.

PROCEDURE

Date: 2013-FEB-18 Approved by: Council

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: P. COOPER, COMMUNICATIONS MANAGER

RE: eTown Hall Event – Nanaimo to Vancouver passenger ferry service

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STAFF RECOMMENDATION:

That Council direct staff to host an eTown Hall event in early December to discuss the proposed Nanaimo to Vancouver passenger ferry service.

PURPOSE:

With cooperation from *Island Ferry Service*, gather feedback on the public's support for an all season passenger ferry service from Nanaimo to Vancouver.

DISCUSSION:

Using methods similar to those followed during the March 25 "budget" focused eTown Hall event held earlier this year, staff are prepared to host a second event on the proposed Nanaimo to Vancouver passenger ferry service. The event will be set for early December. A total of 90 minutes will be scheduled, with an option of extending the meeting by an additional 30 minutes if needed. To help guide the discussion, a series of questions on the topic of the ferries will be communicated to the public several days advance of the event starting.

When compared to traditional methods of public engagement, the eTown Hall event has been shown to be effective in attracting a wider range of public feedback on account of the multiple channels of communication it uses for participants to listen to questions and partake in balanced dialogue.

PROCEDURE:

Key Roles

The following roles have been identified:

- Participant – raises comments or suggestions, provides support or asks questions – either through one of the identified channels or in person.
- *Presenter* – reads out questions and then directs them to the appropriate Point Person.
- *Point People* – the role of the Point People is to take any questions from the *Presenter* and determine who (on their *Answer Team*) can provide the answer.
- *Answer Team* – individuals with required information.

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☑ Committee CAW
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-NOV-25

- *Moderator* – the Moderator coordinates the receipt of all incoming questions and forwards them to the Presenter.

Format

- Meeting commences.
- Presenter introduces her/himself and welcomes audience/viewers.
- Presenter provides a brief overview of the Town Hall meeting format and then introduces the Point People and their teams.
- First comment or question is sent to the Presenter from Moderator; Presenter reads it aloud and (if required) directs it to the appropriate Point Person; Point Person consults with their team to determine who will speak; an answer is provided.
- Process is repeated for remaining comments or questions.
- Note: the above format refers to questions submitted electronically; individuals from the live audience will be invited to approach the microphone at intervals amongst the electronic questions.

Channels for questions

- Twitter – using an assigned hashtag, available for submitting questions during town hall.
- Facebook – using an assigned page, available for submitting questions during town hall.
- Phone – using an assigned number, available for submitting questions during town hall.
- Web form – using the city website, available for submitting questions before and during town hall.
- Sound system – using supplied audio equipment, available for submitting questions in person during town hall.

Respectfully submitted,

P. Cooper
Communication Manager

Concurrence by:

Ian Howat
General Manager
Corporate Services

CITY MANAGER COMMENT:

Drafted: 2013-NOV-18

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-NOV-25

AUTHORED BY: GARY FRANSSEN, MANAGER, SANITATION AND RECYCLING
SUSAN CLIFT, P. ENG., DIRECTOR, ENGINEERING & PUBLIC WORKS

RE: PACKAGING AND PRINTED PAPER – MULTI-MATERIAL BRITISH COLUMBIA AND BFI CANADA WASTE MANAGEMENT CONTRACTS

STAFF RECOMMENDATION:

That Council:

a) authorize the Mayor and Corporate Officer to sign the Contract with Multi-Material British Columbia (MMBC) for the collection of residential packaging and printed paper as described in this report for a five year Term - Service start date May 19, 2014; and,

b) authorize a 4% fee increase to the BFI Canada (BFI) Curbside Recycling Service Contract as an adjustment to their service fee, covering the period May 19, 2014 to March 31, 2015; and,

c) authorize a one year extension of the BFI Curbside Recycling Service Contract covering the period, April 1, 2015 to March 31, 2016, and the associated 2% Fee increase that would apply for this period; and,

d) direct staff to prepare an appropriate Addendum to the BFI Curbside Recycling Service Contract that recognizes items (b) and (c) above and contract adjustments related to the City and its Contractor providing Curbside Recycling collection services pursuant to the Agreement between the City and MMBC.

PURPOSE:

This report provides information and requests Council's authorization to proceed with signing of the Agreement provided to the City by MMBC for collection of Packaging and Printed Paper (PPP). The deadline for submission is November 30, 2013. It furthermore requests authorization to make changes to the BFI contract to accommodate the MMBC requirements.

BACKGROUND:

In May 2011, the Provincial Government amended the B.C. Recycling Regulation to include packaging and printed paper (PPP) generated by the residential sector. This amendment shifts the responsibility for managing these materials from existing collectors like local governments to producers. Under the Regulation, producers of PPP were obligated to submit a stewardship

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☑ Committee of the whole
☑ Open Meeting
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Meeting Date: 2013-NOV-25

program plan to the province by November, 2012. Industry representatives subsequently created a not-for-profit agency, MMBC to develop and implement the plan by May 2014. In August 2013, Council received a report outlining the resulting implications of the MMBC proposal and financial incentives received by the City for residential collection of PPP. Council authorized staff to accept, in principal, the financial incentives offered and work towards a formal Agreement with MMBC for residential collection of PPP. The required submission of intent was submitted to MMBC on September 16 2013. As the process unfolded the Term options initially presented changed and the three year option was no longer available to the City. Staff are now recommending MMBC's standard five year Term.

In the August report it was recognized that the Curbside Recycling Service Contract the City holds with BFI was impacted and would require adjustment and that staff were in related negotiations with BFI. The present contract with BFI covers collection, processing and marketing of curbside collected recyclables whereas the contract with MMBC is for collection only. This will result in the materials collected no longer being owned by BFI under our contract but by MMBC. As there is an overlap in the dates of the two contracts, adjustments to the BFI Contract are necessary. This report outlines those changes and their impacts. It also requests that Council authorize staff to proceed with adjusting the fees, the term, and through an addendum, content of the agreement so it better aligns with the service change and dates of the Agreement between the City and MMBC.

DISCUSSION:

MMBC

Since September there have been several meetings and discussions with MMBC that resulted in beneficial changes to the proposed contract. Given that RDN and City services as well as the Contract documents received from MMBC were very similar, City and RDN staff worked together to negotiate those changes. In addition staff consulted with the Municipal Insurance Association and our respective legal counsels to assist in resolving issues with MMBC and their proposed Agreement.

An initial Agreement document was received October 17, 2013 and following meetings with MMBC several changes followed. The fee for service or financial incentive, as outlined in the August report to Council has not changed and remains as an aggregate $35.25 / residential household / year for a suite of services. Monthly payments would be made to the City based on the household count, which is presently over 26,000. As the contract does not begin until May 19, 2014, this would result in prorated revenue for a partial year in 2014. In the Agreement it is a requirement that the City user fee for residential recycling, garbage and food waste reflect the per-residential household incentive provided through MMBC. This will result in reductions in the user fees for our residential customers. MMBC will not fund non-residential service. As such, business and institutional clients will continue to pay the full user fee for City provided collection services.

MMBC Contract

The MMBC stewardship plan and associated funding has an implementation date of May 19, 2014.

Financial Implications

The MMBC offer will result in just over $900,000 annually in revenue to the City. This amount slightly exceeds the cost to the City of the recycling program, which includes the contract, in house administration and public promotional support costs. From a financial perspective, staff views the offer at approximately break-even.

Based on Council's acceptance, recognizing the MMBC program starts May 19, 2014, the 2014 City Budget will be prepared with the MMBC prorated funding included.

Changes to Customer Service

Residents will notice modest changes in the recycling service provided as was outlined in the August report to Council. As of May 2014, all curbside materials will be picked up in a single container, with newspapers no longer required to be separated. Film type plastic such as shopping bags will no longer be collected at the curbside. Some additional materials will be added to the service.

Changes to Program Administration

Under the Agreement, as of May 19, 2014, the City becomes the collection service provider for MMBC.

Contract issue outcomes (MMBC)

Staff identified a number of items to be resolved with MMBC.

- Financial penalties associated with MMBC defined contamination exceeding 3% (by weight) of materials delivered to processors – Through an MMBC Operations Procedure attached to this specific issue, contractors (the City) have an outlined assessment and remediation process with an objective of allowing the contractor to address the problem and reduce contamination to acceptable levels. The process could take up to a twelve month period to work through. This coupled with a "Termination for Convenience" article, which provides the parties involved the ability to terminate the Agreement, without cause, given 180 days notice or potentially less, provides a level of comfort that this situation should not result in any penalty. As the City does not collect glass at curbside, the potential for this being a contamination issue is reduced when compared to other communities. Many of the items we now consider as contaminants will actually be included as PPP under the MMBC program. Staff is comfortable with this process and the resulting potential outcomes.

- Financial penalties for late or missed reports – The report structure has been simplified and the City would mostly be subject to a quarterly report timeline. Penalties would only be levied after efforts had been made by MMBC to contact the City to discuss reasons for delay and after a revised submission date had been missed. Staff is comfortable with this process and the resulting potential outcomes.

- Household count adjustability – Earlier versions of the MMBC contract provided only an annual adjustment to the number of households served which directly impacts payment of Financial Incentives. MMBC has now included a mechanism within the agreement to allow

quarterly household count updates to modify the count and in turn adjust monthly payments to more accurately reflect the service being provided. Staff is comfortable with this process and the resulting potential outcome.

- Minimum annual per household collection weight with potential for reductions in Service Credits paid (135kg/year). – Staff has advised MMBC that this weight may not be consistently achievable given the community served and the material volumes historically collected. The reality of not having weight associated with the collection of glass and the community having relatively smaller newspapers distributed, which would drive the weight up in many larger communities, results in lower volumes being collected even within a recognized efficient and effective program. MMBC has verbally recognized this concern and indicated they would not reduce the incentive as long as we can prove the effectiveness of the program we provide. Staff is comfortable with this position.

- Insurance Requirements – Following concerns addressed by many Local Governments, MMBC worked directly with the Municipal Insurance Association of B.C. to find some resolution. As a result, MMBC has provided a revised schedule to append the Agreement. This schedule makes the insurance issue much more palatable for Local Government. There are some additional insurance items that may be required through the purchase of additional coverage but these are not insurmountable. Staff is comfortable with this position.

- Location of Post Collection Service Provider – This item remains outstanding. MMBC has put out an RFP for processing and materials marketing services but will not make decisions on this until potentially early 2014. It is a reasonable assumption however, that several local processors will submit responses and there will be one, within reasonable proximity to the City. If not there may be a downstream impact with our contract with BFI.

- General Issues and Observations – As with most contracts, the owner of the contract, in this case MMBC, have contract language that is somewhat in their favour. This generated comment from our legal advisers. The impact of much of this was reduced due to primarily two things. First, it is in the interest of MMBC and their Contractor to have a positive outcome and one that is supportable by the Province. Staff believes MMBC has shown this to be true through the position adjustments and processes added relevant to the application of penalties and movement taken around insurance requirements as example. A similar result took place around prescriptive reporting and payment requirements. Adjustments made in the Agreement make the final version of the Contract much more acceptable and workable. Also, should it become problematic to continue the relationship, it can be terminated in a relatively short timeframe. The Agreement contains a Termination for Convenience clause which allows either party to serve 180 days' notice of intent to terminate. This gives both sides a way to end the relationship without cause.

BFI Collection Contract Fee Adjustment

The existing Curbside Recycling Service Contract the City holds with BFI is impacted by the pending relationship between the City and MMBC. There is an overlap period of approximately ten months when our existing BFI Contract is in place and the City would be providing work under the Terms and Conditions of MMBC's Agreement. As such BFI's Contract requires adjustment. The

present Contract with BFI covers collection, processing and marketing of curbside collected recyclables and the contract with MMBC is for collection only. As a result, when the City begins working under the MMBC Agreement, materials collected at the curb will no longer be owned by BFI and the revenue attached to the marketing of these materials is lost to them. MMBC's selected processors and marketers will be the receiver of all materials collected. This was the primary item under negotiation with BFI. The result is their proposed 4% interim increase. Staff has done a valuation related to the revenue loss BFI would experience and find the 4% acceptable and fair.

The 4% increase results in the annual BFI fee for service increasing from the existing $24.23 per household/year to $25.20 per household/year. Over the approximate ten month period the increase would apply, the increase/month/household would be approximately $0.12. Assuming it applies to 26,000 households for ten months results in an additional total service cost of $31,200.

There are other MMBC related items that will need to be addressed in an addendum to the existing Contract. Some have costs attached, such as adding additional materials to what will be collected by them and the additional administrative burden required under the MMBC agreement. Others will have reduced costs, such as not having to collect or provide blue bags for newspaper and the collection style change to single stream. BFI has recognized the need for such an addendum in their proposal and that it is driven by the change in relationship with MMBC beginning May 19, 2014. Staff recommends that the negotiated 4% fee increase be accepted in exchange for the necessary interim Contract adjustments and the transition to the City working with both BFI and MMBC.

BFI Contract Extension

The existing BFI Contract reaches end of term March 31, 2015, approximately 10 months into the agreement with MMBC. The proposal recently submitted by BFI provided a one year extension option with a 2% increase. Staff believes a one year extension is supportable for the business reasons presented below:

- The PPP stewardship program has resulted in dramatic change which has created uncertainty in the industry and marketplace. Having some stability in what we do and who is doing it for the better part of the first two years has value and makes the extending the Contract worth considering.

- The 2% proposed increase is within scope of what one would anticipate for typical cost of living and fuel price increases etc.

- Nanaimo is fortunate in that it is recognized as having one of the most competitive private sector marketplaces for collection in B.C. However, with the unknowns that presently exist as a result of MMBC and the fact that it is openly known what financial incentives MMBC is providing local government, private sector operators appear to be of the opinion they should bid towards the funds they assume to be available. In our case $32 per household. Staff believes it is in the best interest of the City to not tender as soon as would normally be the case. Putting more time between the commencement of service with MMBC and the timing of the City tender should lead to a more stable private sector and a more competitive result to tender bids received,

- The City has an existing contract that is competitively priced even with a 4% increase attached to dealing with the interim adjustment. Given the above, adding a year to the term with a 2% increase attached does not result in a less competitive price than one would expect from retendering in 2015.

Staff therefore recommends that Council authorize a one year extension of the BFI Curbside Recycling Service Contract as per BFI's proposal covering the period, April 1, 2015 to March 31, 2016, and the associated 2% fee increase that would apply for this period.

Respectfully submitted,

Gary Franssen, Manager
Sanitation, Recycling, Cemeteries

Concurrence by:

S. Clift, Director
Engineering & Public Works

T. Hickey, General Manager
Community Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

2013-Nov-20
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GF/fg

Delegation Request

Sharon Gregson has requested an appearance before council. The request is made on behalf of Sharon Gregson.

The requested date is Oct 15, 2013.

The requested meeting is:
Council

Presenter's information

City: Vancouver
Province: BC

Details of Presentation:

A brief overview to Council on the Community Plan for a Public System of Early Care & Learning - widely known as $10/day Child Care Plan for BC. Supporters represent 1.6 million BC'ers, including 21 municipal governments, two dozen school districts, labour, business, community, parents and grandparents.

☐ Council		Agenda Item	☐
☑ Committee	COW	Delegation	☑
☑ Open Meeting		Proclamation	☐
☐ In-Camera Meeting		Correspondence	☐

Meeting Date: 2013-NOV-25

Delegation Request

Erin Hemmens has requested an appearance before council.

The requested date is Nov 25, 2013.

The requested meeting is:
Council

Presenter's information

City: Nanaimo
Province: BC
Bringing a presentation: Yes

Details of Presentation:

The Nanaimo Division of Family Practice, with funding from the Ministry of Health and the BC Medical Association, is undertaking in an depth review of the local primary care community as part of the GPforMe Initiative. This landmark initiative will survey both the medical community as well as patients in Nanaimo and on Gabriola Island to determine how are current system works, and where we can affect positive, lasting change to better meet the health needs of our community.

☐	Council	Agenda Item	☐
☑	Committee COW	Delegation	☑
☑	Open Meeting	Proclamation	☐
☐	In-Camera Meeting	Correspondence	☐

Meeting Date: 2013-Nov-25