

AMENDED

AGENDA FOR THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO BE HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY, 2011-NOV-21, COMMENCING AT 4:30 P.M.

1. **CALL THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
 - Add Item 6 (a) – Delegations Pertaining to Agenda Items – Mr. Dan Appell, 940 Hecate Street, Nanaimo, regarding the Hotel / Motel Revitalization Tax Exemption.
3. **ADOPTION OF AGENDA:**
4. **ADOPTION OF MINUTES:**
 - (a) Minutes of the Regular Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall, on Monday, 2011-NOV-07 at 4:30 p.m. *Pg. 3-5*
5. **PRESENTATIONS:**
6. **DELEGATIONS PERTAINING TO AGENDA ITEMS: (10 MINUTES)**
 - (a) Mr. Dan Appell, 940 Hecate Street, Nanaimo, regarding the Hotel / Motel Revitalization Tax Exemption. *Pg. 5.1*
7. **COMMISSION REPORTS:**
8. **COMMITTEE REPORTS:**
9. **STAFF REPORTS: (blue)**
CORPORATE SERVICES:
 - (a) **Hotel / Motel Revitalization Tax Exemption** *Pg. 6-21*
Staff's Recommendations: That Council:
 1. consider "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143" in conjunction with the objectives and policies set out in its financial plan;

AND:

2. *direct Staff to modify the revenue objectives and policies to include the new objectives stated in "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143".*

(b) **Nanaimo Economic Development Corporation Borrowing Requirements** Pg. 22

Staff's Recommendation: That Council authorize the Nanaimo Economic Development Corporation (NEDC) to incur \$25,000 of borrowing with Scotiabank to provide for corporate credit cards.

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. K. Felker, Manager of Purchasing and Stores, re: New Bicycle Disposal Process. Pg. 23-25

11. **CORRESPONDENCE:**

- (a) Email dated 2011-NOV-10 from Ms. Grace Elliott Nielsen, Executive Director, Tillicum Lelum Friendship Centre, requesting a letter of support of the BC's Aboriginal Friendship Centres urgent request to Government towards establishing a comprehensive Off-Reserve Aboriginal Strategy. Pg.26-27

12. **NOTICE OF MOTION:**

13. **OTHER BUSINESS:**

14. **DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:**
(10 MINUTES)

- (a) None.

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

16. **PROCEDURAL MOTION:**

It was moved and seconded that Council move "In Camera" in order to deal with the following matters under the *Community Charter* Section 90(1):

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

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

17. **ADJOURNMENT:**

MINUTES OF THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING
HELD IN THE BOARD ROOM, CITY HALL,
ON MONDAY, 2011-NOV-07 COMMENCING AT 4:30 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick
Councillor G. E. Greves
Councillor W. J. Holdom
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor J. F. K. Pattje
Councillor L. J. Sherry
Councillor M. W. Unger

Staff: D. W. Holmes, Assistant City Manager and General Manager of
Corporate Services
E. C. Swabey, General Manager of Community Safety and Development
T. M. Hickey, General Manager of Community Services
B. E. Clemens, Director of Finance
T. P. Seward, Director of Development
Chief R. Lambert, Nanaimo Fire Rescue
A. J. Tucker, Director of Planning
R. J. Harding, Director of Parks, Recreation and Culture
J. E. Harrison, Manager of Legislative Services
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Revise Agenda Item 5 (a) – Presentations – Ms. Susan Cudahy will be introduced by Mr. A. J. Hustins and Ms. Moira Jenkins.

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 Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall on Monday, 2011-OCT-24 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Mr. A. J. Hustins, and Ms. Moira Jenkins, Co-Chairs of the Nanaimo Economic Development Corporation (NEDC), introduced Ms. Susan Cudahy, Chief Executive Officer, NEDC, to Council. Ms. Cudahy gave a brief overview of the NEDC's strategic plan, action plan and implementation plan and outlined some of her vision for the NEDC.

6. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Maffeo Sutton Park Improvement Plan Update

It was moved and seconded that Council approve the Maffeo Sutton Park Improvement Plan Update Process as presented and include Park areas as identified in Schedule "A". The motion carried unanimously.

7. COMMITTEE REPORTS:

- (a) School District 68 / City of Nanaimo Joint Use Committee – License to Occupy Land Adjacent to May Richards Bennett Pioneer Park

It was moved and seconded that Council approve the License to Occupy agreement between the City of Nanaimo and School District 68 for the land located at 6700 Dickinson Road, Nanaimo, British Columbia, which is owned by School District 68. The motion carried unanimously.

8. QUESTION PERIOD:

- Mr. Fred Taylor, re: Maffeo Sutton Park Improvement Plan.

9. PROCEDURAL MOTION:

It was moved and seconded that Council move "In Camera" in order to deal with the following matters under the *Community Charter* Section 90(1):

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

The motion carried unanimously.

Council moved into "In Camera" at 4:59 p.m.

Council moved out of "In Camera" at 5:07 p.m.

10. OTHER BUSINESS:

(a) 5300 Rutherford Road Update

Mr. E. C. Swabey, General Manager of Community Safety and Development, gave a verbal report on environmental and wildlife concerns stemming from development at 5300 Rutherford Road. Mr. Swabey advised Council that the project is in compliance with the Development Permit and that Staff are following up with the Province to see if the project is compliant with their regulations.

Councillor Greves vacated the Board Room at 5:16 p.m.

11. PROCEDURAL MOTION:

It was moved and seconded that Council move "In Camera" in order to deal with the following matters under the *Community Charter* Section 90(1):

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and,
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

The motion carried unanimously.

Councillor Greves returned to the Board Room at 5:18 p.m.

Council moved into "In Camera" at 5:18 p.m.

Council moved out of "In Camera" at 6:46 p.m.

12. ADJOURNMENT:

It was moved and seconded at 6:46 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES



REQUEST TO APPEAR AS A DELEGATION

ON 2011 - NOV - 21
year month day

☐ Council
☒ Committee F (PCOW)
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2011-NOV-21

☐ **COUNCIL**
 (at 7:00 p.m. in the Shaw Auditorium, 80 Commercial Street)

☒ **FINANCE / POLICY COMMITTEE OF THE WHOLE**
 (at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: <u>DAN APPELL</u>			
Print			
ADDRESS: <u>940 - HECATE ST. NANAIMO B.C. V9Z 4K8</u>			
street address	City	Province	Postal Code
PHONE: <u>250 753-3222</u>		FAX: _____	
home	business		
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
<u>HOTEL / MOTEL RE-SITUATIONIZATION TAX EXEMPTION</u>			
<u>I WISH TO SPEAK AGAINST THIS POLICY.</u>			

PLEASE NOTE

- **Electronic presentations** must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- **Multiple speakers** on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

STAFF REPORT

REPORT TO: D.W. HOLMES, ASSISTANT CITY MANAGER/GENERAL MANAGER
OF CORPORATE SERVICES

FROM: B.E. CLEMENS, DIRECTOR OF FINANCE

RE: HOTEL/MOTEL REVITALIZATION TAX EXEMPTION

STAFF'S RECOMMENDATION:

That Council:

1. Consider Revitalization Tax Exemption Bylaw 2011 No. 7143 in conjunction with the objectives and policies set out in its financial plan; and
2. Direct staff to modify the revenue objectives and policies to include the new objectives stated in Revitalization Tax Exemption Bylaw 2011 No. 7143.

EXECUTIVE SUMMARY:

Prior to final adoption of the hotel/motel revitalization tax exemption bylaw, Council is required to consider the bylaw in conjunction with the objectives and policies set out in Council's revenue policy which forms part of the annual Financial Plan bylaw.

The existing policies do not specifically address this kind of revitalization tax exemption. Staff recommend that Council proceed with adoption of the bylaw, and direct staff to bring forward an amended revenue policy when the new Financial Plan bylaw is adopted in the new year. The amendments will reflect the objectives that have already been established for a hotel/motel revitalization tax exemption plan.

BACKGROUND:

At the Regular Meeting of Council held 2011-Oct-31, Council gave three readings to Revitalization Tax Exemption Bylaw 2011 No. 7143. The objectives of the program established by this bylaw are to:

- encourage new hotel and motel investment in the City of Nanaimo;
- promote a higher standard of overnight accommodations and enrich the visitor's experience while staying in the City of Nanaimo; and
- generally reinforce the City's commitment to the long term development of the tourism industry in Nanaimo.

☐ Council
☒ Committee *FLPCOW*
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: *2011-NOV-21*

Before a revitalization program can be finally adopted, the *Community Charter* requires two things:

1. Notice of the proposed bylaw must be given to the public; and
2. Council must consider the bylaw in conjunction with the objectives and policies set out under section 165 (use of permissive tax exemptions) in its financial plan.

Staff will take care of the statutory notification requirements, which are identical to those imposed for permissive tax exemptions.

With regard to the second requirement, every year Council adopts a revenue policy as part of the annual Financial Plan bylaw. The only existing statements relating to permissive tax exemptions are as follows:

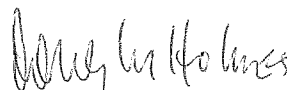
- The City of Nanaimo believes that Permissive Tax Exemptions are an appropriate way to recognize the value of the services provided to the community by non-profit organizations.
- Permissive Tax Exemption requests will be reviewed by the Grants Advisory Committee based on policies and guidelines approved by Council. The Committee will make recommendations to Council.
- Permissive Tax Exemptions will be reviewed at least every three years to ensure that the organization and property still meets the criteria established by Council.

These existing statements are specific to non-profit organizations under section 224 of the *Charter* and are not relevant to the issue of a hotel/motel revitalization tax exemption bylaw (which are covered under section 226). When the 2012-2016 Financial Plan bylaw is adopted next year, there will be an opportunity to add to these policy statements to include some policies on the use of revitalization tax exemptions. Council will be able to review and approve any statement before it is included in the policy.

Respectfully submitted,



B.E. Clemens
Director of Finance



D.W. Holmes
Assistant City Manager/General Manager,
Corporate Services

BEC/ck
FPCOW: 2011-Nov-21

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CITY OF NANAIMO
BYLAW NO. 7143
REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143

WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption program in the City of Nanaimo in order to encourage the development and redevelopment of hotels and motels to improve upon the inventory of quality rooms available to the travelling public;

AND WHEREAS Council has the following objectives for the program established by this bylaw:

- to encourage new hotel and motel investment in the City of Nanaimo;
- to promote a higher standard of overnight accommodations and enrich the visitor's experience while staying in the City of Nanaimo; and
- to generally reinforce the City's commitment to the long term development of the tourism industry in Nanaimo;

AND WHEREAS Council has included within this Bylaw a description of the reasons for and the objectives of the program and a description of how the program is intended to accomplish the objectives, as required by the *Community Charter*;

AND WHEREAS Council has given notice of its intent to adopt this bylaw in accordance with section 227 of the *Community Charter* and considered this bylaw in conjunction with the objectives and policies set out in section 165(3.1)(c) of the *Community Charter* in the City's financial plan.

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

1. This bylaw may be cited for all purposes as "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143"
2. In this bylaw:

"Agreement"	means a Revitalization Tax Exemption Agreement between the owner of a Parcel and the City, substantially in the format of and with the content of Schedule "A" which is attached to and forms part of this bylaw;
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"Assessed Value"	means the BC Assessment Authority land and improvements assessed value of the parcel subject to an Agreement for the purposes of calculating property taxes;
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- | | |
|-----------------------------|---|
| “Baseline Assessment” | means the BC Assessment Authority’s last published land and improvements assessed value immediately before the commencement of the Project; |
| “City” | means the City of Nanaimo; |
| “Council” | means the Council of the City of Nanaimo; |
| “Parcel” | means a legal parcel upon which an owner proposes a Project; |
| “Program” | means the revitalization tax exemption bylaw program established by this bylaw; |
| “Project” | means a revitalization project on a Parcel involving the construction of a new improvement or alteration of an existing improvement, which meets the requirements of this bylaw, and the construction of which is begun after an application for a Tax Exemption has been submitted to, and approved by, Council; |
| “Revitalization Area” | means a parcel which is currently within a land use zone that permits hotel/motel use; |
| “Tax Exemption” | means a revitalization tax exemption obtained pursuant to this bylaw; |
| “Tax Exemption Certificate” | means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to this bylaw, the relevant Agreement, and the provisions of the <i>Community Charter</i> , substantially in the form of Schedule “B”, which is attached to and forms part of this bylaw; |
3. The Program is hereby established pursuant to the provisions of section 226 of the *Community Charter* which is intended to achieve its objectives by:
- (1) providing tax certainty to property owners;
 - (2) reducing the municipal tax burden on motel and hotel property that undertake a Project; and,
4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this bylaw, in the relevant Agreement entered into between the City and the Owner pursuant to this bylaw, and in the Tax Exemption Certificate in relation to a particular Parcel.

5. The amount of an annual Tax Exemption shall be equal to that part of the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* calculated by deducting the Baseline Assessment from the current Assessed Value and applying the difference to the current municipal tax rate.
6. It shall not include an exemption from any local service tax or business improvement area tax payable in the designated area in which the Parcel is located.
7. Council may provide a Tax Exemption under this Bylaw to an owner of eligible lands where:
 - (1) the new construction value, or the demolition and reconstruction value of the Project, as determined based on the building permit(s) issued, must be two million dollars (\$2,000,000.00) or greater;
 - (2) the land use applicable to the Project is:
 - (a) one of the uses permitted in the applicable zone for the Parcel, as set out in City of Nanaimo Zoning Bylaw as amended from time to time,
 - (b) consistent with the future land use designation for the Parcel, as set out in the Official Community Plan Bylaw as amended from time to time, and
 - (c) meets all other applicable City policies and bylaws;
 - (3) the owner of the Parcel must enter into an Agreement with the City; and,
 - (4) the form and character of the Project must be largely consistent with the applicable Development Permit Area Design Guidelines contained within Official Community Plan Bylaw.
8. The following are not eligible for a Tax Exemption:
 - (1) a Parcel currently subject to another tax exemption from the City;
 - (2) a Parcel in respect of which there are property taxes in arrears; and,
 - (3) Projects involving proposals to alter buildings listed on the City of Nanaimo Heritage Register.
9. The maximum term of a Tax Exemption shall be ten years.
10. The Tax Exemption is attached to the Parcel and is transferable to subsequent property owners within the term of the agreement.
11. If an owner of a Parcel wishes Council to consider granting a Tax Exemption, the owner must apply to the City Manager or designate, in writing and must submit the following with the application:
 - (1) a copy of the current Property Assessment Notice for the Parcel as issued by the British Columbia Assessment Authority;

- (2) a completed written application in a form prescribed by the City;
 - (3) a description of the Project, including details regarding the extent and value of the Project, which will be confirmed via the building permit process;
 - (4) an Agreement in executable form.
- 12. Once the requirements established under this Bylaw and the tax exemption agreement have been fulfilled, a Tax Exemption Certificate must be issued for the Parcel in the form attached as Schedule "B" attached to and forming part of this bylaw.
 - 13. A Tax Exemption Certificate issued for the Parcel is subject to the condition that all of the conditions set out in the Agreement continue to be met.
 - 14. A Tax Exemption Certificate may be cancelled by Council if any of the conditions set out in the Agreement are not met.
 - 15. If The Tax Exemption Certificate is cancelled during a year in which the owner of a Parcel has received a Tax Exemption, the owner of the Parcel shall pay to the City within 30 days of cancellation a recapture amount calculated as equal to a percentage of the amount of the Tax Exemption with the percentage being equivalent to the percentage of the taxation year remaining from the date of cancellation.
 - 16. If the amount is not paid under section 15, any amount unpaid will bear interest at a rate of 1.0% per month; compounded annually.
 - 17. The Director of Finance for the City is designated the municipal officer for the purpose of section 226(13) of the Community Charter.

PASSED FIRST READING 2011-OCT-31
PASSED SECOND READING 2011-OCT-31
PASSED THIRD READING 2011-OCT-31

Notice of intention to proceed with this bylaw was published on _____ and _____ in the Nanaimo News Bulletin, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED _____

MAYOR

MANAGER
LEGISLATIVE SERVICES

SCHEDULE "A"

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ____ day of _____, 20____ is

BETWEEN:

XXXX

(the "Owner")

AND:

CITY OF NANAIMO
455 Wallace Street,
Nanaimo, B.C.
V9R 5J6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Nanaimo at *[civic address]* legally described as *[legal description]* (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143" the designation of a land use zone which includes the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements *[or alter existing improvements]* on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. In this Agreement, the following words have the following meanings:
 - a. "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to an Agreement for the purposes of calculating property taxes;
 - b. "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;

- c. "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143" as amended from time to time or including any subject amendments thereto;
 - d. "Project" means a revitalization project on a Parcel involving the construction of a new improvement or alteration of an existing improvement, which meets the requirements of the Bylaw, and the construction of which is begun after an application for a Tax Exemption has been submitted to, and approved by, Council;
 - e. "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw;
 - f. "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.
2. The Project – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
- a.
 - b.
3. Operation and Maintenance of the Project – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this agreement and in the Bylaw, the City shall issue a revitalization tax exemption certificate to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the improvements on the Parcel (the "Tax Exemption") for the calendar year(s) set out in this agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this agreement.
5. Conditions – the owner must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
- a. The Owner must obtain a building permit from the City for the Project on or before _____, 20____;
 - b. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";
 - c. the Project must be officially opened and available for use as *[describe permitted use]* (the "Exempt Use") and for no other use, by no later than July 15, 20____;

- d. The completed Project must substantially satisfy the performance criteria set out in Appendix "D" hereto, as determined by the City's Land Use Manager or designate, in his or her sole discretion, acting reasonably;
6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be equal to that part of the municipal portion of property taxes calculated by deducting the Baseline Assessment from the current Assessed Value and applying the difference to the current municipal tax rate.
7. Term of Tax Exemption – provided the requirements of this agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw No. XXXX, are met the Tax Exemption shall be for the taxation years _____ to _____, inclusive. [10 year maximum]
8. Compliance with Laws – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. Subdivision under Strata Property Act – if the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act* that includes an improvement on the Parcel included in the Project, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;

provided that any strata subdivision must comply with the terms of any Housing Agreement in relation to the Parcel or the Project which limits ability to subdivide the Parcel or a building on the Parcel under the *Strata Property Act*.
10. Representations and Warranties – The Owner represents and warrants to the City that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
11. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.

12. If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will pay to the City within 30 days of cancellation an amount equal to the percentage of the amount of any Tax Exemption equivalent to the percentage of the year remaining from the date of cancellation.
13. If the amount is not paid under section 12, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.
14. No Refund – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
15. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:
 - a. in the case of a notice to the City, at:
THE CITY OF NANAIMO
455 Wallace Street,
Nanaimo, B.C.
V9R 5J6
Attention:
Fax:
 - b. in the case of a notice to the Owner, at:
[insert name and address of owner]
Attention:
Fax:

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.
16. No Assignment – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
17. Severance – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
18. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
19. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
20. Waiver – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

21. Powers Preserved – this agreement does not:

- a. affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
- b. affect or limit any enactment relating to the use or subdivision of the Parcel; or
- c. relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

22. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

23. Enurement – this agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF NANAIMO by
Its authorized signatories:

Mayor

Corporate Officer

Executed by _____ by its
Authorized signatories:

Name:

Name:

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel

APPENDIX "B" to Revitalization Tax Exemption Agreement

Tax Exemption Certificate

APPENDIX "C" to Revitalization Tax Exemption Agreement

Plans and Specifications for the Project

APPENDIX "D" to Revitalization Tax Exemption Agreement

Performance Criteria for the Project

SCHEDULE "B"

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2011 NO. 7143" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 20__ (the "Agreement") entered into between the City of Nanaimo (the "City") and _____ (the "Owner"), the registered owner(s) of *[insert legal description of property]* _____ (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following improvement portion(s) of the assessment value of the Parcel: Class 01 Residential: _____ and Class 06 Business/Other: _____ multiplied by the municipal rate of tax in effect for Class 01 – Residential and/or Class 06 – Business/Other, for each of the taxation years 20__ to 20__ inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;
5. The Agreement is not otherwise terminated.

If any of these conditions are not met then the Council of the City of Nanaimo may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City an amount equal to the value of the exemption received after the date of the cancellation of the certificate.

November 14, 2011

STAFF REPORT

REPORT TO: B. E. CLEMENS, DIRECTOR OF FINANCE

FROM: L. COATES, MANAGER ACCOUNTING SERVICES

RE: NANAIMO ECONOMIC DEVELOPMENT CORPORATION BORROWING REQUIREMENTS

STAFF'S RECOMMENDATION:

That Council authorize the Nanaimo Economic Development Corporation (NEDC) to incur \$25,000 of borrowing with Scotiabank to provide for corporate credit cards.

EXECUTIVE SUMMARY:

The certificate of incorporation of the NEDC, issued on June 23, 2011, stipulates the need for Council to approve, by resolution, all borrowing of the NEDC.

BACKGROUND:

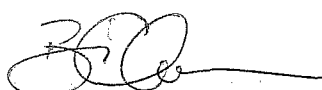
Prior to the issuance of corporate credit cards, the NEDC must have the authority to borrow amounts equal to the credit limit of those cards, which totals \$25,000. Section 3.1 of the certificate of incorporation of the NEDC requires prior approval by Council resolution for any borrowing.

Initially, there will be one card issued to Susan Cudahy, CEO, with a limit of \$25,000. As cards are issued to other staff of the NEDC, the limit on Susan Cudahy's card will be decreased so that the total amount of the credit limit on all cards issued does not exceed \$25,000.

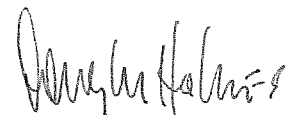
Respectfully submitted,



L. Coates
Manager, Accounting
Services



B.E. Clemens
Director of Finance



D.W. Holmes
Assistant City Manager/
General Manager,
Corporate Services

FPCOW: 2011-Nov-21
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☐ Council
☒ Committee *F/PCOW*
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: *2011-NOV-21*

FOR INFORMATION ONLY

REPORT TO: B.E. CLEMENS, DIRECTOR OF FINANCE

FROM: K. FELKER, MANAGER, PURCHASING AND STORES

RE: NEW BICYCLE DISPOSAL PROCESS

STAFF'S RECOMMENDATION:

That Council receives this report for information.

EXECUTIVE SUMMARY:

Effective December 1, 2011, lost or stolen bicycles traditionally disposed through the City's Central Stores will be directed to the Nanaimo Recycling Exchange for sale, donation or recycling. This change is in compliance with the Council's Purchasing Policy and Council's Traffic and Highways Regulation ByLaw 1993 NO. 5000. This change supports Council's sustainability initiative of promoting green transportation while helping out the community by providing better access to bicycles at affordable prices.

BACKGROUND:

The City's Central Stores Department processes approximately 300 – 400 recovered bikes per year. The majority of these bikes are older, in poor shape and have little or no market value.

Under the current method, bicycles are directed to the City's Central Stores Warehouse. They are either sold via public auction, donated to Nanaimo Correctional Centre or non profit societies, or recycled. Managing the bicycle disposal process consumes a significant amount of staff time and storage space that could be better utilized for other value added purposes.

Under the new method, bicycles will be directed to the Nanaimo Recycling Exchange. The Nanaimo Recycling Exchange will make available bikes in resellable condition to the general public through their Community Market operation. Bicycles will be sold between \$5.00 - \$40.00 depending on the condition. All proceeds will be utilized by the Nanaimo Recycling Exchange to offset costs in administering this program.

Bicycles requiring repair, or bicycles have not been sold will be made available by the Nanaimo Recycling Exchange to the Nanaimo Correctional Centre, or else they will be recycled at the Nanaimo Recycling Exchange's facility.

Any member of the general public looking for their lost/stolen bike will be referred to the Nanaimo Recycling Exchange and it will be returned to them upon providing proof of ownership.

☐ Council
☒ Committee *ELPCOW*
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: *2011-NOV-21*

Please refer to the attached letter from Michael Schellinck, Executive Director of the Nanaimo Recycling Exchange supporting this initiative.

This change is compliant with Council's Purchasing Policy which allows for donations to non profit organizations. The Nanaimo Recycling Exchange is a non profit society and registered charity.

Also, since almost all recovered bicycles are worth less than \$100.00, this change is compliant with Council's Traffic and Highways Regulation ByLaw 1993 NO. 5000, clause 21 that states:

"Clause 21: Market Value Less Than \$100.00

(1) Notwithstanding the preceding provisions, where any garbage, rubbish, or chattel, earth, mud, rocks, stones, logs, stumps, branches garden clippings or other things with an apparent market value of less than ONE HUNDRED DOLLARS (\$100.00) is left on any highway, such articles or things may be removed and disposed of by any person or persons authorized to do so by the Director or a Peace Officer for the City of Nanaimo. The full costs of removal or disposal shall be charged to the owner of the garbage, rubbish, abandoned or unlicensed motor vehicle or the owner of the property or contractor or any other person responsible, for which the earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things originated from.

(2) Apparent market value shall be determined by the City Purchasing Agent."

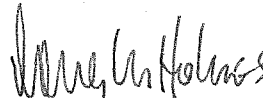
Respectfully submitted,



K. Felker
Manager, Purchasing & Stores



B. E. Clemens,
Director of Finance



D. W. Holmes,
Assistant City Manager/
General Manager, Corporate Services



2477 Kenworth Road ❖ Nanaimo, BC V9T 5K4

Tel: (250) 758-7777 ❖ Fax: (250) 758-7789

e-mail: info@recycling.bc.ca □ internet: www.recycling.bc.ca

A COMMUNITY BASED NON-PROFIT SOCIETY SERVING CENTRAL VANCOUVER ISLAND

November 14, 2011

Kurtis Felker
Manager, Purchasing and Stores

City of Nanaimo
455 Wallace Street
Nanaimo, BC
V9R 5J6

Re: Recovered Bicycle Program

Dear Mr. Felker,

The Nanaimo Recycling Exchange (NRE) is very pleased to have an opportunity to work with the City of Nanaimo and its efforts to re-direct recovered bicycles to the community.

The NRE has been involved with providing re-usable bikes to the community for many years. Working with Wheels In Motion, Nanaimo Correctional Centre, SD 68/69 Bike Program, and individuals throughout the community, more people have access to refurbished bicycles at little to no cost, all in an effort to promote green transportation within the City.

With the expansion of the NRE facility, an emphasis on bicycle usage and refurbishing will be promoted through specialty lockers on the premises, and a refurbishing area for skill enhancement programs and continued support to the Nanaimo Correctional Centre's refurbishing program. Working with the City of Nanaimo to release bicycles back into the community enhances the initiatives of our organizations to cleaner air and to ease congestion of our roadways.

Thank you once again for this opportunity, we look forward to working with the City in the near future.

Sincerely,

Michael Schellinck
Executive Director

From: Mayor John Ruttan
Sent: Thursday, November 10, 2011 11:54 AM
To: Mayor&Council
Cc: GENERAL MANAGERS; Marilyn Smith
Subject: Letter of Support
Importance: High

Good Morning,

Attached is a request for a letter of support for the Tillicum Lelum Friendship Centre. I would suggest that this item be included in a future Council meeting for the purpose of discussion.

Mayor John Ruttan

From: Sharon Stoker [<mailto:educationcentre@tillicumlelum.ca>]
Sent: November 10, 2011 11:15 AM
To: Mayor John Ruttan
Subject: Letter of Support
Importance: High

Grace Elliott Nielsen, Executive Director, Tillicum Lelum Friendship Centre asked me to forward this on to you.

Thanks you.

Sharon Stoker,
Secretary/Receptionist

☐ Council
☒ Committee *E/Plow*
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: *2011-NOV-21*

Letter of Support (Example)

Dear Minister:

RE: Comprehensive Off-Reserve Aboriginal Strategy

(your organization) is providing this letter in support of the BC's Aboriginal Friendship Centres urgent request to Government towards establishing a comprehensive Off-Reserve Aboriginal Strategy that includes a long term annualized funding investment in the capacity of BC's existing Aboriginal Friendship Centres.

Provincial statistics record a ratio of almost three to one Aboriginal people living off-reserve in comparison to on-reserve residents (including 56% of BC's registered First Nations).

Despite that fact, the BC Government presently lacks a coordinated, comprehensive strategy to address the various issues that this population experiences.

It is well known that relative to the general population, Aboriginal people face a plethora of historic and challenging social, health and economic well-being issues that must be addressed.

Documented evidence has demonstrated the positive and measurable effects that Friendship Centre support services have relative to increasing off-reserve Aboriginal peoples overall health and socio-economic well being. In many cases, Friendship Centres are the only support for urban Aboriginal families.

BC's Aboriginal Friendship Centres, as the largest service infrastructure in place for Aboriginal people living off reserve, obviously provide tremendous "value for money" from a long term investment perspective. However, the network of Friendship Centres is becoming increasingly overwhelmed with a rising demand for services from one of the fastest growing demographics in the province. That situation is further exacerbated by provincial funding that has not seen an increase from the First Citizen's Fund in over twenty years. Given that fact, it is no longer possible to sustain Friendship Centre essential services on current levels of funding.

Establishment of an adequately funded Off-Reserve Aboriginal strategy represents a reasonable and affordable provincial investment in both prevention and prosperity. Designation of a long-term, annualized \$3.1 million capacity fund for Friendship Centres, anchored within the Ministry of Aboriginal Relations and Reconciliation's annual service plan is immediately required.

To continue with the status quo would mean our province will continue to incur social and financial costs for future generations for the large majority of Aboriginal people in BC.

(your organization) strongly encourages government to respond accordingly to BC's Aboriginal Friendship Centres urgent request for a comprehensive and appropriately funded strategy.

Thank you for considering our thoughts on this critical matter with respect to our provinces' off reserve Aboriginal citizens.