



## **AGENDA**

### **GOVERNANCE AND PRIORITIES COMMITTEE MEETING**

Monday, March 9, 2020, 1:00 P.M. - 4:00 P.M.  
Board Room, Service and Resource Centre,  
411 Dunsmuir Street, Nanaimo, BC

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Pages

**1. CALL TO ORDER:**

**2. INTRODUCTION OF LATE ITEMS:**

**3. APPROVAL OF THE AGENDA:**

**4. ADOPTION OF THE MINUTES:**

a. Minutes

3 - 9

Minutes of the Governance and Priorities Committee meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2020-FEB-24, at 1:00 p.m.

**5. REPORTS:**

a. ENVIRONMENTAL RESPONSIBILITY:

1. Corporate Energy and Emissions Management Program

10 - 25

To be introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

Presentation:

1. Scott Pamminger, Manager, Infrastructure Planning & Energy

b. GOVERNANCE AND MANAGEMENT EXCELLENCE:



1. City of Nanaimo Facilities 26 - 58

To be introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

Presentation:

1. Art Groot, Director, Facility & Parks Operations

2. Single-Use Checkout Bag Regulation Update 59 - 105

To be introduced by Bill Sims, General Manager, Engineering and Public Works

*Purpose: 1) To report on the findings of the single-use checkout bag consultation, as conducted in spring 2019; and 2) to summarize the actions of senior government and other local jurisdictions on single-use plastics, including check-out bags.*

Presentation:

1. David Thompson, Acting Manager of Sanitation & Recycling, and Kirsten Gellein, Zero Waste Coordinator

Recommendation: That the Governance and Priorities Committee recommends its preferred option to Council, regarding regulating single-use checkout bags.

- c. ECONOMIC HEALTH:

- d. COMMUNITY WELLNESS/LIVABILITY:

- e. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning 106 - 111

6. QUESTION PERIOD:

7. PROCEDURAL MOTION:

8. ADJOURNMENT:



**MINUTES**  
GOVERNANCE AND PRIORITIES COMMITTEE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE,  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2020-FEB-24, AT 1:00 P.M.

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Present:     Acting Mayor B. Geselbracht, Chair  
                 Mayor L. Krog  
                 Councillor S. D. Armstrong  
                 Councillor D. Bonner  
                 Councillor T. Brown  
                 Councillor E. Hemmens (arrived 1:53 p.m.)  
                 Councillor Z. Maartman  
                 Councillor I. W. Thorpe  
                 Councillor J. Turley

Staff:        R. Harding, General Manager, Parks, Recreation and Culture  
                 D. Lindsay, General Manager, Development Services  
                 B. Sims, General Manager, Engineering and Public Works  
                 Supt. C. Miller, OIC, Nanaimo Detachment RCMP (arrived 1:02 p.m.,  
                 vacated 1:02 p.m.)  
                 T. Doyle, Deputy Fire Chief  
                 B. Corsan, Director, Community Development (vacated 1:39 p.m.)  
                 F. Farrohki, Manager, Communications  
                 L. Bhopalsingh, Manager, Community Planning  
                 J. Rose, Manager, Transportation (arrived 1:28 p.m.)  
                 C. Sholberg, Community Heritage Planner (vacated 1:39 p.m.)  
                 K. Kronstal, Social Planner (vacated 1:39 p.m.)  
                 B. Zurek, Planner (arrived 1:08 p.m. vacated 1:39 p.m.)  
                 D. Blackwood, Client Support Specialist (vacated 1:08 p.m.)  
                 S. Gurrie, City Clerk  
                 S. Snelgrove, Recording Secretary

1.     CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2.     APPROVAL OF THE AGENDA:

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

Supt. Miller entered the Boardroom at 1:02 p.m.  
Supt. Miller vacated the Boardroom at 1:02 p.m.



3. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2020-FEB-10 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

4. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Municipal Government Advocacy

Introduced by Sheila Gurrie, Director, Legislative Services.

By unanimous consent the Governance and Priorities Committee reordered the agenda to discuss Agenda Item 5 (d) 1. Coordinated Strategic Policy Review 2020-2021 Status Update as the first item.

b. COMMUNITY WELLNESS/LIVABILITY:

1. Coordinated Strategic Policy Review 2020-2021 Status Update

Introduced by Lisa Bhopalsingh, Manager, Community Planning.

Lisa Bhopalsingh, Manager, Community Planning, provided a presentation regarding:

- 2020 strategic policy review timelines
- Council's engagement in the process
- Council's development of different options and strategic directions
- Guiding principles

D. Blackwood vacated the Boardroom at 1:08 p.m.

B. Zurek entered the Boardroom at 1:08 p.m.

- Integrated process with Council as the steering committee:
  - Allows a more inclusive process for Council to be aware of moving parts
  - Allows utilization of the four committees of Council which will be included and involved in process
- A strong stakeholder engagement model will be used
- This process will aim to include those who have traditionally not been engaged in planning processes as they face barriers or think of themselves as not part of the community
- Youth and community members with diverse backgrounds will be involved
- Drafted internal project charter which is a fluid document to be updated from time to time
- Request for statement of qualifications (RFSOQ) issued
- Background research conducted on:
  - Parks, Recreation and Culture GIS Analysis



- Steep Slopes Development Permit Area Review
  - Land Inventory and Capacity Analysis
  - Demographic Analysis
- Opportunity to update plans and confirm the City is on the right track
- Next steps:
  - Regular meetings with technical staff
  - February 2020 consultants confirmed and finalize background research
  - March 2020 branding launch and engagement plan for Council endorsement
  - May/June 2020 engagement kick off to run into early July to capitalize on City events such as Canada Day
- Hope to be able to pair down and align City documents

Farnaz Farrohki, Manager, Communications, continued the presentation and advised:

- Logo for Official Community Plan (OCP) Plus program, City Spark, taps into a demographic that doesn't usually engage on civic related matters
- 20-45 year age range is the target to be engaged
- Logo is natural and spontaneous
- Use of colour is significant and each colour represents a concept
- Tag line "Our City, Our Voices" is meant to be inclusive and unique with the intent to capture as many voices as possible

Committee discussion took place regarding:

- Appeal and challenges of logo and tag line
- Bang the Table is one tool to use for engagement
- Online engagement works for a fair sector of the population
- Some engagement ideas will be the typical ideas such as engagement in shopping centres, with the School District and children and youth

J. Rose entered the Boardroom at 1:28 p.m.

Lisa Bhopalsingh, Manager, Community Planning, continued the presentation regarding:

- Leveraging connections for engagement
- Looking to Council for their connections to different groups
- Health and Housing Task Force hosting a series of design labs with the expectation that some participants will be people who are marginalized
- Broad level of engagement as the project is not specific to one department
- RFSOQ includes planning and indigenous student consultation as part of the process
- Next step is to return to the Governance and Priorities Committee (GPC) with an engagement plan

Committee discussion took place regarding:

- Igniting new ideas with the theme "spark"



- Font issues between curvature in logo
- Playfulness of logo
- Play on wording not being perfect and being abstract
- Connection between Nanaimo, the logo and the documents to be discussed

By unanimous consent the Governance and Priorities Committee reordered the agenda to discuss Agenda Item 5 (e) 1. Governance and Priorities Committee Agenda Planning next.

B. Corsan, K. Kronstal, C. Sholberg, B. Zurek and J. Rose vacated the Boardroom at 1:39 p.m.

c. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning

Sheila Gurrie, Director, Legislative Services, advised that Single Use Checkout Bags and Coordinated Strategic Policy Review 2020-2021 had been added to the agenda planning document. Crosswalk Safety and Women's Participation on City of Nanaimo Task Forces have not yet been discussed but are listed on the document to be updated.

Committee discussion took place regarding:

- Transit and Crosswalk Safety:
  - Inviting Regional District of Nanaimo (RDN) transit staff to present to Council to have a focussed conversation around transit delivery in the City of Nanaimo

J. Rose returned to the Boardroom at 1:43 p.m.

- Bus stop design, pros and cons of covered bus stops, increasing number of transit hours, outlining pros and cons of having lit crosswalks, how to make crosswalks safer for drivers and pedestrians
- Integration of transit services within the City

Jamie Rose, Manager, Transportation, advised the City will be co-authoring a review and partnering with the RDN to look at the entire system of transit including walking and biking.

Committee discussion continued regarding:

- Crosswalk lighting, LED lights, prioritization and safety
- Staff drafting a report regarding crosswalk allocation to come to the second GPC meeting in April
- Overall understanding of crosswalks and how pedestrians and cars enter crosswalks

Councillor Hemmens entered the Boardroom at 1:53 p.m.

- Staff bringing forward professional best practices for safety measures at crosswalks
- Include conversation about parking rates, fees and parking on streets



- Two part transit discussion with second part to be completed after the rapid transit study is finished
- Staff to return with best practices, data analysis and review of overarching system including Staff's approach

By unanimous consent the Governance and Priorities Committee determined that Women's Participation on City of Nanaimo Task Forces will be discussed at a future Governance and Priorities Committee Meeting.

The Governance and Priorities Committee meeting recessed at 2:08 p.m.  
The Governance and Priorities Committee meeting reconvened at 2:19 p.m.

a. GOVERNANCE AND MANAGEMENT EXCELLENCE: (Continued)

1. Municipal Government Advocacy

Farnaz Farrokhi, Manager, Communications, provided a presentation regarding:

- How advocacy ties into government mandates and leveraging opportunities

Councillor Thorpe returned to the Boardroom at 2:21 p.m.

- Building relationships with not-for-profit agencies and stakeholders
- What to advocate for and why
- Importance of Council having data and research to effectively advocate for City needs
- Who to advocate for and what success looks like individually and for Council as a whole
- City resources required for projects and initiatives
- Use of triple constraint triangle
- Leveraging stakeholders in advocacy efforts
- Opportunities for advocacy regarding social disorder through design labs
- Federal government advocacy through the Federation of Canadian Municipalities Convention and connecting with the Minister for Families, Children and Social Development
- Federal "Reaching Home" dollars designated through the Homelessness Coalition and a community board through the Coalition
- Connections between Minister's mandates and City objectives to do with social disorder
- Council already in touch with Minister's Robinson and Darcy regarding social disorder in the City of Nanaimo
- Work of HelpSeekers and Turner Strategies with Health and Housing Task Force
- Council will determine what they wish to focus their advocacy efforts on
- Secure meetings with provincial cabinet ministers and public servants to present advocacy issues selected by Council



Roundtable Committee discussion took place regarding:

- What Council wants to advocate for and why:
  - Advocate to Provincial Government for more Crown Prosecutors
  - Advocate for additional dollars for restorative justice
    - Crown system and Police may be able to provide statistics
- Appropriateness of advocating for City of Nanaimo specifically and process to do so
- Determine process to identify issues and what steps to take when, after advocating, the answer is no
- Continue advocacy work on social disorder:
  - Advocate for therapeutic community to be built in Nanaimo
- Advocate for tertiary hospital or expanded health services:
  - Write to MLA
  - Ask people to share their experiences, positive or negative and provide them to MLA
  - Use strategy for those affected region wide
- Utilizing strategic advocacy when an issue arises:
  - Council needs to determine their position and be clear about who speaks to what and in what context
  - Council having position statements on emerging topics and coordination of positions
  - Council reacting to events rather than being proactive
  - Strategy that creates political leverage to get services the community needs regardless of issue
- Climate change is an issue for the planet but immediate issue is social disorder
- Importance of having a site prepared for a therapeutic community
- Coordinated advocacy by identifying one topic, bringing it to the table and holding a GPC on how to approach advocacy on specific topics
- Utilize a template document to outline Council's position
- Specifically having a strategy on homelessness, health, housing, addiction, social disorder, public safety
- GPC part two to develop advocacy strategy/framework for the agreed upon topic
- Topic to be discussed will be: Advocating for something the City can achieve related to mental health, addictions, homelessness, housing, social disorder and public safety issue

Staff advised:

- Systems mapping from Health and Housing Task Force will advise what is unknown
- Nanaimo Affordable Housing Society often provides housing for those who are struggling mentally
- John Howard Society provides housing for those who aren't struggling with addiction
- Systems mapping will identify top 50 individuals who require an inordinate amount of supports, who are underserved and assist them to free up supports for others



Committee discussion continued regarding:

- Key topic of homelessness, health, housing, social disorder, public safety, addiction, justice system
- Opportunity for justice advocacy work
- Gathering and combining data while understanding Staff capacity
- Staff to return with framework for Council to expand upon which is different than attachment A of the staff report

It was moved and seconded that the Governance and Priorities Committee recommend that Council:

1. endorse “Attachment A” (Effective Municipal Government Advocacy Efforts) of the report titled “Municipal Government Advocacy” dated 2020-FEB-24;
2. direct Staff to proceed with drafting a robust social disorder advocacy strategy as outlined in “Attachment A” (Effective Municipal Government Advocacy Efforts) of the report titled “Municipal Government Advocacy” dated 2020-FEB-24; and,
3. Schedule a Governance and Priorities Committee meeting to review specific topics Council wishes to advocate for and why.

The motion carried unanimously.

5. QUESTION PERIOD:

No one in attendance wished to ask questions.

6. ADJOURNMENT:

It was moved and seconded at 3:52 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER





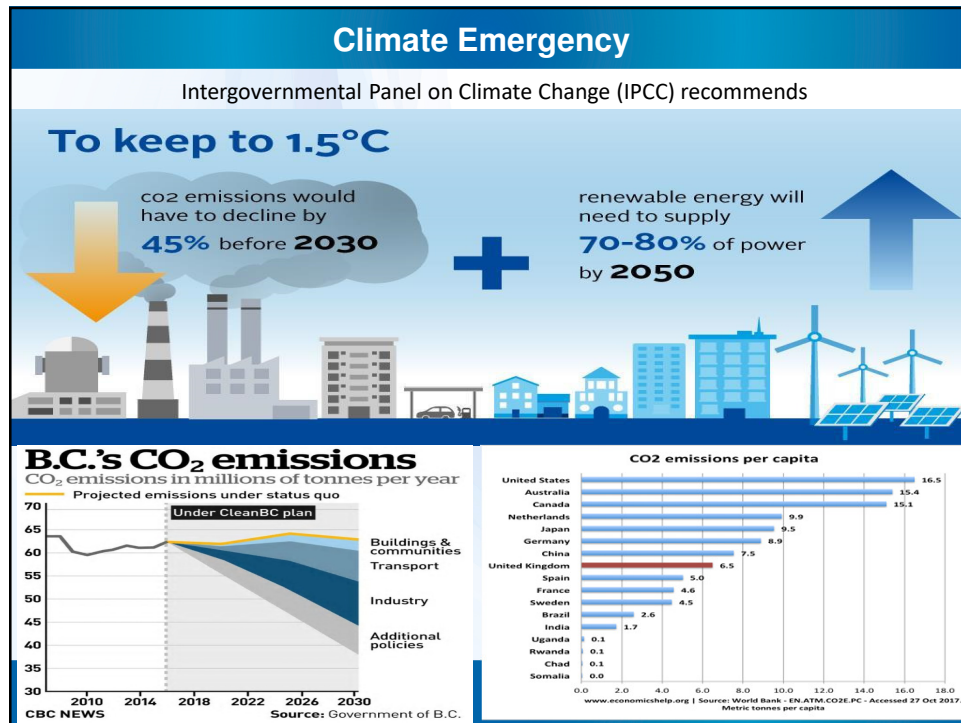
**Purpose:** An overview of the Corporate Energy and Emissions Program

- Support Council in meeting urgent environmental goals
- Our commitments
- Our situation
- Key program achievements
- Current opportunities and challenges
- Next steps



CITY OF NANAIMO  
THE HARBOUR CITY





## Corporate Commitment to Sustainability and Environmental Protection

**2002** City joins the Federation of Canadian Municipalities Partners for Climate Protection Program

**2007** City establishes a **Corporate Climate Change Plan** matching the Provincial Emissions Reduction targets of:

- ➔ • **33% below 2007 GHG level by 2020**
- **80% below 2007 GHG level by 2050**
- Sustainability Committee formed to exchange ideas and coordinate projects

Signed the **Union of BC Municipalities Climate Action Charter** voluntarily committing to Lower Corporate Emissions and to become "carbon neutral" in our operations by 2012

- Requires reporting GHG emissions from operations of buildings and fleet

**2008** City partners with BC Hydro **Commercial Energy Manager Program**



## Community Commitment to Sustainability and Environmental Protection

**2008**      **Official Community Plan** sets new GHG targets:

- 3% below 2007 GHG level by 2020
- 39% below 2007 GHG level by 2050

**2012**      **Community Sustainability Action Plan**


- Identifies community-based measures and initiatives

**2019**      **Emissions Reduction Reserve Fund**  
(Community wide projects, plans and initiatives)

- Reduce GHGs by 50% to 58% below 2010 levels by 2030
- Reduce GHGs by 94% to 107% below 2010 levels by 2050




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FOR PROGRESS


## Corporate vs. Community GHGs

**Corporate Emissions**





**Objective:**  
Carbon neutral operations since 2010  
(Climate Action Charter)

**Community Emissions**



**Objective:**  
Community in OCP  
(LG Act, Bill 27 – 2008)



Community Energy and Emissions		
Actions		
Theme	Strategies	Examples
Land Use and Transportation	<ul style="list-style-type: none"> <li>• Compact, Complete Community</li> <li>• Alternative and Active Transportation</li> <li>• Low Carbon Mobility</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Urban Containment Boundary</i></li> <li>• <i>OCP</i></li> <li>• <i>EV Charging</i></li> <li>• <i>Fleet Greening</i></li> </ul>
Buildings	<ul style="list-style-type: none"> <li>• Energy Efficient Existing Buildings</li> <li>• Energy Efficient New Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• <i>CleanBC Better Homes Rebate Program</i></li> <li>• <i>Realtor Energy Efficiency Program</i></li> <li>• <i>Rental Apartment Efficiency Program</i></li> <li>• <i>CleanBC Commercial New Construction Program</i></li> <li>• <i>Realtor Energy Efficiency Rebate</i></li> <li>• <i>BC Energy Step Code</i></li> </ul>
Solid Waste	<ul style="list-style-type: none"> <li>• Composting / Zero Waste</li> </ul>	



## Corporate Role

- Social responsibility, and leadership in sustainable energy use

## Goals and Objectives

- Improve efficiency, reduce energy consumption and costs
- Switch from high-carbon fuels to cleaner fuel sources and electricity
- Reduce green-house-gas (GHG) emissions
- Increase the local renewable energy supply

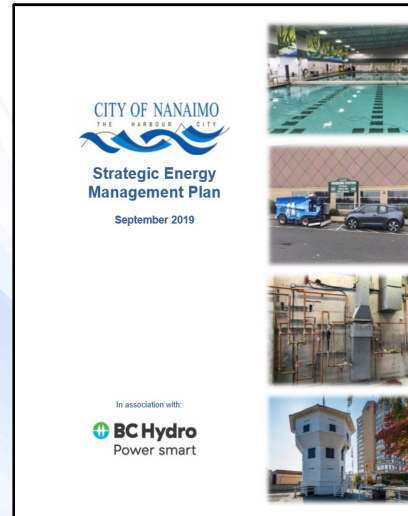




## Corporate Strategic Energy Management Plan - 2019 to 2023

A forward looking **business plan** for how we intend to manage energy use:

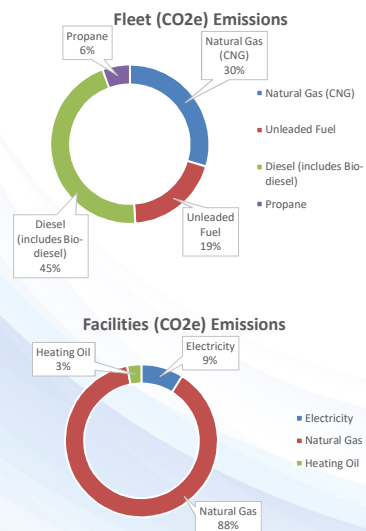
- ❖ What problems are we trying to solve?
- ❖ Where are we now?
- ❖ Where do we want to be? and why?
- ❖ How will we get there?
- ❖ Who should do what?
- ❖ What do we need?
- ❖ How are we doing?



CITY OF NANAIMO  
THE HARBOUR CITY

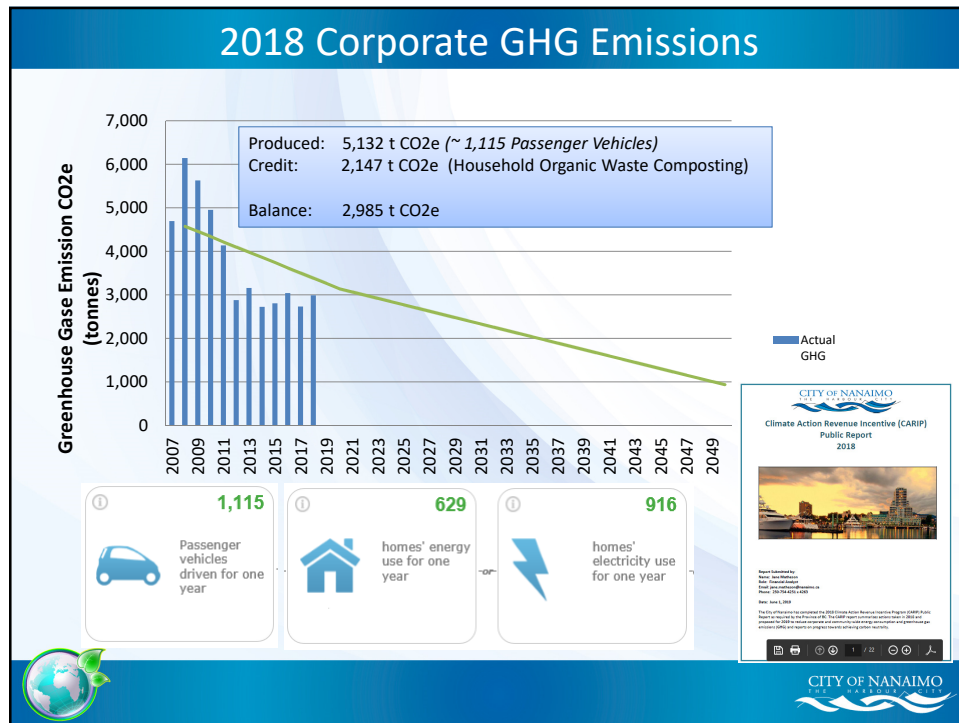
## CORPORATE EMISSIONS

2018 Emissions		CO2e Tonnes
<b>FLEET</b>	Natural Gas (CNG)	543
	Unleaded Fuel	356
	Diesel (includes Bio-diesel)	837
	Propane	103
	<b>Total</b>	<b>1,839</b>
<b>FACILITIES</b>	Electricity	243
	Natural Gas	2,397
	Heating Oil	82
	<b>Total</b>	<b>2,722</b>
<b>EMPLOYEE MILEAGE</b>		11
<b>CONTRACTED SERVICES</b>		560
<b>GRAND TOTAL</b>		<b>5,132</b>
<b>Organic Waste Diversion</b> (credit)		2,147
<b>Net Balance</b> (CARIP Report)		2,985
<b>2020 GHG Target</b>		3,146



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THE HARBOUR CITY





## Challenges and Opportunities

What has been done?

What needs to be done to increase efforts?

What can this look like?

Short payback (easier projects)  
 Longer payback projects need support

Update the Energy Conservation & Management Policy to address energy and GHG emission reductions necessary to respond to climate change issues

Define needs and plan accordingly

Creative solutions with strong emphasis on *social, environmental, and risk* considerations

Increasing Clean Renewable Energy options – solar photovoltaic and thermal, wind, geothermal, tidal, waste heat recovery, biofuels, and biomass







## Current Energy Conservation Policy



- Annual Reduction Goal of 1% of the 2008 consumption: (234,000 kWh) Electricity, (573 GJ) Natural Gas
- BC Hydro Energy Manager Program (300,000 kWh) Electricity
- Sustainability Reserve – Energy Projects with simple payback of 8 years or less
- Lifecycle cost and cost benefit analysis for deciding energy projects




## Significant Corporate Energy Uses

**Building Sites:**

- Office buildings
- Operations Facilities  
*(Public Works, Parks Operations, Water Treatment Plant, Water and Sewer Pump & Control Stations)*
- Recreation & Parks Facilities  
*(Arenas, Pools, Field-houses, Change and Bathrooms)*
- Fire Rescue
- Police
- Parkades

**Additionally:**

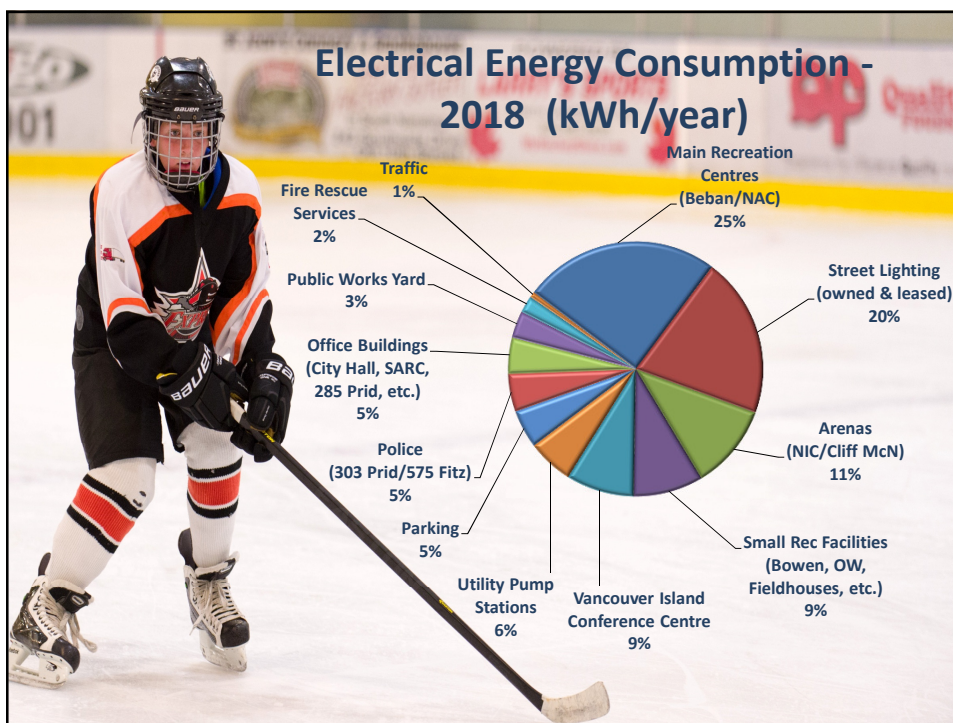
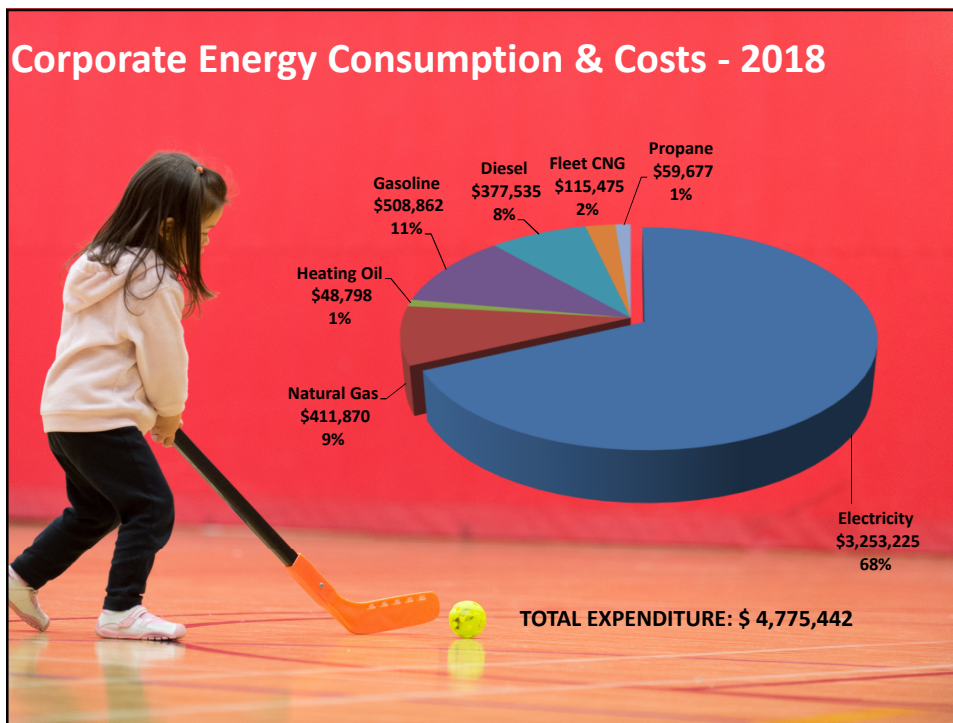
- Fleet
- 8,500 Street Lights



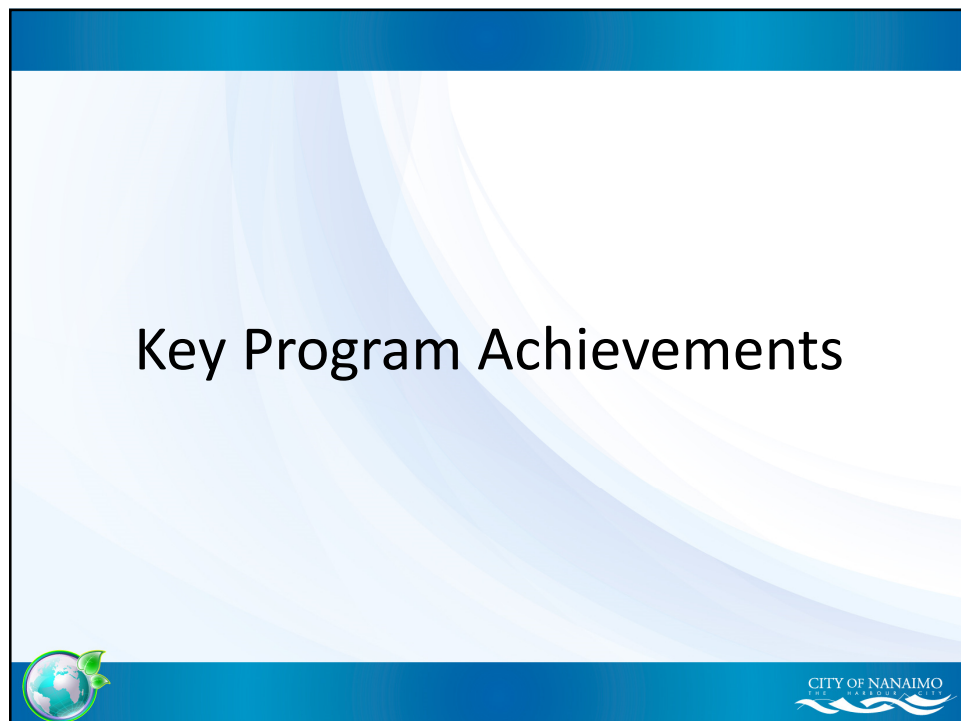
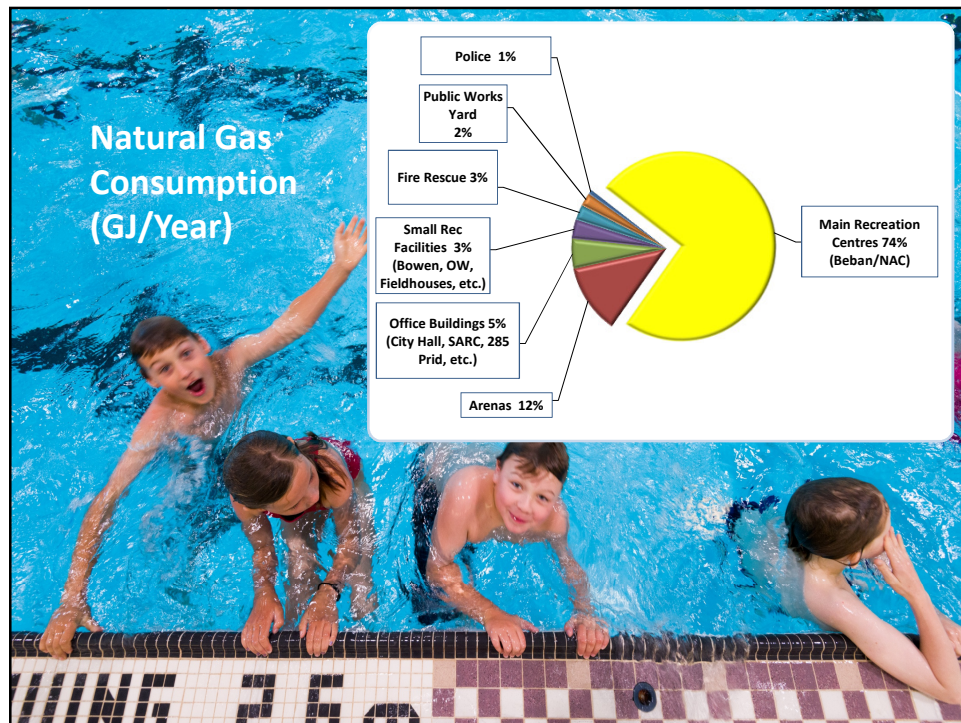















## Beban Park Boiler Plant & HV1 Coils Replacement

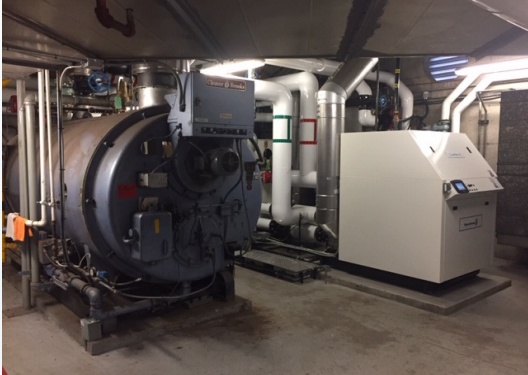

### Estimated Savings



- 42% less natural gas
- 2% less electricity
- \$71,000 annually



### Project Incentives

- \$114,900 from Fortis BC





New air stratification fans

New variable speed drives AHUs 1 & 2




NAC mechanical dehumidification system recommissioned

Controls upgrade









## 2019 Lighting Upgrades

### Beban Park

- Pool overhead lighting of lap pool, leisure pool, teach pool and decks
- Social Centre Auditorium lights

### Nanaimo Aquatic Centre

- Mechanical rooms, gymnasium, physiotherapy, reception area, multi-purpose rooms
- Exterior lights

*Renewing assets and meeting sufficient lighting levels for code and regulatory requirements.*



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CREATING A BETTER CITY

## Street and Parking Lot Lighting Upgrades

### Nanaimo Ice Centre

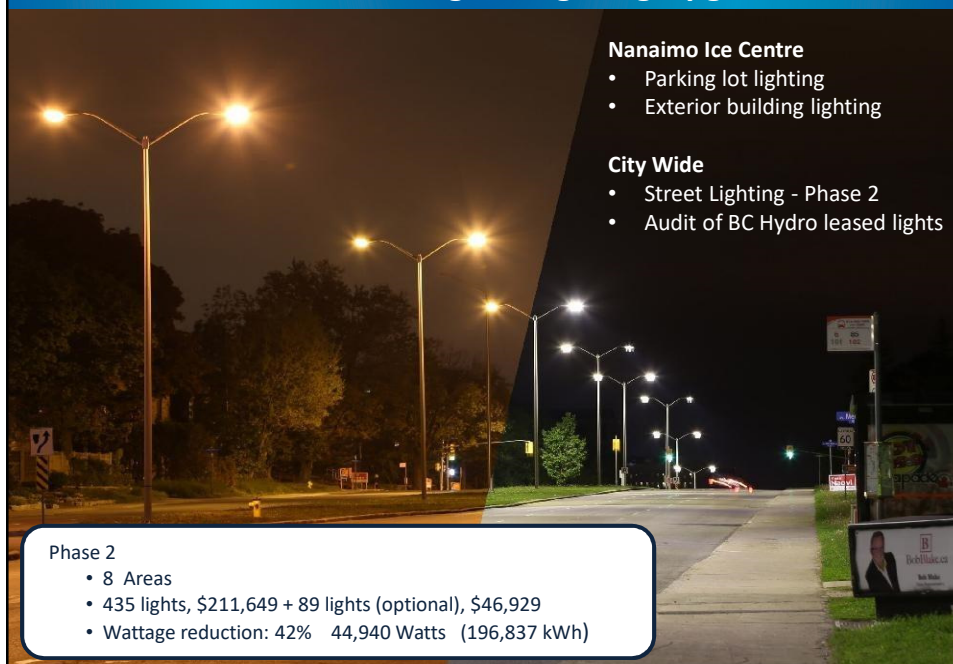
- Parking lot lighting
- Exterior building lighting

### City Wide

- Street Lighting - Phase 2
- Audit of BC Hydro leased lights


### Phase 2

- 8 Areas
- 435 lights, \$211,649 + 89 lights (optional), \$46,929
- Wattage reduction: 42% 44,940 Watts (196,837 kWh)






### Cool Water Ice Making





REALice De-aerator





- Annual savings: \$ **12,000** per ice sheet
- Energy Savings: ~ **400 GJ / 50,000 kWh / 98 t CO2** emissions
- FortisBC incentives: \$ **20,000** per site

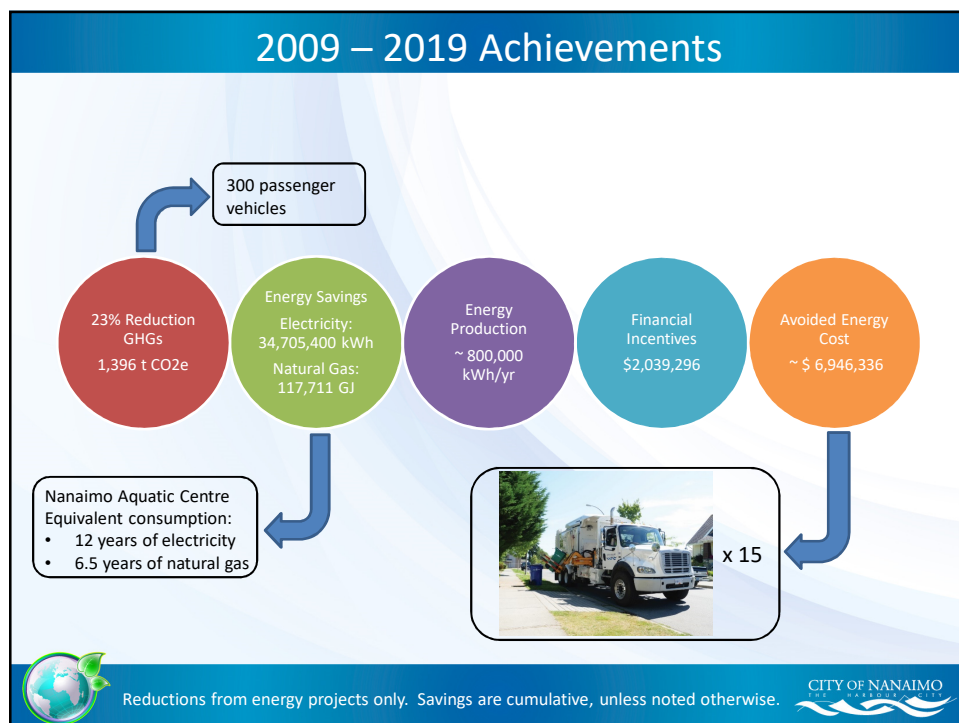
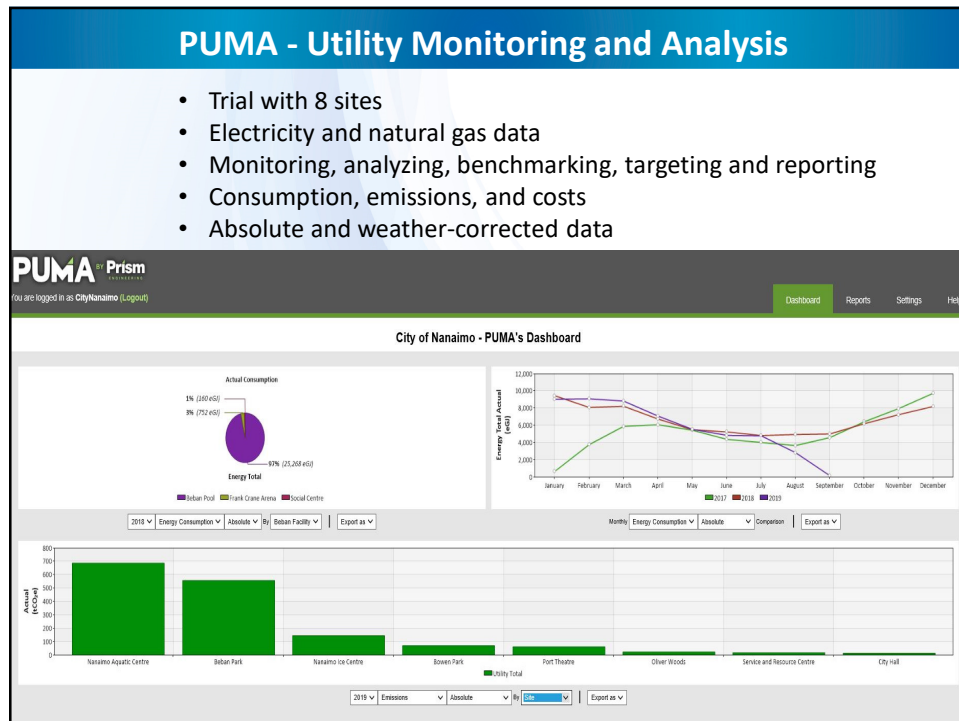
### Lighting Audits, Design Energy Studies

- Frank Crane Arena
- Cliff McNabb Arena
- Nanaimo Ice Centre
- City Hall
- Bowen Complex
- Oliver Woods Complex
- Nanaimo Aquatic Centre
- Fire Station #2
- Fire Station #3
- Fire Station #4
- Fire Headquarters
- VICC air source to water source heat recovery HP conversion study
- Fire Station #1 New Construction Agreement







## Next Steps

- ✓ Update the Energy Conservation and Management Policy so that it aligns with targets set by City Council, and Provincial and Federal legislation or regulations
- ✓ Change Sustainability Funding project criteria to be more flexible
- ✓ Review and update of both the Corporate Climate Change Plan and the Community Sustainability Action Plan





- ✓ Choose electric over carbon-based energy solutions, where practical and cost effective
- ✓ Pursue technological advancements in seeking energy solutions
- ✓ Support Fleet with a Green Fleet Strategy and EVs
- ✓ Develop renewable energy projects aimed at improving sustainability

## Questions?

Thank you!

*If you have energy and emissions reduction ideas that you would like to share, please let us know!*

Scott Pamminer, Manager, Infrastructure Planning & Energy




Yearly Performance					
	Electricity (kWh)	Natural Gas (GJ)	Emissions (CO <sub>2</sub> e) (Tonnes)	Annual Savings (\$)	Incentives Received (\$)
Annual Targets	234,000	573			
Year					
2016	246,223	624	47	\$36,688	\$114,188
2017	787,878	3,876	215	\$105,574	\$100,921
2018	597,096	6,700	355	\$128,508	\$151,015
2019	814,089	935	65	\$84,311	\$111,160
TOTAL	2,445,286	12,135	682	\$355,081	\$477,284
Annual Targets based on 1% of 2008 Electricity and Nat. Gas Consumption					



CITY OF NANAIMO  
SUSTAINABILITY

Energy Project Investments and Cumulative Savings (Cost Avoidance)																						
Year	Projects Electrical Energy Savings (kWh)	Energy Production (kWh)	Natural Gas (GJ)	Oil (litres)	GHG (CO2e)	Projects Electrical Energy Savings \$	Energy Production Revenue \$	Power Factor \$	LOS Credits \$	MOS Credits \$	Natural Gas \$	Oil \$	GHG Offsets Saved \$	Total Cost Avoidance \$	Sustainability Funded Project Costs \$	Other Dept Funded Project Costs \$	Incentives Received For Projects & EM \$	Total Energy Project Costs \$	Net Project Costs After Incentives \$	% of Electric Target	% of Nat Gas Target	% of GHG Target
2009	183,092	0	2,578	0	136	11,901	0	6,485	0	0	36,092	0	3,388	57,866	88,058	58,441	64,627	146,499	81,872	78	450	45
2010	521,875	0	420	4,679	46	33,922	0	957	0	0	5,880	3,509	1,155	45,423	95,718	73,871	134,350	169,589	35,239	223	73	15
2011	814,468	0	3,984	7,388	242	57,013	0	0	44,980	0	55,776	5,541	6,052	169,362	397,084	272,825	220,692	669,909	449,217	348	695	80
2012	859,307	0	950	9,083	93	60,151	0	1,724	38,462	0	13,300	6,812	2,329	122,779	151,875	975,295	205,712	1,127,170	921,458	172	166	31
2013	347,992	0	327	14,892	67	27,839	0	0	69,600	0	4,578	3,723	1,666	107,406	301,143	138,510	83,653	439,653	356,000	70	57	22
2014	77,488	511,220	4	1,527	6	6,974	52,877	0	18,291	0	56	1,573	156	27,050	94,040	112,532	119,299	206,572	87,277	33	1	2
2015	990,063	686,720	2,185	0	133	94,056	74,323	2,240	23,091	27,575	22,943	0	3,330	173,235	551,053	1,424,464	44,555	1,975,517	1,930,962	423	381	44
2016	261,223	803,440	624	0	38	36,443	86,454	750	44,581	29,617	6,552	0	939	118,882	166,507	338,584	180,393	505,091	324,700	112	109	12
2017	787,878	880,510	3,876	0	215	105,574	99,149	842	23,337	18,182	40,698	0	5,375	194,008	158,422	404,317	129,108	562,739	433,631	337	676	71
2018	597,096	801,620	6,700	0	355	128,508	91,458	0			70,350	0	8,875	207,733	208,009	809,721	98,515	1,017,730	919,215	255	1169	117
2019	814,089	755,760	935	0	66	84,311	87,797	0			9,818	0	1,640	95,768	281,331	321,197	58,660	602,528	543,868	348	163	22
2020															42,700							
Subtotal	6,254,571	3,683,510	22,583	37,569	1,396	646,692	404,261	12,998	262,341	75,374	266,042	21,159	34,905	1,319,510	2,535,940	4,929,757	1,339,558	7,422,997	6,083,439			
Cumulative Totals	34,705,424	13,959,450	117,711	299,355	7,617	2,975,276	1,515,057	111,422	1,673,249	310,889	1,510,110	174,960	190,431	6,946,336								



CITY OF NANAIMO  
BETTER. TOGETHER.



CITY OF NANAIMO  
SUSTAINABILITY





## HISTORY

# 1970s

City of Nanaimo is made up of

- City Hall
- #1 Fire Hall
- Bowen Complex
- Civic Arena
- Public Works
- Parks Yard


1970

City of Nanaimo



## HISTORY


# 1970s




Amalgamation – City of Nanaimo is created by the consolidation of 13 Improvement Districts. City inherits:

- Fire Halls at Chase River, Harewood, Wellington
- GNWD Buildings & Dams
- Kin Hut Activity Centre
- Departure Bay Activity Centre
- Parks Buildings at Westwood Lake, Loudon Park, Harewood Centennial (barn, etc.)

1975





City of Nanaimo

## HISTORY

# 1980s



- Bastion Street Parkade
- Nanaimo Fire Hall #2 (Dorman Road)







City of Nanaimo



## HISTORY

# 1990s

- Nanaimo Fire Hall #3 (Hammond Bay)
- BEBAN MERGER** (City assumes management from RDN)
- Harbourfront Parkade
- Cliff McNabb Arena
- Port Theatre
- Beban Leisure Pool expansion







City of Nanaimo

## HISTORY

# 2000s

- Nanaimo Aquatic Centre
- 150 Commercial St purchased
- Nanaimo Ice Centre
- Oliver Woods Community Centre
- Nanaimo District Museum – new space
- Vancouver Island Conference Centre
- Nanaimo Fire Hall #4 (Cranberry)
- 25 Victoria Rd purchased
- Rotary Field House


City of Nanaimo



## HISTORY

# 2010s

- Service & Resource Centre
- Water Treatment Plant
- Serauxmen Stadium & Rotary Bowl Purchased








City of Nanaimo

## TYPES OF FACILITIES

The City of Nanaimo has over 200 buildings

Each building has its own unique components

City of Nanaimo



TYPES OF FACILITIES

This presentation does not include the overview of:









City of Nanaimo


TYPES OF FACILITIES

CIVIC FACILITIES

- City Hall • SARC





City of Nanaimo




TYPES OF FACILITIES

# CIVIC FACILITIES

## City Operations Yards




City of Nanaimo

TYPES OF FACILITIES

# CIVIC FACILITIES

## Public Works Pump Houses/Reservoirs



City of Nanaimo



TYPES OF FACILITIES

# CIVIC FACILITIES

## Fire Rescue Buildings



Station #1 - Fitzwilliam




Station #2 - Dorman



Station #3 Hammond Bay




Station #4 Cranberry



Station #7 - Protection Island



Fire Admin



Fire Training Centre

City of Nanaimo

TYPES OF FACILITIES

# CIVIC FACILITIES

## Police Operations



City of Nanaimo



TYPES OF FACILITIES

# CIVIC FACILITIES

Vancouver Island Conference Centre




City of Nanaimo

TYPES OF FACILITIES

# HERITAGE FACILITIES

- Nanaimo Bastion • Beban House • First Nanaimo Scout Hut
- Nanaimo Centennial Museum • Chinese Cemetery
- Gallow's Point Lighthouse • Miner's Cottage (Buttertubs Marsh)
- Miner's Cottage (Piper Park)



City of Nanaimo



## TYPES OF FACILITIES

## CULTURAL FACILITIES

- Port Theatre • Nanaimo Art Gallery
- Nanaimo Museum • Vancouver Island Military Museum
- Protection Island Museum
- Harbour City Alliance Theatre Society



City of Nanaimo

## TYPES OF FACILITIES

## RECREATION FACILITIES

- Nanaimo Aquatic Centre • Nanaimo Ice Centre
- Beban Park Complex • Bowen Park Complex
- Frank Crane Arena • Cliff McNabb Arena
- Oliver Woods Community Centre • Nanaimo Curling Rink
- Kin Hut • Departure Bay • Kin Pool



City of Nanaimo



## TYPES OF FACILITIES

# PARK FACILITIES

- Washrooms • Change Rooms • Field Houses
- Picnic Shelters • Stadiums • Park Structures



City of Nanaimo

## ASSET MANAGEMENT

- Asset Management is an integrated approach involving Planning, Finance, Engineering and Operations to effectively manage existing and new assets
- The intent is to maximize benefits, reduce risks and provide satisfactory levels of service to the community in a sustainable manner
- Develop full long-term asset management plans that include renewal, upgrades and growth for City asset infrastructure



City of Nanaimo



## ASSET MANAGEMENT

# FACILITY CONDITION ASSESSMENT PROJECT

**GOALS:**

To complete condition assessments of **all facilities, facility components** and **park amenities**.

Work with this information and consultants to complete the framework for **facility asset management plans**.

Following these goals will allow the City to properly plan from a short- and long-term perspective regarding

- **CAPITAL PLANS • MAINTENANCE PLANS • STAFFING LEVELS**
- **CONTRACTED SERVICES • FUNDING REQUIREMENTS**
- **DISPOSAL OF ASSETS**

Anticipated completion in June of 2021 for project scope.  
Partially funded from \$500K grant received through UBCM –Strategic Priorities Fund in 2018.

*City of Nanaimo*

## CONSIDERATIONS FOR SETTING PRIORITIES

# ASSESSING PRIORITIES

**Types of Studies Used and Needed:**

- Community Planning Processes (Master Plans)
- Space Needs (corporate & community)
- Condition Assessments
- Feasibility Studies
- Development Plans

**Other Considerations:**

- Reaction to a failure of a component
- The 2012 Seismic Review

```

graph TD
    CP((Corporate Priority)) --> LA((Lifecycle of an amenity))
    LA --> D((Demand))
    D --> U((Use))
    U --> CR((Community Requests))
    CR --> CP
  
```

*City of Nanaimo*



## SEISMIC ISSUES

# SEISMIC SCREENING PRIORITY

After a seismic study was commissioned in early 2012 to analyze City of Nanaimo buildings, 12 were identified with a rating of 10 or above which helped to prioritize facility projects.

Facility	
City Hall Annex	REMOVED AND REBUILT AS SARC – <b>COMPLETED.</b>
Chase River Activity Centre (Boys & Girls Club)	SEISMIC STUDY COMPLETED- <b>FUTURE WORKS REQUIRED. DECISION REQUIRED.</b>
Departure Bay Activity Centre	SEISMIC STUDY COMPLETED- <b>DECISION REQUIRED.</b>
Fire Headquarters at 580 Fitzwilliam	SEISMIC STUDY COMPLETED- <b>UPGRADES COMPLETED.</b>
CIBC Centre for the Arts	SEISMIC STUDY COMPLETED- <b>PHASED IMPROVEMENTS ONGOING.</b>
Public Works Yard (Garage/Repair Shop)	SEISMIC SCREENING OF COMPLEX AND SEISMIC STUDY OF VEHICLE REPAIR BAYS COMPLETED- <b>CITY OPERATIONS CONSOLIDATION STUDY UNDERWAY. DECISION REQUIRED.</b>
Caledonia Park – Grandstand	<b>REMOVED AND REPLACED.</b>
Old Museum Building (VIMM)	SEISMIC REVIEW COMPLETED- <b>FUTURE WORKS REQUIRED.</b>
Harewood Activity Centre	SEISMIC SCREENING AND CONDITION ASSESSMENT DONE- <b>COMANAGEMENT AGREEMENT SIGNED WITH NSAR AND PHASED IMPROVEMENT DESIGNS UNDERWAY. FUTURE DECISION REQUIRED.</b>
Beban House	SEISMIC ASSESSMENT DONE- <b>FUTURE WORKS REQUIRED.</b>
Frank Crane Arena	SEISMIC SCREENINGS COMPLETED- <b>FUTURE WORKS REQUIRED. ROOF REPLACEMENT IN 2021. DESIGN SPECS IN 2020.</b>
Beban Pool	SEISMIC SCREENINGS COMPLETED- <b>AS PER ABOVE EXCLUDING LEISURE POOL ADDITION.</b>

*City of Nanaimo*

## FUTURE

# COMMUNITY IDENTIFIED REQUESTS

At this time, there is a growing list of amenities and projects that members of the community would like to see happen.  
Here are a few examples:

ARTS & CULTURE					
Project Name	Group	Plan Supporting Project	Cost Estimate	Start	Complete
Port Theatre expansion	Port Theatre Society	Approved application and plan	\$22M	TBD	
Art Gallery Phase 3 expansion	Nanaimo Art Gallery Society	Approved phased plan	\$8-\$10M		
Indigenous Peoples Place Centre	Nanaimo Aboriginal Society	Beban Park Master Plan	\$20M +		
Culture Venue for Non-Professional Artists	Various art groups	Culture Plan			




*City of Nanaimo*



**FUTURE**

## COMMUNITY IDENTIFIED REQUESTS

CIVIC					
Project Name	Group	Plan Supporting Project	Cost Estimate	Start	Complete
SAR Re-development of Harewood Activity Centre	Nanaimo Search & Rescue	Approved co-management agreement	\$2-\$3M (in phases)	2020	2030
City Operations Facility					
RCMP Building Capacity Issue / Public Safety Precinct					




City of Nanaimo

**FUTURE**

## COMMUNITY IDENTIFIED REQUESTS

RECREATION					
Project Name	Group	Plan Supporting Project	Cost Estimate	Start	Complete
South End Community Centre/Chase River Community Centre upgrades	Boys & Girls Club, Chase River Neighbourhood Assoc.	PRC Master Plan and condition assessment of building	\$500,000-\$20M		
Serauxmen Stadium Re-development	Serauxmen Society	Re-development phased plan	\$1.3M (lights) \$3.5M (future phases)	2020 (lights)	
Rotary Bowl Track & Field improvements	Nanaimo Track & Field Club	Plan to be developed	TBD		
Loudon Boathouse	Nanaimo Rowing Club, Nanaimo Canoe & Kayak Club, Rotary	Loudon Park Improvement Plan	\$1.5-\$2M	2022	





City of Nanaimo



## FUTURE COMMUNITY IDENTIFIED REQUESTS

RECREATION					
Project Name	Group	Plan Supporting Project	Cost Estimate	Start	Complete
Padding Centre on Waterfront	Padding Centre Society	No approved plan yet	\$4M (2016 estimate)		
Caledonia Stadium improvements	Various user groups	Stadium Report	\$2-10M		
Te'Tuxwtun Project	SD68, SFN, BC Housing	Comprehensive Development Plan in the works			




*City of Nanaimo*

## FUTURE COMMUNITY IDENTIFIED REQUESTS

RECREATION at BEBAN PARK					
Project Name	Group	Plan Supporting Project	Cost Estimate	Start	Complete
Beban Greenhouses additions	Greenhouse Society	Beban Park Master Plan	\$100,000	2021	
Beban Park Facilities Improvement Plan	City of Nanaimo	Beban Park Master Plan and Beban Park Facility Improvement Plan	\$5-\$20M	TBD	
BMX Track Re-development	BMX Club	Beban Park Master Plan	\$300,000-\$900,000	2021	
VIEX Facility	VIEX	Beban Park Master Plan and approved lease	\$5-\$8M	TBD	
Beban Artificial Turf Fields (amenity improvements incl. change rooms)	Nanaimo United Soccer	Beban Park Master Plan			
Farmers' Market	Island Roots	Beban Park Master Plan	\$2-\$5M		





*City of Nanaimo*

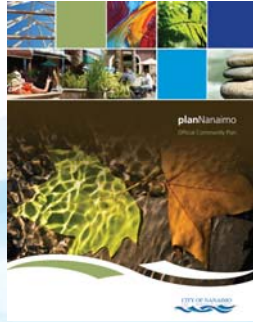


FUTURE

## CITY PLANNING DOCUMENTS

EXISTING:

- *2019-2022 Strategic Plan*
- *Official Community Plan*

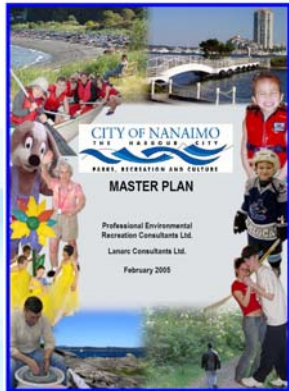
City of Nanaimo

FUTURE

## CITY PLANNING DOCUMENTS

SOME OF THE EXISTING DEPARTMENT-WIDE PLANNING DOCUMENTS:

- *Parks, Recreation and Culture Master Plan*
- *Fire Service Delivery Plan*
- *Standard of Fire Service Response Coverage*
- *Police Service Delivery Plan*
- *Cultural Plan for a Creative Nanaimo*



City of Nanaimo



PROJECTS

## FIVE-YEAR CAPITAL PROJECTS OVERVIEW



*Current Capital Projects in Five-Year Plan*

PROJECTS

## YEARLY FACILITY MAINTENANCE PROGRAMS & PROJECTS

- Lighting
- Equipment Repairs and Renovations
- Painting
- Pump & Compressor Replacements
- Roofing
- HVAC Repair and Maintenance
- Electric Control Panel Replacements
- Water Filtration System Replacements
- Condenser Boiler Replacements





## PROJECTS

## ASSET REMOVAL

Houses at

- Westwood Lake Park
- Neck Point Park



City of Nanaimo

## DISCUSSION &amp; PRIORITIES

## DECISIONS WILL NEED TO BE MADE ON THESE FACILITIES:



Departure Bay Activity Centre

Chase River Activity Centre



Nanaimo Curling Club

Kin Hut Activity Centre




City of Nanaimo



**DISCUSSION & PRIORITIES**

**DECISIONS WILL NEED TO BE  
MADE ON THESE FACILITIES:**

## Stadium Options




City of Nanaimo

**DISCUSSION & PRIORITIES**


**DECISIONS WILL NEED TO BE  
MADE ON THESE FACILITIES:**

## City Operations


The City of Nanaimo currently conducts Public Works and Parks Operations out of four separate facilities. These facilities are at or near the end of their useful lives. The City is exploring the opportunity to consolidate some or all of these into an upgraded facility.




2020 Labieux Rd



89 Prideaux St



2300 Bowen Rd  
(Centennial  
Building)



1050 Nanaimo Lakes  
Rd


City of Nanaimo



DISCUSSION & PRIORITIES

**DECISIONS WILL NEED TO BE  
MADE ON THESE FACILITIES:**


Police Operations & Police Annex



City of Nanaimo

OVERVIEW

**Financial Capacity**

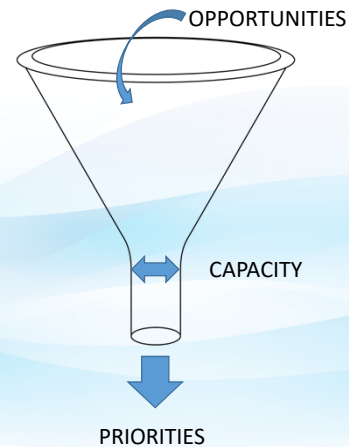


City of Nanaimo



## Potential Funding Strategies & Priorities Discussion

- General Revenue (Property Taxes)
- Debt
- Grants
- Reserves
- Partnerships



City of Nanaimo

## Facility Development Reserve

Reserve Balance, December 31, 2019 - \$3,350,653

Per Bylaw 20% Annual Operating Contribution (2020 forecast - \$1,181,000)

2020 – 2024 Financial Plan Total Budget - \$7,711,803

Total 2020 Budget - \$1,840,563

4 projects over \$100,000

- Beban Pool: HVAC
- Beban Social Centre: HVAC
- NAC: Roof
- NAC: Waterslides

City of Nanaimo



## Reserves

### Balance at December 31, 2019:

- General Asset Management Reserve Fund - \$9,172,413
  - 1% Asset Management funding - fully allocated over 20 years
- Equipment Depreciation Reserve Fund - \$8,416,206
  - Fleet renewal
- Community Works Reserve Fund - \$13,610,936
  - Anticipated to be allocated to inflight projects, eg: Metral Drive Complete Street Project
- Sustainability Reserve Fund – \$307,205
  - City Wide Specific Criteria Projects
- Development Cost Charges – City Wide Parks Reserve Fund – \$926,707
  - Dedicated funding for parks

*City of Nanaimo*

## Reserves (con't)

### Balance at December 31, 2019:

- General Capital Reserve - \$2,574,151
  - Allocations from Surplus
- Strategic Infrastructure Reserve Fund - \$2,963,000
  - Gaming & Fortis Revenues
- Strategic Partnerships Reserve – Not funded to date
  - Potential Funding from Surplus

*City of Nanaimo*



# Debt Financing

## Debt Servicing Limit

The Liability Servicing Limit is defined as 25% of municipality's controllable and sustainable revenues for the year

City of Nanaimo limit at December 31, 2018 is \$43.1 M for annual principle and interest payments

At December 31st, 2018 the City had \$4.7 M in debt servicing costs –which is 11.0% of current limit

Cost of Borrowing \$15,000,000:

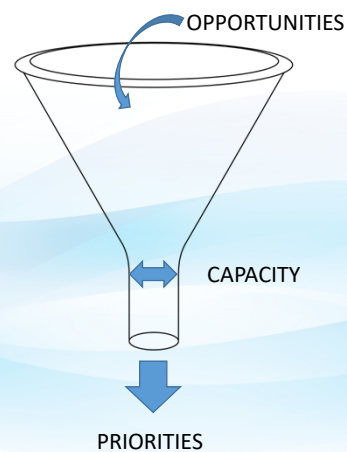
Servicing Cost ~ \$1,000,000

Interest % - 2.27% (Current Municipal Finance Authority Rate)

*City of Nanaimo*

## Potential Funding Strategies & Priorities Discussion

- General Revenue (Property Taxes)
- Debt
- Grants
- Reserves
- Partnerships



*City of Nanaimo*



## Priority Discussion

- City Operations Facility
- RCMP Building Capacity Issue/Public Safety Precinct
- Chase River Activity Centre – Interim Solution
- South End Community Centre
- Stadium Options
- Serauxmen Improvement Plan
- Others as plans get developed and adopted
- Others per Council direction



*City of Nanaimo*



# CITY OF NANAIMO Buildings

## ADMIN

CITY HALL

SERVICE & RESOURCE CENTRE (SARC)

## CONFERENCE CENTRE

VANCOUVER ISLAND CONFERENCE CENTRE

## CULTURE & HERITAGE

BASTION BUILDING

CENTRE STAGE

CENTENNIAL MUSEUM (Military)

FIRST NANAIMO SCOUT HUT

GALLOW'S POINT LIGHTHOUSE KEEPER'S COTTAGE

MINER'S COTTAGE (Buttertub's Brick Cottage)

MUSEUM TRAIN SHELTER

NANAIMO MUSEUM

NANAIMO ART GALLERY

NORTHFIELD SCHOOL

PIPERS PARK MINER'S COTTAGE

PORT THEATRE

ROWBOTTOM RESIDENCE (Miner's Cottage)





# CITY OF NANAIMO Buildings

## PARKS

**BEBAN ARTIFICIAL TURF FIELDS (Washrooms/Storage)**

**BRECHIN BOAT RAMP FISH CLEANING SHELTER**

**BRECHIN PARK - BOAT WASH BUILDING**

**BRECHIN PARK - WASHROOMS**

**CALEDONIA PARK - CHANGEROOM BUILDING**

**CALEDONIA PARK - FIELDHOUSE (Concession)**

**CALEDONIA PARK - SPOTTERS BOOTH**

**CALEDONIA PARK - WASHROOMS**

**CANOE SHELTER (Georgia Park)**

**CHINESE CEMETERY ENTRANCE & GAZEBO**

**COLLIERY DAM PARK - WASHROOMS**

**COMOX PARK - WASHROOMS**

**DEPARTURE BAY PARK - WASHROOMS**

**DEVERILL SQUARE HALIBURTON PARK (Gyro 2 Field House)**

**ELAINE HAMILTON PARK (Trofton Park Field House)**

**GYRO PARK - CONCESSION**

**GYRO PARK - JUDO BUILDING**

**GYRO PARK - WASHROOMS**

**HARRY WIPPER PARK - WASHROOMS**

**KINSMEN PARK (Kin Hut) - WASHROOMS**

**LOUDON PARK - WASHROOMS**

**MAFFEO SPIRIT SQUARE SHELTER**

**MAFFEO SUTTON PARK - ELECTRICAL BUILDING**

**MAFFEO SUTTON PARK - LIONS PAVILION**





# CITY OF NANAIMO Buildings

## PARKS

MAFFEO SUTTON PARK - WASHROOMS

MANSFIELD PARK - FIELDHOUSE

MCGIRR SPORTS FIELDS DUGOUTS

MCGIRR SPORTSFIELD FIELDHOUSE

MERLE LOGAN DOG PARK SHELTER

MERLE LOGAN SPORTSFIELD - WASHROOMS

MERLE LOGAN STORAGE BUILDING

MR BENNETT PIONEER PARK - ANNOUNCER BUILDING

MR BENNETT PIONEER PARK - WASHROOMS

NECK POINT PARK - BOATHOUSE

NORTHFIELD ROAD ROTARY INFO CENTRE (Tourism)

OLD #1 RESERVOIR - COMPRESSOR BUILDING

OLD #1 RESERVOIR - OFFICE BUILDING

OLD #1 RESERVOIR - PRV BUILDING #2

OLD #1 RESERVOIR - WORKSHOP AND GARAGE

PARKS YARD - ADMINISTRATION

PARKS YARD - EQUIPMENT BAYS

PARKS YARD - GREENHOUSE

PARKS YARD - WORKSHOP

PARKS YARD ANNEX

PAWSON PARK - WASHROOMS

PICNIC SHELTERS

PIPERS LAGOON PARK - WASHROOMS

PROTECTION ISLAND BEACON HOUSE COMMUNITY HALL





# CITY OF NANAIMO Buildings

## PARKS

**PROTECTION ISLAND MUSEUM**

**ROBINS PARK - ANNOUNCER BUILDING**

**ROBINS PARK - FIELDHOUSE**

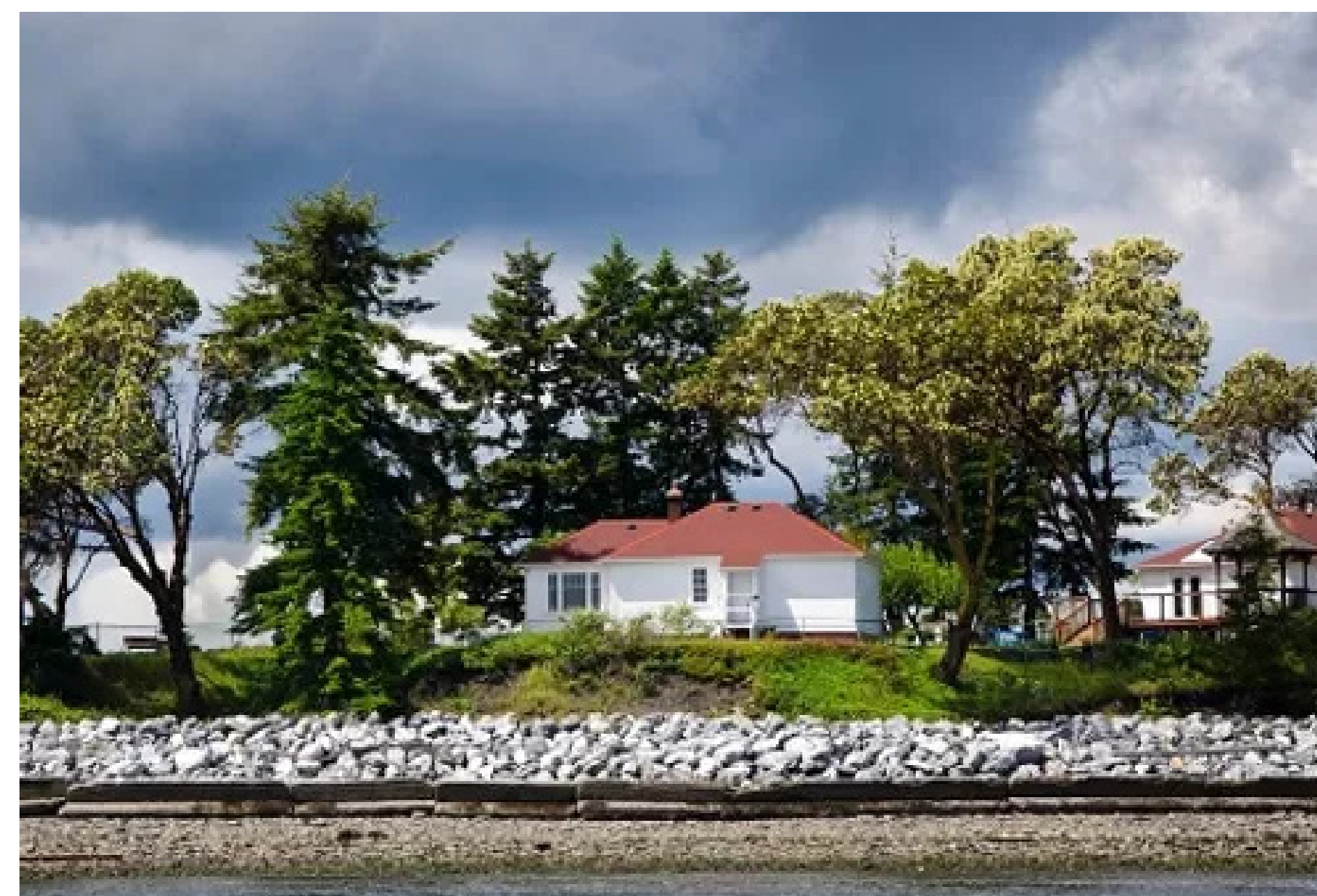
**ROTARY BALL PARK BATTING CAGE**

**ROTARY BALL PARK DUGOUTS**

**WASHROOM/STORAGE BUILDING**

**WESTWOOD LAKE PARK - CARETAKE STORAGE SHED**

**WESTWOOD LAKE PARK - WASHROOMS**





# CITY OF NANAIMO Buildings

## PUBLIC SAFETY

**ANIMAL CONTROL BUILDING**

**ANIMAL CONTROL RESIDENCE**

**FIRE RESCUE ADMINISTRATION BUILDING**

**FIRE STATION # 2 - STORAGE**

**FIRE STATION #1**

**FIRE STATION #3**

**FIRE STATION #4**

**FIRE STATION #7 (PROTECTION ISLAND)**

**FIRE TRAINING CENTRE**

**POLICE OPERATIONS ANNEX BLDG (ARC Building)**

**POLICE OPERATIONS BUILDING**

**SAR BUILDING (former Harewood Act. Centre)**





# CITY OF NANAIMO Buildings

## PUBLIC WORKS

#7 RESERVOIR/TANYA DR ALTITUDE VALVE STATION

BOWEN CEMETERY - OFFICE

BROOKWOOD DR LIFT STATION

CAMERON ISLAND LIFT STATION

CARGO STORAGE CONTAINER

CEDAR ROAD LIFT STATION

COLLEGE DRIVE PUMP STATION

CONSTRUCTION STORAGE CONTAINER

DUKE POINT PUMP STATION

DUKE POINT WATER PRESSURE REGULATOR STATION

EXTENSION 8A ALTITUDE CONTROL BUILDING

FILLINGER LIFT STATION

FIRE STATION #2

GORDON STREET LIFT STATION

GREENWOOD LIFT STATION

JUMP CREEK DAM STORAGE CONTAINER

JUMP CREEK GENERATOR CONTROL BUILDING

LABIEUX RD PUMP STATION

LABIEUX RD VALVE CHAMBER

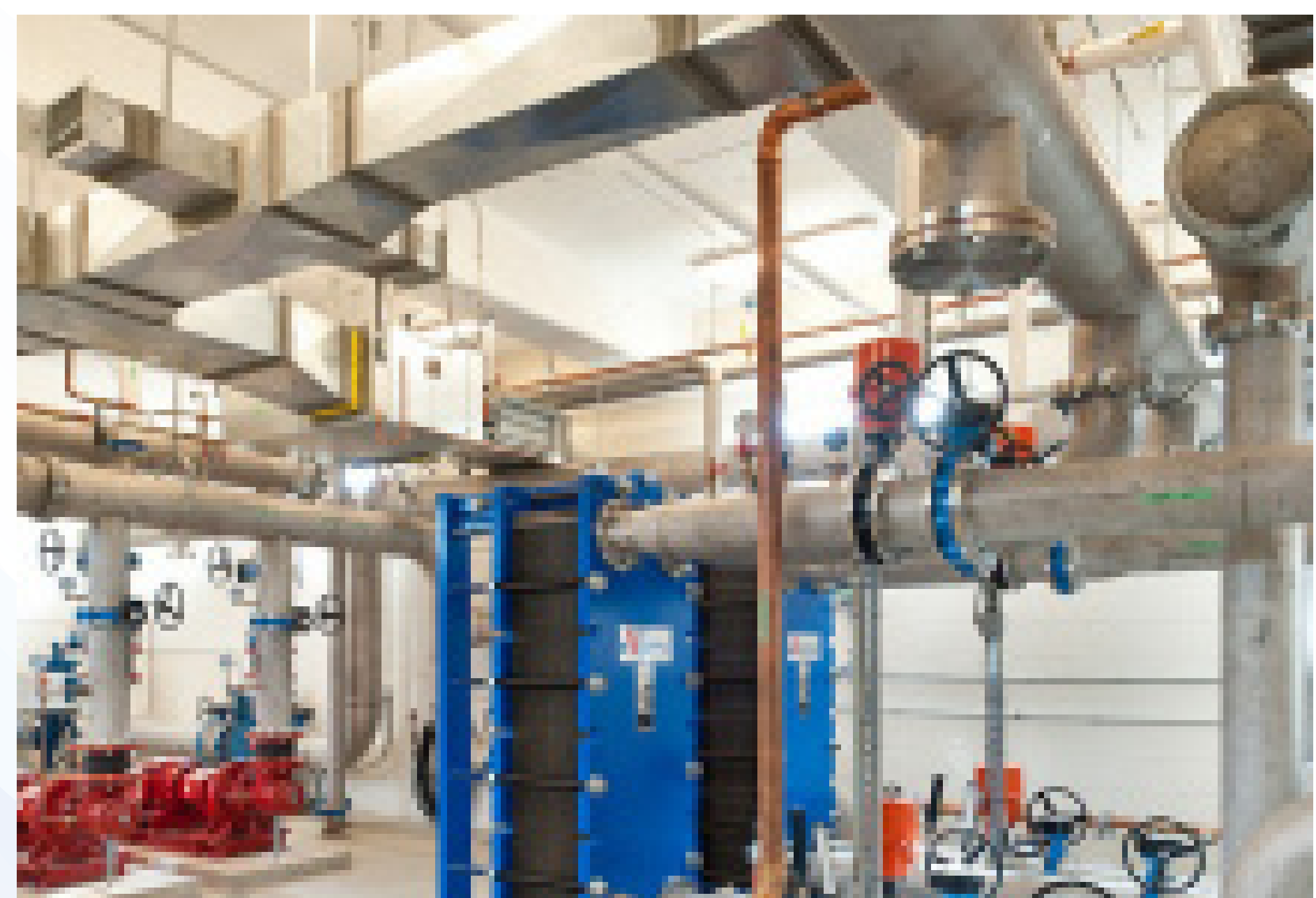
LAGOON ROAD PUMP STATION

LANGARA PUMP STATION - TOWERS

LOIS LANE/QUEENS PUMP STATION

LOST LAKE PUMP STATION

LOST LAKE RADIO CONTROL BUILDING





# CITY OF NANAIMO Buildings

## PUBLIC WORKS

**METRAL DR/ ENTERPRISE ST SEWER LIFT STATION**

**NEW COLLEGE PARK PUMP STATION**

**OLD #1 RESERVOIR - DECOMMISSIONED CHLORINATION BLDG**

**OLD #1 RESERVOIR - PRV BUILDING #1**

**PARK LIFT STATION**

**PIPER'S BEACH LIFT STATION**

**PRINCE JOHN WAY PRV STATION**

**PROTECTION ISLAND SIPHON STATION**

**PROTECTION ISLAND STORAGE BUILDING NO 1**

**PROTECTION ISLAND STORAGE BUILDING NO 2**

**PRYDE AVE PUMP STATION**

**PUBLIC WORKS STORAGE CONTAINER**

**PUBLIC WORKS STORAGE CONTAINER**

**PUBLIC WORKS YARD - ADMINISTRATION OFFICE**

**PUBLIC WORKS YARD - AQUATIC STORAGE TENT**

**PUBLIC WORKS YARD - CASTING/STORAGE BUILDING**

**PUBLIC WORKS YARD - CONSTRUCTION OFFICE TRAILER**

**PUBLIC WORKS YARD - GARAGE/REPAIR SHOP**

**PUBLIC WORKS YARD - GARAGE/REPAIR SHOP ADDITION**

**PUBLIC WORKS YARD - GAS KIOSK**

**PUBLIC WORKS YARD - LUNCH ROOM BUILDING**

**PUBLIC WORKS YARD - PORTABLE OFFICE BUILDING**

**PUBLIC WORKS YARD - PURCHASING/STORES BUILDING**

**PUBLIC WORKS YARD - SALT STORAGE BUILDING**





# CITY OF NANAIMO Buildings

## PUBLIC WORKS

**PUBLIC WORKS YARD - SHELTER**

**PUBLIC WORKS YARD - SHELTER STORAGE**

**PUBLIC WORKS YARD - VEHICLE STORAGE/SIGN SHOP**

**PUBLIC WORKS YARD - SALT/BRINE STORAGE BUILDING**

**RCMP STORAGE BUILDING**

**RESERVOIR NO.1 AND ENERGY RECOVERY FACILITY**

**ROD GLEN PUMP STATION**

**ROSS ROAD LIFT STATION**

**SANITARY SEWER STORAGE CONTAINER**

**SERVICE SHOP STORAGE CONTAINER**

**SHORELINE DR PUMP STATION**

**SOUTH FORK DAM POWER GENERATION BUILDING**

**SOUTH FORK DAM STORAGE CONTAINER**

**SOUTH FORKS WATER TREATMENT PLANT**

**STORM DRAINAGE STORAGE CONTAINER**

**SWY-A-LANA PUMPHOUSE**

**WALL ST LIFT STATION**

**WATER PROCESS CENTRE**

**WILLS RD LIFT STATION**

**WILTSHIRE PRV STATION**





# CITY OF NANAIMO Buildings

## RECREATION

**BEBAN AGRIPLEX**

**BEBAN HOUSE**

**BEBAN - BEBAN HOUSE GARAGE**

**BEBAN PARK METAL STORAGE BUILDING**

**BEBAN POOL INCLUDING FRANK CRANE ARENA**

**BEBAN SOCIAL CENTRE**

**BEBAN SPORTS PAVILLION (Lions Pavillion)**

**BOWEN CLUBHOUSE (Lawn Bowling)**

**BOWEN MAIN BUILDING**

**BOWLING CLUB STORAGE**

**BOWLING EQUIPMENT STORAGE**

**CENTENNIAL BUILDING**

**CHASE RIVER FIRE HALL (Boys & Girls Club)**

**CLIFF MCNABB ARENA**

**COMMUNITY SERVICES BUILDING**

**CURLING CLUB**

**DEPARTURE BAY PARK - ACTIVITY HALL**

**FRANK CRANE ARENA**

**HAREWOOD CENTENNIAL PARK - WASHROOMS**

**KIN POOL EQUIPMENT BUILDING**

**KIN POOL FILTER BUILDING**

**KIN POOL TANK**

**KIN POOL WASHROOM/CHANGEROOM BUILDING**

**KINSMEN PARK (KIN HUT)**





# CITY OF NANAIMO Buildings

## RECREATION

**KINSMEN WASHROOM BUILDING**

**MAY BENNETT PIONEER PARK - FOOTBALL BUILDING**

**NANAIMO AQUATIC CENTRE (NAC)**

**NANAIMO ICE CENTRE (NIC)**

**OLIVER WOODS COMMUNITY CENTRE (OWCC)**

**ROTARY PARK FIELDHOUSE - SERAUXMEN SPORTSFIELDS**



## PARKADES

**PORT THEATRE PARKADE**

**BASTION STREET PARKADE**

**HARBOURFRONT PARKADE**





# Staff Report for Decision

DATE OF MEETING | March 9, 2020 |

AUTHORED BY | Kirsten Gellein, Zero Waste Coordinator  
David Thompson, Acting Manager of Sanitation & Recycling |

**SUBJECT**                      **Single-Use Checkout Bag Regulation Update**

## **OVERVIEW**

### **Purpose of Report**

1) To report on the findings of the single-use checkout bag consultation, as conducted in spring 2019; and 2) to summarize the actions of senior government and other local jurisdictions on single-use plastics, including check-out bags. |

### **Recommendation**

That the Governance and Priorities Committee recommends its preferred option to Council, regarding regulating single-use checkout bags.

## **BACKGROUND**

At the November 26, 2018, Committee of the Whole meeting, Council directed Staff to prepare a Bylaw to regulate the use of single use checkout bags using the City of Victoria's Bylaw as a model and prepare a consultation plan for Council's review.

- |                   |  |
|-------------------|--|
| December 11, 2017 | Council moved and seconded that the City of Nanaimo wish to ban the use of plastic bags by retailers in the City of Nanaimo to the extent permitted by law and direct Staff to report back to Council with options and soon as possible. |
| November 26, 2018 | Council directed staff to proceed with consultation to implement a bylaw regulating the use of single-use plastic checkout bags.   |
| February 11, 2019 | Council approved the Single-Use Plastic Checkout Bag consultation plan with \$15,350 in funding from General Taxation.   |
| March - June 2019 | Single-Use Plastic Checkout Bag Consultation period.   |
| June - July 2019  | Analyze feedback and draft regulation  |

The regulation was set to return to Council in August 2019, by reporting back on the consultation results and proposing a new draft regulation with incorporation of community feedback. However, in summer 2019 this process was put on hold following significant announcements in single-use plastic regulations from the Federal and Provincial governments, and a B.C. Court of Appeal ruling to strike down the City of Victoria's plastic bag ban. The key dates are outlined below, and further detailed in the Discussion.



June 10, 2019	The Government of Canada announces a plan to ban “harmful single-use plastics” as early as 2021. <sup>1</sup>
June 27, 2019	The Canadian Council of Ministers of the Environment approved the Canada-wide Action Plan on Zero Plastic Waste: Phase 1.
July 11, 2019	B.C. Court of Appeal struck down the City of Victoria’s Checkout Bag Regulation Bylaw.
July 25, 2019	The Government of British Columbia announced the Clean BC Plastics Action Plan and policy consultation engagement strategy.
January 2020	Under authority granted through the Vancouver Charter, the City of Vancouver implements its first phase of single-use plastics bans with a ban of foam cups and take-out containers.
January 23, 2020	In review of the City of Victoria’s leave to appeal of the B.C. Court of Appeal decision, the Supreme Court of Canada dismissed the application, with costs.
January 30, 2020	The City of Victoria updated Checkout Bag Regulation Bylaw 20-025, gave three readings and forwarded the bylaw to the Minister of Environment and Climate Change Strategy for approval.
January 30, 2020	Government of Canada announces the Draft science assessment of plastic pollution, confirming plastic bags are harmful to Canada’s environment.

## **DISCUSSION**

### **Single-Use Checkout Bag Consultation Results**

In spring 2019, the City of Nanaimo launched a public consultation campaign to inform on the interest and scope of single-use checkout bag regulation. The consultation results have been analyzed and implemented into draft “Checkout Bag Regulation Bylaw 2019 No. 7283” (Attachment A). Overall, survey and retailer roundtable feedback suggests strong public support for the following components of a regulation:

- Plastic single-use checkout bags should be banned.
- The charge for single-use paper bags should be \$0.25/ea.
- Minimum recycled content levels should be included for paper single-use checkout bags.
- The list of exemptions is reasonably correct, without including additional exemptions for take-out food or photographic products.

### ***Retailer Consultation***

<sup>1</sup> <https://pm.gc.ca/en/news/news-releases/2019/06/10/canada-ban-harmful-single-use-plastics-and-hold-companies-responsible>



Consultation with local retailers included an online survey and a roundtable hosted by the Greater Nanaimo Chamber of Commerce. Forty-six survey responses were received and four retailers participated in the round-table. In general, there was a high degree of familiarity with single-use checkout bag regulations as implemented in other jurisdictions.

Details of the survey results are included in the Single Use Checkout Bags – Consultation Results (Attachment B). Findings of note include:

- Almost 70% of respondents were small businesses;
- 50% of respondents currently do not provide plastic checkout bags;
- Of those retailers that do provide plastic checkout bags, and track quantities, they supply more than 2.5 million single-use plastic checkout bags in Nanaimo each year;
- 69% of respondents are not in favour of a deposit system forming part of the regulation;
- 61% of retailers already offer an alternative to plastic checkout bags, if a customer requests. Alternatives include:
  - Carry-out service;
  - Re-usable bags; and
  - Totes for regular orders.
- 70% of respondents preferred leaflets, handouts, and links to City online resources as methods to communicate with their customers on the regulation;
- There was general consensus on the proposed list of exemptions, with the following proposed additions:
  - Takeout food;
  - Photo products; and
  - Compostable plastics.
- Respondents expressed significant support (>50%) for “packages for loose bulk items”, “to protect prepared foods and bakery goods”, and “transport live fish”;
- 20% (9/44) of respondents stated that there should be no exemptions.

At the retailer round-table, participants were concerned about sanitary conditions of certain re-usable bags. Discussion was held on efforts that retailers and the City could work on to reduce this concern. Information on how to keep re-usable bags clean and to get the most useful life out of them was felt to be important. Also, retailers could train their staff to recognize these conditions and implement procedures that would address any negative impacts.

### ***Residential Consultation***

The consultation with local residents consisted of an online survey and a project webpage. Residents were directed to the survey through radio advertisement and social media posts. 1,555 responses and two direct emails were received during the consultation period.

Details of the survey results are included in the Single Use Checkout Bags – Consultation Results (Attachment B). Findings of note include:

- Strong support (65%) for a ban on single-use plastic checkout bags.
  - 6% of respondents do not use plastic checkout bags.
  - 4% of respondents are resistant to regulation of any sort.
  - 1.5% recommended that all plastic single-use checkout bags be compostable;
- With respect to using mandated pricing to change behaviour, most respondents identified \$1.00 / bag as the level that would result in them switching to re-usable bags from plastic checkout bags;



- If plastic checkout bags were to be banned, 71% of respondents would switch to re-usable bags;
- More than 85% of respondents support a minimum level of recycled content in paper checkout bags;
- With respect to using mandated pricing to change behaviour, most respondents identified \$0.25 / bag as the level that would result in them switching to re-usable bags from paper checkout bags;
- There was general consensus on the proposed list of exemptions, with notable support for
  - “to contain frozen food, meats, and seafood” and “transport live fish”;
  - Almost 12% (186/1,555) of respondents stated that there should be no exemptions;
- Respondents indicated high levels of support for all identified education channels, with the highest being social media (73%).

### **Federal Actions towards Banning Harmful Single-Use Plastics**

On June 10, 2019 the Government of Canada announced it would be taking actions to reduce plastic pollution, and introduce a ban on harmful single-use plastics “as early as 2021 under the Canadian Environmental Protection Act and taking other steps to reduce plastic waste, where supported by scientific evidence and when warranted.”<sup>2</sup> The announcement described harmful single-use plastics as items such as shopping bags, straws, cutlery, plates, and stir sticks.

Following up from this announcement, on June 27, 2019 the Canadian Council of Ministers of the Environment (CCME) affirmed the 2021 goal to introduce bans on harmful single-use plastics in the *Canada-wide Action Plan on Zero Plastic Waste: Phase 1 report*. The CCME will develop a roadmap to management harmful single-use plastics, and noted the work associated with this action area will be completed by the end of 2021.”<sup>3</sup>

On January 30, 2020 the Government of Canada released its *Draft science assessment of plastic pollution*. As a scientific backing for the ban on harmful single-use plastics and to strengthen the CCME action plan, the assessment confirms bags and straws can harm wildlife and damage habitats. The assessment also brought attention to the issues of microplastics causing harm to freshwater and ocean habitats. Upon releasing the assessment, the Government of Canada reaffirmed their commitment to have new regulations in effect as early as 2021.<sup>4</sup>

### **Provincial - Clean BC Plastic Action Plan**

On July 25, 2019, the Province of British Columbia introduced the *Clean BC Plastic Action Plan*. One of the plan’s four action areas is for bans on single-use packaging. Following from the release of the plan, the Province launched a public consultation platform to help determine the

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<sup>2</sup> <https://pm.gc.ca/en/news/backgrounders/2019/06/10/government-canada-taking-action-reduce-plastic-pollution>

<sup>3</sup> [https://www.ccme.ca/files/Resources/waste/plastics/1289\\_CCME%20Canada-wide%20Action%20Plan%20on%20Zero%20Plastic%20Waste\\_EN\\_June%2027-19.pdf](https://www.ccme.ca/files/Resources/waste/plastics/1289_CCME%20Canada-wide%20Action%20Plan%20on%20Zero%20Plastic%20Waste_EN_June%2027-19.pdf)

<sup>4</sup> <https://www.canada.ca/en/environment-climate-change/news/2020/01/draft-science-assessment-of-plastic-pollution-confirms-negative-impact-of-plastic-pollution-on-the-environment-in-canada.html>



types of plastic packaging to ban, and identify exemptions of any items necessary for health, safety and accessibility.

The Plastic Action Plan brings attention to inter-jurisdictional strategies when considering single-use plastic bans. Making note of the Federal announcement to ban plastic and the court proceedings with the City of Victoria ban, the plan brings into balance the preference to avoid duplicating regulations and introduce a harmonized provincial regulation, with the desire to take immediate action to protect the environment. Accordingly, the primary policy options highlighted in the plan are to:

- *“Consider provincial bans for plastic packaging under the Environmental Management Act.*
- *“Support the development of recycled content performance standards being led by the federal government.”<sup>5</sup>*

The Province is set to release a *What We Heard Report* and incorporate public feedback into a new plastic waste regulatory framework in winter 2020.

In addition to the above actions, single-use checkout bags are currently regulated under the Recycling Regulation of the BC Environmental Management Act. This Regulation places the responsibility for end-of-life management of specified products and materials onto industry. This program is delivered in British Columbia through RecycleBC, the stewardship agency representing producers and brand owners who sell printed paper and packaging in British Columbia. Any new regulation would likely result in adjustments to existing regulation and stewardship agency service delivery plans, which could be a complex and time consuming undertaking.

## **Municipal Precedent**

Upon hearing a petition for judicial review from the Canadian Plastic Bag Association, on July 11, 2019 the B.C. Court of Appeal made a decision to strike down the City of Victoria’s Checkout Bag Regulation Bylaw (Attachment C). The basis for the decision was that a bylaw relating to protection of the environment under s.9 of the Community Charter requires approval of the Minister of Environment, which was not submitted for nor approved.

In the Plastics Action Plan, the Province affirms the jurisdictional processes for lawful implementation of single-use bag bans, reiterating “...municipalities wishing to exercise their regulatory authority for protection of the natural environment are required to obtain Provincial approval.”<sup>6</sup>

Following the B.C. Court of Appeal decision, the City of Victoria brought forward a leave to appeal to the Supreme Court of Canada. Affirming the B.C. Court of Appeals decision, the higher court dismissed, with costs, Victoria’s leave to appeal on January 23, 2020.

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[https://cleanbc.gov.bc.ca/app/uploads/sites/436/2019/08/CleanBC\\_PlasticsActionPlan\\_ConsultationPaper\\_07252019\\_B.pdf](https://cleanbc.gov.bc.ca/app/uploads/sites/436/2019/08/CleanBC_PlasticsActionPlan_ConsultationPaper_07252019_B.pdf)

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[https://cleanbc.gov.bc.ca/app/uploads/sites/436/2019/08/CleanBC\\_PlasticsActionPlan\\_ConsultationPaper\\_07252019\\_B.pdf](https://cleanbc.gov.bc.ca/app/uploads/sites/436/2019/08/CleanBC_PlasticsActionPlan_ConsultationPaper_07252019_B.pdf)



After the Supreme Court of Canada decision, the City of Victoria brought forward and motioned to approve a revised bylaw on January 30, 2020. The proposed City of Victoria Checkout Bag Regulation Bylaw No. 20-025 mirrors the existing checkout bag regulation bylaw approved in 2018, with notable amendments to reframe the bylaw for protection of the environment, under the *Community Charter* section 8(3)(j). The City of Victoria's bylaw has since been submitted to the Province for ministerial approval.

Victoria's bylaw joins a handful of others awaiting approval from the Minister of Environment and Climate Change Strategy, including the City of Richmond, the Town of Esquimalt, the Regional District of North Okanagan, and the District of Saanich. Saanich had adopted a Checkout Bag Regulation Bylaw in June 2019, but repealed and revised the bylaw following the B.C. Court of Appeal decision.

Under authority granted by the Vancouver Charter, as of January 1, 2020 the City of Vancouver has implemented a foam cup and take-out container ban. With foam as the first phase in its Single-use Item Reduction Strategy, to follow are bans on straws and utensils in April 2020, and shopping bags and cups in January 2021.

Despite the B.C. Court of Appeal ruling, a number local governments have implemented single-use bag bans without applying for or receiving approval from the Province. These governments include the District of Squamish, Town of Qualicum Beach, District of Tofino, Resort Municipality of Ucluelet, Village of Cumberland, and the City of Salmon Arm. The City of Courtenay had aimed to implement their adopted single-use plastic regulation, but motioned in December 2019 to wait, pending Provincial and Federal clarification and action.

Very recently, the District of Tofino and the Resort Municipality of Ucluelet both repealed their municipal Bylaws to give three readings to a Bylaw requiring Ministerial approval.

## **OPTIONS**

1. That the Governance and Priorities Committee recommends that Council directs staff to revise draft "Checkout Bag Regulation Bylaw 2019 No. 7283" in reference to section 8(3)(j) of the Community Charter, and return with the revised Bylaw for first, second and third reading at the next scheduled Council meeting, to be forwarded to the Minister of Environment and Climate Change Strategy for approval.

The advantage of this option is legally sound action to position Nanaimo as a leader in environmental protection, as aligned with the priorities of Environmental Responsibility, Governance Excellence and Economic Health in the Strategic Plan. The disadvantage of this option is the uncertainty in timeline for receiving Ministerial approval.

Financial Implications: the enforcement costs, in bylaw staff time, and the utilization of the \$15,350 in public education funds as included in the 2020 budget.

2. That the Governance and Priorities Committee recommends that Council approve the wording of the draft "Checkout Bag Regulation Bylaw 2019 No. 7283" and direct Staff to prepare the Bylaw for first, second and third reading for the next scheduled Council meeting.



The advantage of this option is taking quick action to position Nanaimo as a leader in environmental protection, as aligned with the priority of Environmental Responsibility in the Strategic Plan. The disadvantages of this option are the high risk and susceptibility to litigation upon implementing a bylaw of this nature without Provincial approval.

Financial Implications: the enforcement costs, in bylaw staff time, and the utilization of the \$15,350 in public education funds as included in the 2020 budget.

3. That Council directs staff to hold the “Checkout Bag Regulation Bylaw 2019 No. 7283” until Federal and Provincial strategies are implemented, and in the interim, create and launch an education and resource campaign for residents and businesses based on the Consultation results. |

The advantages of this option is the low risk, and decreased staff time from utilizing resources made available with a harmonized Provincial and/or Federal checkout bag ban. The disadvantages of this option are related to the uncertainty in the timeline of bans from senior governments, and a lack of clarity on municipal responsibility in enforcing these bans.

Financial Implications: the utilization of the \$15,350 in public education funds as included in the 2020 budget.

4. That Council provides alternate direction to staff.

Depending on the direction provided, staff may have to conduct additional research or outreach, which may delay regulation.

#### **SUMMARY POINTS**

- The results from the Single-use Checkout Ban Regulation consultation indicate strong support from residents and businesses on the banning of plastic single-use checkout bags, charge for single-use paper bags, requirement of minimum recycled content levels for paper bags, and the proposed exempted packaging.
- The Government of Canada and Province of British Columbia have announced plans to create and implement regulation to take action on plastic waste, with the Federal Government aiming to ban harmful single-use plastics as early as 2021.
- Recent judgements made by the B.C. Court of Appeal and Supreme Court of Canada affirm the necessity for municipalities to receive Provincial approval for bylaws to regulate or ban single-use checkout bags.



**ATTACHMENTS:**

- A. Draft "Checkout Bag Regulation Bylaw 2019 No. 7283"
- B. Presentation on the Single Use Checkout Bags – Consultation Results
- C. BC Court of Appeal, Canadian Plastic Bag Association v. Victoria (City), 2019
- D. Single Use Plastics – Regulatory Landscape - Graphic |

**Submitted by:**

Kirsten Gellein  
Zero Waste Coordinator |

**Concurrence by:**

David Thompson  
Acting Manager, Sanitation & Recycling

Bill Sims  
General Manager,  
Engineering & Public Works  
|



CITY OF NANAIMO

BYLAW NO. 7283

A BYLAW TO REGULATE THE USE OF CHECKOUT BAGS

WHEREAS the Council of the City of Nanaimo may by bylaw, pursuant to its statutory powers, including Section 8(6) of the *Community Charter*, regulate businesses; and

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Checkout Bag Regulation Bylaw 2019 No. 7283”.

**PART I – GENERAL**

2. Definitions

“Checkout Bag”	means (a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag; or (b) bags used to package take-out or delivery of food; and (c) includes Paper Bags, Plastic Bags, or Reusable Bags
“Business”	means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the Business Licence Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;
“Paper Bag”	means a bag made out of paper and containing at least 40% of post-consumer recycled paper content, and displays the words “Recyclable” and “made from 40% post-consumer recycled content” or other applicable amount on the outside of the bag, but does not include a Small Paper Bag;
“Plastic Bag”	means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag;
“Reusable Bag”	means a bag with handles that is for the purpose of transporting items purchased by the customer from a Business and is (a) designed and manufactured to be capable of at least 100 uses; and (b) primarily made of cloth or other washable fabric;
“Small Paper Bag”	means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

3. Checkout Bag Regulation

- (1) Except as provided in this Bylaw, no Business shall provide a Checkout Bag



to a customer.

- (2) A Business may provide a Checkout Bag to a customer only if:
  - (a) the customer is first asked whether he or she needs a bag;
  - (b) the bag provided is a Paper Bag or a Reusable Bag; and
  - (c) the customer is charged as set out in Schedule 'A', attached to and forming part of this bylaw.
- (3) For certainty, no Business may:
  - (a) sell or provide to a customer a Plastic Bag; or
  - (b) provide a Checkout Bag to a customer free of charge.
- (4) No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

#### 4. Exemptions

- (1) Section 3 does not apply to Small Paper Bags or bags used to:
  - (a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
  - (b) package loose small hardware items such as nails and bolts;
  - (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre packaged or not;
  - (d) wrap flowers or potted plants;
  - (e) protect prepared foods or bakery goods that are not pre-packaged;
  - (f) contain prescription drugs received from a pharmacy;
  - (g) transport live fish;
  - (h) protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag;
  - (i) protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
  - (j) protect clothes after professional laundering or dry cleaning.
- (2) Section 3 does not limit or restrict the sale of bags, including Plastic Bags, intended for use at the customer's home or business, provided that they are sold in packages of multiple bags.
- (3) Notwithstanding section 3(2)(c) and 3(3)(b), a Business may provide a Checkout Bag free of charge if:
  - (a) the Business meets the other requirements of section 3(2);
  - (b) the bag has already been used by a customer; and;
  - (c) the bag has been returned to the Business for the purpose of being re used by other customers.
- (4) Section 3 does not apply to a Checkout Bag that was purchased by a Business prior to the first reading of this Bylaw.

#### 5. Offence

- (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Bylaw Notice Enforcement Bylaw and the *Offence Act* if that person:
  - (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.



6. Penalties

A person found guilty of an offence under this Bylaw is subject to a fine:

- (a) if a corporation, of not less than \$100.00 and not more than \$10,000.00; or
- (b) if an individual, of not less than \$50.00 and not more than \$500.00 for every instance that an offence occurs or each day that it continues.

7. Severability

If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

8. Transition Provisions

(1) Section 4(4) is repealed, effective January 1, 2020

9. Effective Date

This Bylaw comes into force on August 1, 2019.

PASSED FIRST READING \_\_\_\_\_  
PASSED SECOND READING \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER



SCHEDULE 'A'

CITY OF NANAIMO BLYAW TO REGULATE THE USE OF CHECK OUT BAGS

1. Check out bags fees, pursuant to Section 3(2)(c), shall be:

(a) effective August 1, 2019 through December 31, 2019:

- (1) 15 cents per Paper Bag; and
- (2) \$1 dollar per Reusable Bag.

(b) Effective January 1, 2020

- (1) 25 cents per Paper Bag; and
- (2) \$2 dollars per Reusable Bag.





## Agenda

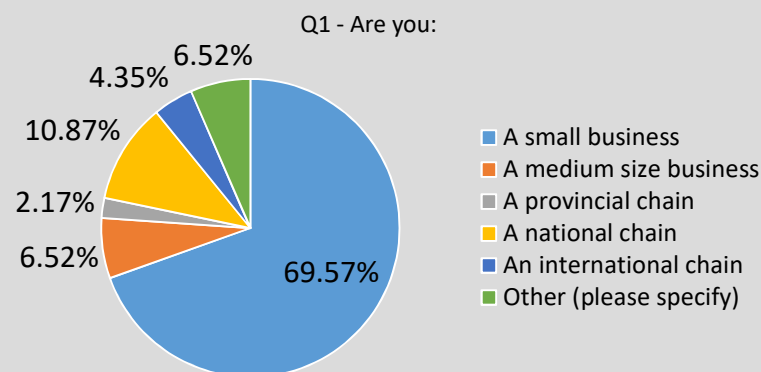
- Consultation process
- Retailer survey results
- Residential survey results
- Common themes



## Consultation Process

- Conducted between April 16 and May 31, 2019
- 2 online surveys delivered through Survey Monkey
  - Resident Survey – 1,555 responses
  - Retailer Survey – 46 responses
- Retailer roundtable, hosted by Greater Nanaimo Chamber of Commerce
- Written submissions
- Radio advertisement, social media, consultation webpage
- Consultation focused on how to change behaviour

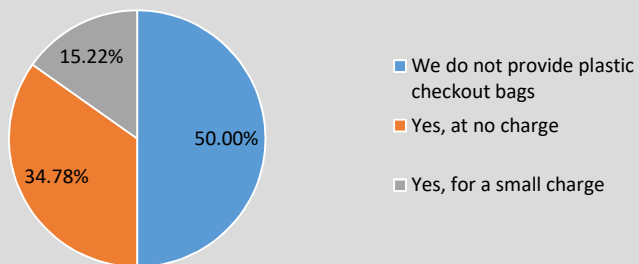
## Retailer Survey





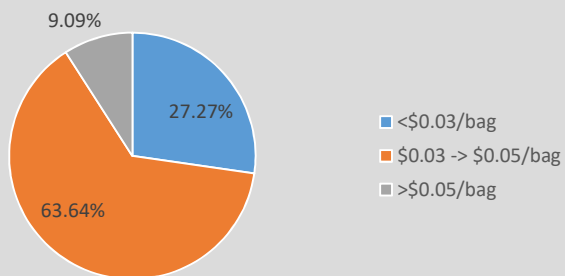
## Retailer Survey

Q2 - Do you provide plastic checkout bags?



## Retailer Survey

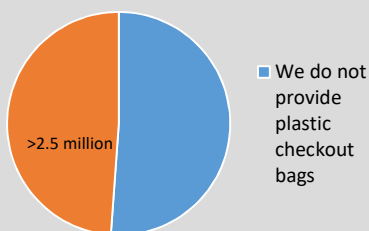
Q3 - If you provide plastic checkout bags, how much is that charge?





## Retailer Survey

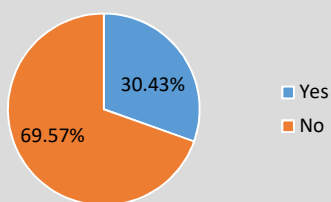
Q4 - Approximately how many plastic checkout bags does your business provide each year?



- Aggregate responses total more than 2.5 million plastic checkout bags being distribution in Nanaimo each year
- Not all respondents were aware of how many bags they provided

## Retailer Survey

Q5 - Would you be willing to implement a deposit system for single-use checkout bags?

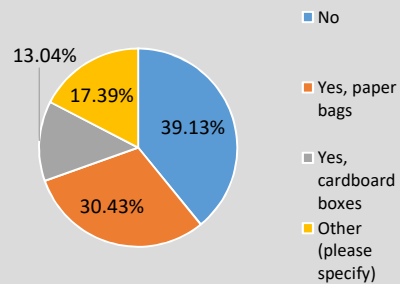


- RecycleBC has no plans to introduce a deposit system for single-use bags as part of their Provincial stewardship program



## Retailer Survey

Q6 - Do you offer alternatives other than plastic checkout bags, if a customer requests?

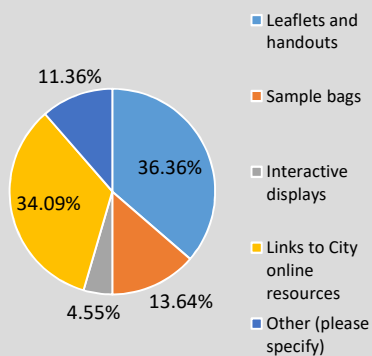


• Select "Other" responses:

- Provide carry-out service
- Sale of a variety of reusable bags
- Use totes for regular orders

## Retailer Survey

Q7 - What kind of information about a new regulation would best help your customers and staff?



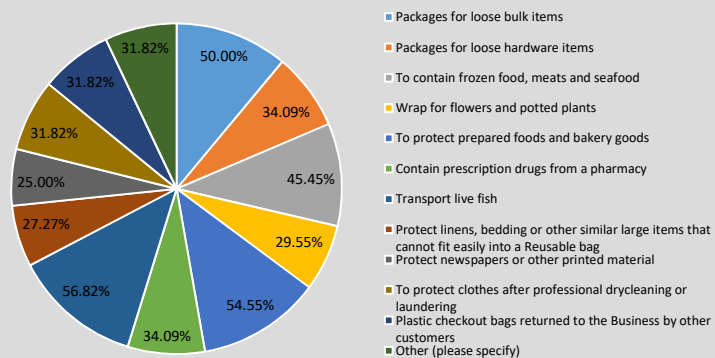
• Select "Other" responses:

- Social media demos and videos
- Give people no option



## Retailer Survey

Q8 - Suggested exemptions from regulation



## Retailer Survey

- Q8 – Suggested exemptions: Select “Other”
  - No exemptions (9/44 responses)
  - Clarify that “bulk” includes fresh vegetables
  - Takeout food
  - Certified Compostable bags
  - Photo products

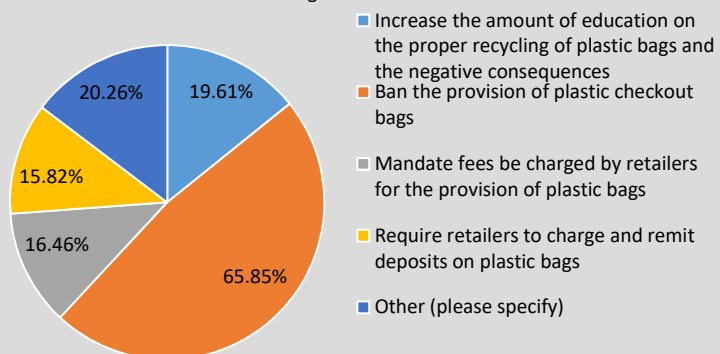


## Retailer Survey

- Summary of key points
  - Almost 70% of respondents are local businesses
  - 50% of respondents do not currently provide plastic checkout bags
  - Of those that do provide plastic checkout bags and track quantities, they supply more than 2.5million each year in Nanaimo
  - Low support for a deposit system at the retailer level
  - 60% of retailers currently provide an alternative to plastic checkout bags
  - Support for exemptions is generally balanced, however more than 20% of retailers support no exemptions

## Resident Survey

Q1 - What would it take for you to reduce your use of single-use checkout bags?



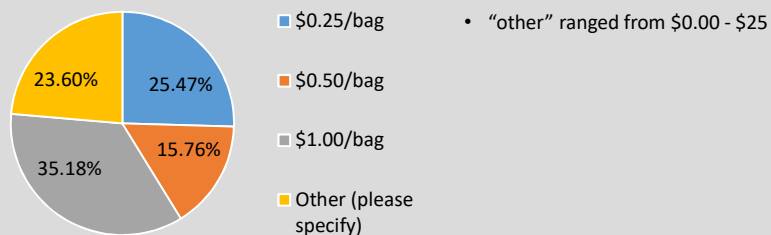


## Resident Survey

- Q1 – Select “Other” responses
  - Many already use durable, reusable bags (96)
  - Some resistance to regulation (66)
  - Mandate that plastic single-use bags be compostable (23)
  - Expand the list of regulated materials to include single-use plastics and plastic packaging (10)

## Resident Survey

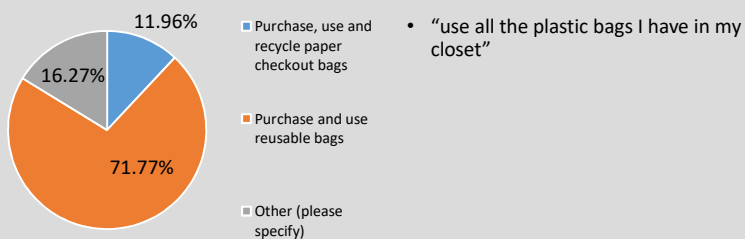
Q2 - If the Regulation mandates a fee for the provision of plastic checkout bags, what price point would be most likely to change your behaviour?





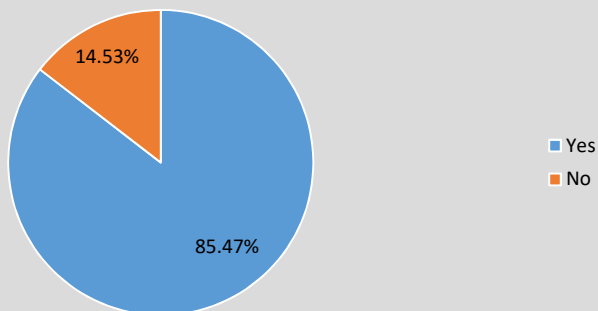
## Resident Survey

Q3 - If the Regulation bans the provision of plastic checkout bags, would you be more likely to:



## Resident Survey

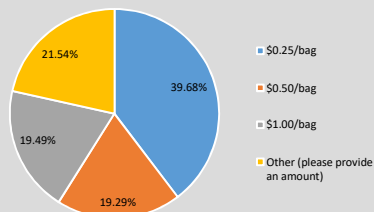
Q4 - Thinking about paper checkout bags, should the regulation include minimum levels of recycled content?





## Resident Survey

Q5 - If the Regulation mandates a fee for the provision of paper bags, what price point would be most likely to change your behaviour?

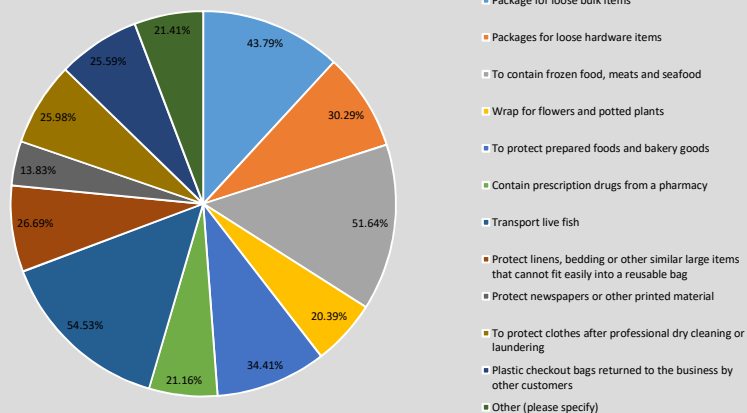


• Select "other" responses:

- \$0.00
- \$0.05
- \$0.10
- Retailers cost
- Wouldn't use paper bags

## Resident Survey

Q6 - Possible exemptions



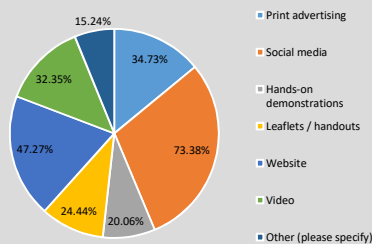


## Resident Survey

- Q6 – Possible exemptions
  - “other” – 186 respondents stated that there should be no exemptions

## Resident Survey

Q7 - Thinking about learning the contents of a new regulation, what kind of education efforts do you think would be most effective for you:



- Select “other” responses:
  - Newspaper stories
  - Radio
  - Signs/posters in stores
  - Telephone hotline
  - Signs in the parking lot to remind customers to bring their reusable bags
  - Schools
  - NanaimoRecycles app



## Common Themes

- Strong support among both residents and retailers to ban single-use bags, as a regulatory tool
- Retailers and residents are already choosing not to use single-use plastics
- Education through a variety of channels is critical to the success of a new regulation
- General consensus on list of exemptions: particularly high support for meat, frozen food wrapping, and for transporting live fish
  - 20% of retailer respondents and 12% of residential respondents preferred there to be no exemptions
- Paper bags, with minimum recycled content levels, should be allowed to be provided for a minimum \$0.25/ea fee



# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Canadian Plastic Bag Association v. Victoria*  
(City),  
2019 BCCA 254

Date: 20190711  
Docket: CA45452

Between:

**Canadian Plastic Bag Association**

Appellant  
(Petitioner)

And

**The Corporation of the City of Victoria**

Respondent  
(Respondent)

Before: The Honourable Madam Justice Newbury  
The Honourable Madam Justice Garson  
The Honourable Madam Justice Fisher

On appeal from: An order of the Supreme Court of British Columbia, dated  
June 19, 2018 (*Canadian Plastic Bag Association v. Victoria (City)*,  
2018 BCSC 1007, Vancouver Docket S180740).

Counsel for the Appellant:

R.W. Parsons  
N. Baker

Counsel for the Respondent:

T.M. Zworski  
C. Moffatt

Place and Date of Hearing:

Vancouver, British Columbia  
May 15, 2019

Place and Date of Judgment:

Vancouver, British Columbia  
July 11, 2019

## **Written Reasons by:**

The Honourable Madam Justice Newbury

## **Concurred in by:**

The Honourable Madam Justice Garson  
The Honourable Madam Justice Fisher

## **Summary:**

*City of Victoria was approached by a worldwide environmental foundation to consider outlawing plastic ‘checkout’ bags being given to customers by stores. After a process of study and consultation, City enacted a bylaw that prohibited businesses from providing or selling plastic bags to customers and required fees to be charged for paper or other re-useable bags. Section 9 of Community Charter provided that for bylaws relating to protection of the natural environment, the approval of the Minister of Environment was required. The City did not seek such approval, and characterized the bylaw as one relating to “business” under s. 9 of the Charter. The bylaw was challenged on a petition for judicial review. Chambers judge below agreed with City’s position and upheld bylaw.*

*Held: appeal allowed. Counsel agreed that the issue was whether the “pith and substance” of the bylaw was environmental protection. As in constitutional law, pith and substance refers to the “dominant character” of the law, and is usually determined by a consideration of the purpose and effects of the law. CA found this bylaw was in substance a law intended to protect the environment rather than one concerned with “business”, and that its effects were mainly environmental. In absence of the required approval, bylaw was invalid.*



## Reasons for Judgment of the Honourable Madam Justice Newbury:

[1] Over the last few years, the accumulation of plastic waste in marine environments has come to public attention in British Columbia. It is now apparent that many plastics are resistant to degradation by natural processes and at risk of being ingested by aquatic species, wildlife and people. This appeal is about an attempt by the City of Victoria to cut the number of plastic ‘checkout’ bags being discarded and entering waterways, both locally and globally. Under the governing statute, the *Community Charter*, S.B.C. 2003, c. 26, municipal laws that regulate “in relation to” the protection of the natural environment require the approval of the provincial Minister of Environment. The City contended, and the court below found, that a bylaw enacted by Victoria that prohibited merchants from providing plastic bags to customers was *not* an environmental law, but one “in relation to” business — and that it therefore did not require the Minister’s approval. For the reasons that follow, I find the bylaw *was* one relating to the protection of the environment, that the Province’s approval was required, and that the appeal must therefore be allowed.

### ***Factual Background***

[2] The initiative for the bylaw in question came from the Surfrider Foundation (“Surfrider”). According to its promotional materials, Surfrider is a non-profit organization dedicated to the “protection and enjoyment of the world’s ocean, waves and beaches through a powerful activist network.” The Vancouver Island chapter of the Foundation has among its aims the reduction and eventual elimination of single-use plastic check-out bags and the education of the community on alternatives to such plastics. In 2015 it adopted a “strategic plan” that contemplated initiatives to “eliminate single-use plastic bags, which pollute and obstruct local waterways (one of the biggest threats to our marine environment)”, consistent with the enhancement and stewardship of “public spaces, green spaces and food systems”.

[3] In June 2015, Surfrider wrote to the mayor of the City of Victoria, Ms. Helps, and members of the Council, to advise that its Vancouver Island chapter had been working on a draft bylaw banning the provision of single-use plastic bags in Victoria. In an unsigned “legal memo” attached to its letter, Surfrider anticipated the primary issue raised by this appeal — whether the City would require the Province’s approval to pass a bylaw of the kind proposed. The letter stated its “brief conclusion”:

There is overlapping authority between municipalities in British Columbia and the Province in respect of the protection of the natural environment. However, the Province has specifically provided that municipalities may regulate, prohibit, and impose requirements in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property. Pursuant to this power specifically designated by the Province, a bylaw banning plastic bags is within the jurisdiction of the City of Victoria to enact to prevent single-use plastic bags from pollution and obstructing local waterways. [Emphasis added.]

[4] The Foundation expressed the hope that the City Council would address the proposal at its July meeting and sought Ms. Helps’ “feedback and thoughts.” In due course, Surfrider provided the mayor with a draft bylaw and petition with over 2,500 signatures supporting it. In October 2015, two of the City councillors who were in contact with and supporting the Surfrider Foundation proposed a motion to the Governance and Priorities Committee of Council. They proposed that Council approve a motion directing staff to prepare a bylaw modelled on the draft provided by the Foundation, and that Ms. Helps write to officials in neighbouring municipalities encouraging them to do the same. The two councillors wrote in part:

Jurisdictions across North America and the globe have increased stewardship of water systems through the elimination of single-use plastic bags. This includes national jurisdictions such as Rwanda, sub-national jurisdictions such as the state of Hawaii, and local government jurisdictions in the United States including the City of Seattle, City of Los Angeles, City of San Francisco, and City of Chicago, and Canadian municipalities including Wood Buffalo (Fort McMurray), Alberta; Thompson and Leaf Rapids, Manitoba; and Huntingdon and Deux-Montagnes, Quebec.

Scientific research confirms that single-use plastic bags are a major source of pollution of local waterways as well as the marine ecosystem, with the concentration of micro-plastics in some areas of the Pacific Ocean exceeding the concentration of plankton. Pollution relating to single-use plastic bags also contaminates local waterways within



the City of Victoria and Capital Region, imposing infrastructure maintenance and repair costs on local government, and harming marine species.

[5] On May 25, 2016, the City solicitor, Mr. Zworski, wrote to Council advising a different approach to the issue of jurisdiction than that taken in Surfrider's correspondence:

Under the *Community Charter*, the City has broad power to regulate in relation to business. This power is in addition to powers to regulate in relation to protection of the natural environment or protection and enhancement of the well-being of the community. A bylaw regulating business can be adopted under this power even if it could also have been enacted under one of the other authorities, such as protection of the natural environment, provided that it deals with effects of the regulated business activity.

...

That is not to say that Council cannot consider broader environmental issues when enacting business regulations. To the contrary, Council has every right before enacting any regulations to consider broader, even global, consequences of its decisions on the environment or society, provided that there is a valid municipal purpose for the enactment of the bylaw. Ultimately, for a regulation to be valid as being in relation to business, it must focus on an undesirable business practice with negative local implications rather than a purely environmental concern. [Emphasis added.]

[6] The requirement for Provincial approval was brought home more clearly in a letter sent by an official of the Ministry of Environment, Mr. Harris, to Mr. Work, the head of Victoria's Department of Engineering and Public Works, in early March 2017. In part, Mr. Harris said this about the option of a ban on the sale or use of plastic bags:

Section 8(3)(j) of the *Community Charter* allows municipalities to enact bylaws for the protection of the natural environment. Municipalities could potentially enact a bylaw to ban the use of plastic shopping bags through this authority – it would be subject to approval from the Minister of Environment as protection of the natural environment is an area of concurrent provincial and municipal jurisdiction as directed under Section 9(3)(c) of the *Community Charter*. Alternatively, a regional solid waste management plan may include strategies to encourage businesses to implement incentives (e.g., fee for plastic bags at retail outlets).

Bylaws banning the sale/use of plastic bags should be considered a means of last resort, as most local government recycling programs (through MMBC depots) now include film plastics and have helped reduce the environmental impacts of plastic bag waste. This is also due to society in general becoming more aware and responsive to the negative impacts of plastic bags, and the local end-of-life management options available. [Emphasis added.]

[7] The preparation of a bylaw did not proceed quickly, but at some point, the City Council in its capacity as the Committee of the Whole requested a report from the Engineering and Public Works Department concerning a ban on plastic bags. On March 14, 2017, Council received a report from Mr. Work concerning meetings held by the Department with various groups, who were said to agree that bag-reduction programs should be supported and that reusable retail bags were the "preferred sustainable alternative". The report set out four options, but recommended the first, namely a "stakeholder led engagement and awareness campaign" that would involve stakeholder workshops and public education, from which various viewpoints could be obtained.

[8] This report came before the Council on March 23, 2017. After discussion, Council voted unanimously to begin the process of community engagement on the "detriments of plastic bag waste and the benefits of reusable bags". The approved activities were to be carried out between April and September 2017 and a further report provided in October.

[9] On May 19, 2017, Mr. Work reported to the Council concerning the "Single-Use Plastics Retail Bags-Waste Management Review". (This report was mistakenly dated May 19, 2016.) The executive summary of the report stated in part:

Reducing the waste accumulated from single-use shopping bags will prevent litter and its associated downstream environmental, economic and social costs. In certain parts of the world, much of the consumer plastic 'leaks' from poorly controlled waste management systems, and can enter the ocean environment, where it never completely degrades, but only breaks into smaller portions and can potentially harm the food chain. Science is only just beginning to understand the scope of harm imposed by what is known to be a dramatic increase in ocean plastic pollution. Ocean health concerns are fuelling bag-ban campaigns by ocean advocacy groups. While it is accurate to suggest that the problems of waste 'leakage' is most prevalent in coastal nations in the developing world, the environmental leadership from more advanced nations can send strong socio-economic signals to local and



international consumers, as to the need for dramatic reductions in wasteful habits and more conscientious consumer decisions.

Proponents view plastic retail bags as a powerful symbol of a wasteful culture and unsustainable behaviour, while industry and critics suggest that bag regulations hinder customer convenience and risk creating more negative environmental impacts, than benefits.

Careful consideration of the total life-cycle impacts of plastic bags and their alternatives is necessary to ensure that bans or levies do not create unintended environmental consequences. Numerous scientific studies state that conventional, high-density polyethylene (HDPE) shopping bags are more environmentally friendly than other single use bags, and can be less harmful than reusable, shopping bags, unless they are used a “sufficient” number of times. Re-usable bags made from recycled materials are the most environmentally friendly alternative, but only if they are used numerous times and are responsibly managed at the end of life. Policy alternatives should attempt to minimize any adoption of less environmentally friendly bag alternatives.

[10] The report recommended that the City hold discussions with key “business and waste management stakeholders” to “better understand perspectives and issues related to a voluntary retail bag fee, ... to incentivize the adoption of sustainable reusable bags”, and to reinvest funds received from the sale of such bags “to improve business packaging and sustainability programs and future packaging reduction initiatives”. The Department would then provide a preliminary work-plan and resource assessment by July 2017. (Again the year was mis-stated as 2016.) The body of the report reviewed various alternatives to plastic bag use and reduction schemes in various other parts of the world. A schedule entitled “Environmental Life Cycle Considerations of Bag Alternatives” was attached, which set out the environmental features of different types of bags. It referred to new research concerning the amount of plastic waste in oceans worldwide and its impact on ocean ecosystems, food chains and global health. As noted by the chambers judge below, it was estimated that Victoria businesses “distribute” more than 17 million single-use plastic bags per year, of which as many as 798,000 are littered and not collected, although it was acknowledged there were no reliable statistics on that point.

[11] Mr. Work duly reported again in October 2017 to “provide Council with a proposed regulatory framework and implementation plan for single-use checkout bags, which includes a ban on the City’s single-use plastic checkout bags.” Attached to the report was a draft by-law that would prohibit any Business from providing a Checkout Bag to a customer unless the customer was first asked whether he or she needed a bag; the bag provided was a Paper Bag or Reusable Bag; and the customer was charged a fee of not less than \$0.12 per Paper Bag or \$2 per Reusable Bag. (Capitalized terms were defined in the draft bylaw.) Unlike Mr. Work’s previous report, this document spoke in terms of local waste management as well as global environmental concerns and “cultural norms”:

... The draft bylaw establishes controls necessary to reduce the risk of any corresponding and significant increase in single-use paper bag use, or an excessive use of reusable bags – both of which could have more damaging environmental and local waste management impacts when compared to the corresponding reduction of plastic bags. Although paper bags perform better if littered (i.e. they break down more easily), they require more energy and create more waste and pollution, as compared to a common single use plastic bag. ...

... The free provision of single-use materials represents a systemic business/consumer transaction that privileges short-term convenience over long term sustainability. The current overuse of plastic checkout bags in our community is unsustainable over the long term and has been identified by many in the public to be inconsistent with the values of Victorians. The single-use plastic bag is powerful, ubiquitous example in our community of “throw-away consumerism” and is not merely unsustainable due to the upstream and downstream environmental impacts of plastic waste, but due to the wasteful and prevalent cultural norms that are consuming scarce resources in a manner that is not economically or socially sustainable. [At para. 15; emphasis added.]

[12] Mr. Work recounted that the City’s waste management costs were increasing but that it was difficult to estimate how much could be saved by the proposed ban. In the words of the report:

More accurate and comprehensive detail across our operational and logistics chains would be required in order to quantify such savings or impacts. That being said, any reduction in waste material can help promote reduced garbage volume and pickup frequency, reduced contamination, litter reduction, GHG savings, human resources implications etc. Reducing the transport of low density material is a benefit. Drastically reducing any mobile plastic film also helps reduce the risk of fouling underground storm water systems, which will be increasingly impacted in seasons with heavy rainfall, that are becoming more frequent/severe in our changing climate. [At para. 17; emphasis added.]



[13] In subsequent months, the City received further feedback from the public and affected persons, resulting in some changes to the draft bylaw. On December 14, 2017, an amended version received three readings. It was adopted on January 11, 2018 as Bylaw No. 18-008, the “Checkout Bag Regulation Bylaw”.

[14] I have attached a copy of the Bylaw as Schedule I to these reasons. It differs somewhat from the draft provided by Surfrider in late 2015, which would have prohibited *any person* from selling or providing single-use bags free of charge, and retail businesses from selling them or providing them free of charge. (Interestingly, this draft contemplated that it would be enacted under s. 8(3)(j) and 9(1)(b) of the *Community Charter*.) The Bylaw proposed by the City focussed on ‘Businesses.’ Section 3 prohibited any Business (as defined) from providing a Checkout Bag to a customer unless:

- (a) the customer is first asked whether he or she needs a bag;
- (b) the bag provided is a Paper Bag or a Reusable Bag; and
- (c) the customer is charged a fee not less than
  - (i) 15 cents per Paper Bag; and
  - (ii) \$1 per Reusable Bag.

Businesses were also prohibited from selling or providing Plastic Bags to customers or providing Checkout Bags to customers free of charge. (Section 3(3).) The Bylaw defined “Checkout Bag” in s. 2 to mean:

- (a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag; or
- (b) bags used to package take-out or delivery of food
- (c) and includes Paper Bags, Plastic Bags, or Reusable Bags;

Section 4 created certain exemptions, including bags used to package loose bulk items; to contain or wrap frozen foods, meat, poultry or fish; to “protect” large items that cannot easily fit into a reusable bag; and to protect clothes after professional laundering or dry-cleaning. Under s. 5, a contravention of the Bylaw constituted an offence for which penalties could be imposed under the *Offence Act*, R.S.B.C. 1996, c. 338, and under the City’s Ticket Bylaw.

[15] Most provisions of the Bylaw came into effect on July 1, 2018. The City’s website — presumably around this time — stated under the heading “Why the City is restricting single-use checkout bags”:

- Victoria residents use approximately 200 bags each every year, which would equate to 17 million plastic bags from city residents, alone.
- Plastic bags are made from a limited supply of non-renewable petroleum sources, which contribute to greenhouse gases, air quality issues, natural resource depletion, and chemical, waste and litter accumulation.
- People may use them only once, yet they remain in the environment for more than a human lifetime.
- Plastic bags are on the Top 10 list of garbage littering the world’s beaches.
- Stopping waste before it enters our management systems will help City staff reduce operating costs and increase service levels to enhance the quality of life and experience for all Victoria residents and visitors.

### ***The Petition***

[16] The Canadian Plastic Bag Association filed a petition for judicial review of the Bylaw in the Supreme Court of British Columbia on January 22, 2018. The Association is a non-profit advocacy organization that represents various manufacturers and distributors of plastic shopping bags throughout Canada. The petition states that its members are committed to conforming to “sound environmental practice and the principles of product stewardship” and that the Association works co-operatively with retailers and governments to pursue the “Three R’s (Reduce, Reuse and Recycle)” in their own operations. There was no doubt, the chambers judge found, that the Association had standing as an interested person to seek judicial review of the Bylaw.



[17] The Association's central argument was that the City lacked the jurisdiction to prohibit businesses from providing plastic bags to their customers because the purpose for which the City was purporting to legislate was to regulate "in relation to the natural environment. It is also regulating/prohibiting in relation to municipal solid waste." Under s. 9(3) of the *Community Charter*, the petitioner asserted, the City may not adopt a bylaw aimed at protecting the natural environment unless the bylaw conforms to that section. In this case, the pleading stated, the approval of the responsible provincial minister (the Minister of Environment) was required under s. 9(3)(c). The petition sought a declaration that since such approval had not been obtained, the Bylaw was *ultra vires* the City; and sought an order quashing the Bylaw.

[18] The petition was heard in the Supreme Court of British Columbia over two days in May, 2018 and the chambers judge issued reasons (indexed as 2018 BCSC 1007) on June 19, 2018.

### ***The Chambers Judge's Reasons***

#### ***Standard of Review***

[19] After reciting the facts, the chambers judge began his analysis at para. 19 of his reasons, noting that where it is asserted that a municipality lacks the legal authority to enact a bylaw, a "true question of jurisdiction" arises that is reviewable on the standard of correctness. (Citing *Nanaimo (City) v. Rascal Trucking Ltd.* 2000 SCC 13 at para. 33; *Society of Fort Langley Residents for Sustainable Development v. Langley (Township)* 2014 BCCA 271 at para. 10.) The judge found that the petition raised this type of issue, rather than one concerning the reasonableness of the Bylaw. (At para. 23.)

#### ***Legislation***

[20] The chambers judge noted the most relevant provisions of the *Community Charter*, beginning with ss. 8 and 9. I have attached as Schedule II to these reasons the material portions of these sections. As well, I note the definition of "regulate", contained in a schedule to the *Charter*, headed "Definitions and Rules of Interpretation":

"regulate" includes authorize, control, inspect, limit and restrict, including by establishing rules respecting what must or must not be done, in relation to the persons, properties, activities, things or other matters being regulated....

[21] As the chambers judge observed, there was no evidence that the City had sought to obtain the Province's approval under s. 9(3)(c) for the adoption of Bylaw 18-008, although as seen above, Mr. Work had been in communication with the Ministry of Environment. The petitioner argued that the Bylaw was enacted under s. 8(3)(j) — i.e., that it regulates, prohibits or imposes requirements "in relation to ... protection of the natural environment." In adopting the Bylaw, City Council had been responding to the issues raised by Surfrider and public support had been generated for that purpose. In the petitioner's submission, s. 9, headed "Spheres of Concurrent Authority", was also engaged and thus required the approval of the Minister of Environment. For its part, the City responded that the Bylaw fell within its power to regulate "business" under s. 8(6). In its submission, the Bylaw "simply regulate[d] a specific transaction — the provision of a bag to a customer for carrying goods that have been purchased" (at para. 30) — and it was exempted from s. 9(3) by s. 9(2). The City also relied on a provincial regulation to the *Community Charter*, to which regulation I will return below.

[22] The Attorney General received notice of the petition but did not appear. The City argued that the Court should infer from this that no provincial interest was engaged, but the chambers judge declined to draw that inference. (At para. 38.)

[23] The judge instructed himself that in determining whether municipal legislation authorizes the exercise of a certain power, a court is required to take a "broad and purposive approach" consistent with the "modern" approach to statutory interpretation enunciated in cases such as *Bell ExpressVu Limited Partnership v. Rex* 2002 SCC 42 at



para. 26 and *United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)* 2004 SCC 19 at paras. 6–8. He also observed:

In *Society of Fort Langley*, the Court of Appeal said at para. 18, after referring to s. 4(1):

[18] Frankly, the Court can take the hint – municipal legislation should be approached in the spirit of searching for the purpose broadly targeted by the enabling legislation and the elected council, and in the words of the Court in *Neilson*, “with a view to giving effect to the intention of the Municipal Council as expressed in the bylaw upon a reasonable basis that will accomplish that purpose”.

The Court must consider both the purpose and effects of the bylaw. The purpose is determined by examining both intrinsic evidence, such as the preamble or the general purposes stated in the resolution authorizing the measure, and extrinsic evidence, such as that of the circumstances in which the measure was adopted. The effects are determined by considering both the legal ramifications of the words used and the practical consequences of the application of a bylaw. The fact that a measure has merely incidental effects on area within the powers of another level of government does not render the measure *ultra vires*: *Rogers Communications Inc. v. Châteauguay (City)*, 2016 SCC 23 at paras. 36 and 37. [At paras. 33–4; emphasis added.]

This reasoning has obvious parallels to true constitutional questions of legislative authority arising between Parliament and provincial legislatures under ss. 91 and 92 of the *Constitution Act, 1867* (U.K.), 30 & 31 Vict. c. 3 (reprinted in R.S.C. 1985, App. II, No. 5.)

[24] The chambers judge also instructed himself that the purpose of a bylaw “must be taken from its wording and the minutes and public submissions surrounding its adoption, with the primary record being the material before council when it made the decision.” We were told that the extrinsic evidence admitted in this case, including the correspondence between Surfrider and City officials, was admitted below without objection, presumably as material that was before the Council and thus part of the “circumstances in which the measure was adopted.” When we raised the question of its admissibility during argument, counsel did not take up this point and were apparently content to have it considered as extrinsic evidence and used in this way.

[25] The chambers judge referred to *Peachland (District) v. Peachland Self Storage Ltd.* 2012 BCSC 1872, *aff'd*. 2013 BCCA 273, in which ss. 8 and 9 were considered. The petitioner in that instance had sought a declaration that an “Earthworks Control Bylaw” enacted by the District of Peachland was invalid. The bylaw amended an earlier bylaw which made it unlawful, with some exceptions, for anyone to move, deposit or remove soils from any land within the District without a permit. The amendment added the following clause:

No permit shall be issued that authorizes more than 200m<sup>3</sup> of soil to be removed in any calendar year from any parcel of land.

Section 9(1)(e) of the *Community Charter* at that time required Provincial approval for:

(e) bylaws under section 8(3)(m) that

- (i) prohibit soil removal, or
- (ii) prohibit the deposit of soil or other material, making reference to quality of the soil or material or to contamination.

[26] Mr. Justice Betton in the Supreme Court of British Columbia carried out a review of the applicable principles of statutory interpretation in *Peachland* and stated at the outset of his analysis that:

... Resolution of this issue turns on whether the Bylaw is properly categorized as prohibitory within the meaning intended by s. 9 of the *Community Charter*. The Legislature has decreed by enacting ss. 9(1) and (3) that there is a provincial interest in bylaws that, *inter alia*, prohibit soil removal. Thus, if the Bylaw prohibits soil removal, it requires Ministerial approval. [At para. 34; emphasis added.]

[27] Relying in part on this court's decision in *Cannon Contracting Ltd. v. Mission (District of)* (1994) 100 B.C.L.R. (2d) 111, Betton J. concluded that as suggested by its title (“Spheres of Concurrent Authority”), s. 9 “ensures consultation and co-management where municipal and provincial interests intersect.” In his analysis, the obligation in s. 9(3) to obtain Provincial approval fostered a co-operative approach to matters of “mutual interest” and manifested the



“principle of municipal-provincial relations espoused in s. (2)(1)(c) of the *Community Charter*.” (At para. 43.) He continued:

... The specific power to prohibit soil removal is contained in s. 9(1)(e). As stated in s. 4(2), “that aspect of the general power that encompasses the specific power may only be exercised subject to any conditions and restrictions established in relation to the specific power”. Thus, while the municipal power to address soil removal must be interpreted broadly, the specific power to prohibit soil removal, even in the guise of a regulation, must be exercised subject to the requirement to obtain Ministerial approval. [At para. 49; emphasis added.]

Ultimately, he ruled that the amendment to the District’s Earthworks Control Bylaw required ministerial approval because it *prohibited* soil removal within the meaning of s. 9(1)(e) of the *Community Charter*. Such approval not having been obtained, the bylaw was declared invalid.

[28] The City in the case at bar sought to rely on a regulation to the *Community Charter*, B.C. Reg. 144/2004, entitled “Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation”. Subsection 2(1)(a) thereof stated that under s. 8(3)(j) of the statute, a municipality may “regulate, prohibit and impose requirements in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer.” In the City’s submission, if Bylaw 18-008 was characterized as intended for the protection of the environment, this regulation nevertheless authorized the City to pass the Bylaw without Provincial approval. The chambers judge declined to give the regulation that broad an interpretation and said that in any event, he did not find it necessary to do so. In his analysis, the relevance of the regulation lay in the fact that in “specifying the activities a bylaw may regulate for protection of the natural environment, it also provides some guidance as to what kind of activities may be sufficiently similar that any municipal regulation of them would require similar provincial approval.” He continued:

In addition to the provision referred to above, dealing with pollution and obstruction of waterways, the regulation also permits municipalities to regulate or prohibit, subject to certain exceptions, the application of pesticides. It addresses activities of parties specifically involved in activities that may directly affect the natural environment.

For example, the regulation would permit a municipality to prohibit or impose restrictions on a building project that could obstruct or pollute a nearby stream, to specify what materials may or may not be directly discharged into the sewer system, and to define what form of pesticides, if any, homeowners may apply to their lawns and gardens.

I find that, in order to be considered a bylaw for the protection of the natural environment within the meaning of ss. 8(3)(j) and 9(1)(b) of the [Community Charter], a bylaw must similarly regulate the conduct of parties directly engaged in activities that are considered to have a negative environmental impact.

The bylaw at issue addresses the transaction in which a merchant packages the goods purchased by a customer. Although a plastic checkout bag may ultimately find its way into the natural environment, that is the result of subsequent actions by the customer or by others who subsequently come into possession of the bag. It is not the inevitable, direct or immediate result of the transaction that Bylaw 18-008 seeks to regulate.

For that reason, I find that Bylaw 18-008, in its immediate effect, is properly characterized as a business regulation, rather than a bylaw for protection of the natural environment. [At paras. 44–8; emphasis added.]

[29] The chambers judge distinguished *Peachland* on the basis that the Court there was interpreting a single municipal power in s. 8 of the *Community Charter* that was subject to “concurrent jurisdiction” in s. 9. There had been no suggestion in *Peachland* that the subject bylaw had been enacted under a different power under s. 8 to which s. 9 did not apply. The judge interpreted s.(8)(7)(a), which refers to powers to “regulate, prohibit and impose requirements”, to mean that a “bylaw properly enacted under one of the enumerated powers is valid whether or not it may also be interpreted as engaging one or more of the others.” (At para. 52.) He acknowledged that the impetus for Bylaw 18-008 had come from Surfrider, which had expressed broad environmental concerns that extended well beyond the City. However, Surfrider’s initial presentation had been followed by a two-year process in the course of which Council had obtained further information from City staff. The process had identified “specific municipal concerns related to matters such as waste collection systems, sewers, drainage, and litter control”, which purposes had been specifically “identified” in Mr. Work’s final report, even though the report also referred to broader environmental concerns.

[30] The judge referred to *Koslowski v. West Vancouver (Municipality)* (1981) 26 B.C.L.R. 210 (S.C.), a decision of Chief Justice McEachern, as he then was. In *Koslowski*, the municipality had considered a change to its zoning bylaw



that would prevent the residential development of certain property. The owners obtained an interim injunction to prevent that bylaw from being enacted. The City then enacted a bylaw to expropriate the property “for sewerage and drainage purposes”. The City had installed a sewer line running the length of the property some years earlier but had not acquired an easement at that time. The City had strongly opposed the residential development of the property and had focused on sewers only when the rezoning failed. The Court held, however, that the existence of another purpose in addition to that stated in the bylaw (“for the purpose of acquiring a site for a system of sewerage and drainage works”) did not render the bylaw illegal. In response to the argument that the City’s predominant purpose had been “beyond its power”, the Chief Justice stated:

... The fact that council had more than one purpose, and the fact that one of its purposes may have been its predominant purpose, and beyond its power, does not prevent council from acting lawfully if it also has an honest purpose that is within its statutory powers.

Where is the line to be drawn? When there is more than one purpose, as in this case, the test of predominant purpose may not be appropriate to determine legality because it is not always possible to ascertain the predominant purpose, or the scales may be weighted only slightly one way or the other. In my view, legislative action should be upheld in most cases as long as the court is satisfied that council does in fact have a lawful purpose and it acts in good faith. In such circumstances good faith is a proper test by which to judge the conduct of council. If council acts in good faith, and it has one or more lawful purposes, then its enactments should not be set aside. [At 222; emphasis added.]

[31] The judge also referred to *International Bio Research v. Richmond (City)* 2011 BCSC 471, where Savage J., as he then was, adopted similar reasoning in connection with a bylaw that banned the sale of dogs from retail stores. The petitioner claimed that the bylaw had been made “on a specious, wholly inadequate factual basis, improperly motivated, enacted in bad faith, discriminatory, and ... completely unreasonable.” (At para. 3.) Savage J. did not agree: he ruled that the City had had the authority to regulate and prohibit the sale of dogs in stores and to establish “rules respecting what must or must not be done” in relation thereto. He observed that bylaws are presumed to be enacted in good faith and for proper purposes and that “Richmond need have only one proper purpose for the Bylaw to be valid, even if members of Council may have had other motivations.” The bylaw was found not to *prohibit* retail pet stores, but to *regulate* them; and (more importantly for our purposes) it was found to be “in relation to business.” It was therefore ruled *intra vires*. (At para. 43.)

[32] The chambers judge found no evidence of bad faith in the case at bar. In his words:

... Although some members of council may have been motivated by broad environment concerns, council's attention was properly drawn to ways in which discarded plastic bags impact municipal facilities and services. Council decided that those issues could be addressed by prohibiting a specific form of consumer transaction. It is true that City staff were unable to quantify the degree to which plastic bags impacted those municipal facilities and services, but the question of whether the bylaw was a reasonable response to the identified municipal problem is not before me. The petition seeks only a finding that the bylaw is *ultra vires* and I find it to be a valid exercise of the City's business regulation power. [At para. 58; emphasis added.]

He also rejected the argument that in passing the Bylaw, the City was regulating and/or prohibiting in relation to solid waste — an authority given to regional districts, rather than individual municipalities, by the *Environmental Management Act*, S.B.C. 2003, c. 53. (“*EMA*”) He concluded that the *EMA* had no application given his view that the Bylaw did not deal with any aspect of the definition of “management” contained in the statute, in relation to solid waste. Rather the Bylaw was aimed at preventing the *creation* of certain waste and avoiding the need to “manage” same.

[33] Finally, the chambers judge rejected the argument that because the Bylaw compelled businesses to charge a minimum fee for paper and reusable bags, it violated s. 193 of the *Community Charter*, which prohibited the imposition of taxes or fees by municipalities except as authorized by provincial legislation. He found that the Bylaw did not impose a fee or tax, since the funds collected by businesses for reusable bags remained funds of the businesses. This conclusion is not challenged on appeal.

[34] In the result, the chambers judge found that the Bylaw in its immediate effect was “properly characterized as a business regulation, rather than a bylaw for the protection of the natural environment.”



## On Appeal

[35] On appeal, the Association asserts that the chambers judge erred in finding that the Bylaw was a valid exercise of the City's power to regulate 'in relation to' business under s. (8)(6). Specifically, the petitioner asserts:

- (a) the Checkout Bag Bylaw is, in pith and substance, a bylaw in relation to public health and the protection of the natural environment, under paragraphs 8(3)(i) and (j) of the *Community Charter*, respectively, and the City was not empowered to adopt the bylaw absent compliance with subsection 9(3) of the *Community Charter*; or, alternatively,
- (b) the City's power to regulate businesses under subsection 8(6) (or other provisions of the *Community Charter*) does not include:
  - (i) the power to prohibit the sale or provision of plastic bags, as set out in the Plastic Bag Ban; or
  - (ii) the power to impose a requirement that businesses charge customers a Checkout Bag Fee.

[36] The City in its factum responds that the chambers judge did not commit reversible error because:

- a. The Bylaw is, in pith and substance, a valid regulation in relation to business and does not require provincial approval under section 9 of the *Community Charter*;
- b. The Bylaw regulates, rather than prohibits, use and distribution of checkout bags by business; and
- c. the Bylaw does not impose requirements within the meaning of section 8 of the *Community Charter* but prescribes rules as to what must or must not be done in the course of a business checkout transaction.

It will be noted that both parties employed the language of constitutional law — in particular, “pith and substance” — in describing the first issue.

## Standard of Review

[37] The petitioner acknowledges, correctly, that the issues it raises are matters of statutory interpretation and of law, and therefore attract a standard of review of correctness. (See *United Taxi Drivers' Fellowship* at para. 5.) The City acknowledges this principle but also says that the “formulaic assignment” of a label to the issues on appeal is not appropriate and that the determination of the pith and substance of a bylaw involves the examination of evidence surrounding its adoption, its operation and Council's intentions, and that a “more deferential standard should apply” on this point. I agree that the more deferential standard of unreasonableness applies to conclusions of fact or mixed fact and law (where no extricable question of law arises) that may form part of the “characterization”, or determination of the pith and substance, of a law. In this case, for example, the chambers judge found as a matter of fact that no bad faith had been shown on the part of the Council; and in my respectful view, the petitioner would have to demonstrate that such finding was unreasonable if it wished to challenge it on appeal. However, the *overall* determination of the “dominant character” of a law remains a question of law.

## Principles of Interpretation

[38] Both parties agree that in interpreting the *Community Charter*, a court must give the statute a large, fair and liberal interpretation and must read the words of the statute not only in their “grammatical and ordinary sense” but harmoniously with the scheme of the statute, its object, and the intention of the Legislature: see *United Taxi Drivers' Fellowship* at para. 8. This is codified by s. 4 of the statute, which states:

4 (1) The powers conferred on municipalities and their councils under this Act or the *Local Government Act* must be interpreted broadly in accordance with the purposes of those Acts and in accordance with municipal purposes.

(2) If

- (a) an enactment confers a specific power on a municipality or council in relation to a matter, and
- (b) the specific power can be read as coming within a general power conferred under this Act or the *Local Government Act*,

the general power must not be interpreted as being limited by that specific power, but that aspect of the general power that encompasses the specific power may only be exercised subject to any conditions and restrictions established in relation to the specific power.



[39] The *Community Charter* also emphasizes in its opening sections that the public is best served when municipalities and the Province “respect the jurisdiction of each” and “work towards harmonization of Provincial and municipal enactments, policies and programs” (S. 2(1).) Section 2 goes on to state the principles on which the relationship is based, including:

(f) the authority of municipalities is balanced by the responsibility of the Provincial government to consider the interests of the citizens of British Columbia generally;

(g) the Provincial government and municipalities should attempt to resolve conflicts between them by consultation, negotiation, facilitation and other forms of dispute resolution.

[40] The purpose of the requirement in s. 9(3) for provincial approval would appear to be as suggested by the Court in *Peachland* — to ensure, “consultation and co-management where municipal and provincial interests intersect.” Presumably, this is part of the ‘scheme’ of the statute that must be considered in its interpretation. The petitioner also emphasizes the fact that municipalities are creatures of statute and possess only the powers delegated to them by provincial legislatures. In the words of Chief Justice McLachlin in *Catalyst Paper Corp. v. North Cowichan (District)* 2012 SCC 2, “This means that they must act within the legislative constraints the province has imposed on them. If they do not, their decisions or bylaws may be set aside on judicial review.” (At para. 11.)

[41] As we have seen, cases such as *Koslowski* and *International Bio Research* demonstrate that where a bylaw is enacted in good faith and the municipality has a purpose that, broadly speaking, can be said to fall within the enabling legislation, it will (absent any other statutory restriction) be upheld — even though there may also be other underlying purposes and even though individual members of the council may have had other motivations. Cases construing the meaning of “business” in the context of the *Community Charter* and similar enactments have given the term a broad meaning. In addition to *International Bio Research*, reference may be made to *Re Try-San International Ltd. and City of Vancouver* (1978) 83 D.L.R. (3d) 236 (B.C.C.A.), *Ive. to app. dism’d*. [1978] S.C.R. xii, in which massage parlours were prohibited from using nude attendants and were required to charge certain fees; and *1114829 B.C. Ltd. v. Whistler (Municipality)* 2019 BCSC 752, in which owners of rental properties were required to rent only through certain “pooling” arrangements.

[42] Setting aside s. 9 for the moment, then, Bylaw 18-008 might well be justified as having a “lawful purpose” in relation to “business.” (See *Koslowski* at 222.) In this instance, however, we must consider s. 9, which makes environmental protection a matter of “concurrent authority” and *prima facie* at least, requires provincial approval for a bylaw that regulates “in relation to ... protection of the natural environment.” If the “*true character*” of the bylaw is found to relate to the protection of the environment, the second issue is whether properly interpreted, the requirement for approval is negated by another provision of the *Community Charter* or a regulation thereunder, as the City contends.

### **“Pith and Substance”**

[43] It is trite law that “pith and substance” refers in constitutional law to the “true character” or “dominant characteristic” of an impugned law and that the determination of pith and substance involves an examination of the purpose and effects of the law, including its effects on the rights of citizens and practical consequences: see generally Peter Hogg, *Constitutional Law of Canada* (5<sup>th</sup> ed., Supp. 2016), at §15.5. The doctrine is essentially the opposite of the principle applied in *Koslowski*: here, the focus is on “*predominant* purpose” rather than the existence merely of a legitimate purpose which could justify a bylaw standing alone. Here, a choice must be made between two sources of delegated authority — the authority to “regulate in relation to business” under s. 8(6) and the (concurrent) authority to “regulate, prohibit and impose requirements in relation to ... protection of the natural environment” under ss. (8)(3)(j) and 9(1)(b). I agree with counsel’s submission that this issue should be resolved with reference to the “true nature and character” of the Bylaw. As in the federal/provincial context, this principle reflects the fact that the different “fundamental powers” listed in s. 8 are not watertight compartments but overlap considerably; and that a bylaw that properly belongs to one heading may “incidentally affect” others: see *Canadian Western Bank v. Alberta* 2007 SCC 22 at para. 29.



[44] Before turning to the purpose and effects of Bylaw 18-008, however, I turn to two related matters that arise from the chambers judge's reasoning.

*B.C. Reg. 144/2004*

[45] As seen above, the chambers judge found guidance in B.C. Reg. 144/2004 in seeking to interpret "what the legislation means when it refers to a bylaw for protection of the natural environment." He noted that s. 2(1)(a) of the Regulation (which I have included in Schedule II) referred to waterways, ditches, drains and sewers, and elsewhere to the application of pesticides. Thus it addressed "activities of parties specifically involved in activities that may directly affect the natural environment". (My emphasis.) From this he reasoned that in order to come within ss. (8)(3)(j) and 9(1)(b) of the *Community Charter*, the Bylaw would similarly have to "regulate the conduct of parties directly engaged in activities that are considered to have a negative environmental impact." (At para. 46; my emphasis.)

[46] With respect, I see no reason why a regulation imposing requirements in relation to drains, ditches or sewers would be restricted to regulating the activities of parties involved only in activities that "directly" affect the environment. The judge cited no authority for this proposition and I find it difficult to believe that a bylaw with indirect or "incidental" effects would fall outside the regulation by virtue of that fact.

[47] The judge went on to find that because Bylaw 18-008 regulated only the providing of checkout bags by merchants to customers and did not *directly* regulate "subsequent actions" by customers in relation to the environment, it was not properly characterized as relating to the protection of the environment. At most, he said, any environmental purpose was "additional" to the purpose and effect of regulating particular business transactions. (At para. 49.)

*The Environmental Management Act*

[48] In answer to this reasoning, the petitioner referred in its factum to the broad reach of the *EMA*. Section 5 of the *EMA* states that the duties and powers of the "minister" thereunder "extend to any matter relating to the management, protection and enhancement of the environment", including the development of policies for the management, protection and use of the environment; providing information to the public about the quality and use of the environment; preparing and publishing policies, strategies, objectives, guidelines and standards for the protection and management of the environment; and establishing environmental management plans for specific areas of the Province, which plans may include flood control, drainage, water resource management, and waste management. (See s. 5.)

[49] There are several provisions in the *EMA* that relate to packaging, containers and disposable products. Section 11, for example, prohibits any person from using or selling packaging, product containers or disposable products or any material used therein contrary to the *EMA* or regulations thereto. Under s. 21, the Lieutenant Governor and Council may make regulations, including

(h) prescribing for the purpose of section 6(2) [*waste disposal*], industries, trades and businesses;

...

(j) regulating litter including the sale, return and reuse of beverage containers and packaging materials or classes of beverage containers and packaging materials ....

..

(l) respecting the minimum content of material derived from recyclable material that must be contained in types or classes of packaging and products sold in British Columbia;

(m) prescribing packaging, product containers or products or classes of products for which a charge, including a deposit, handling fee, levy or core charge, must be paid or for which a refund must be given, and prescribing the amount of the charge or refund ....

...

(o) prohibiting or restricting the use of packaging or classes of packaging or product containers or classes of product containers;

...



(q) requiring prescribed industrial, commercial and institutional operations or classes of operations to develop and implement a waste reduction and prevention plan for packaging, product containers or any other material or substance, and prescribing the contents of the plan;

...

(t) requiring prescribed manufacturers, distributors or users of packaging, product containers or any other materials or substances to conduct environmental life cycle profiles using a model approved by a director; ...

The Minister is empowered under s. 22 to make regulations establishing practices for industries, trades and businesses relating to a very wide variety of matters, including prohibiting or restricting the use of packaging or classes of packaging or product containers.

[50] It is apparent that the Province takes an active part in regulating and managing not only the disposal of waste but environmental protection generally; and that in so doing, it collaborates with municipalities, businesses, and various other bodies and formulates various schemes, programs and agreements. The regulation of packaging is obviously part of the complicated web of legislation, including several related regulations such as the *Recycling Regulation*, B.C. Reg. 449/2004. It requires that producers of packaging and paper products enter into “producer responsibility plans” approved by a Director under the *EMA*, to achieve a 75% “recovery rate” and providing *inter alia* for collecting and managing products, giving consumer access to collection facilities or collection services, making consumers aware of collection facilities and “eliminating or reducing the environmental impacts of a product throughout the product’s life cycle”. Section 5(3) of the Regulation contemplates a “pollution prevention hierarchy” such that pollution prevention is not undertaken at one level unless or until all feasible opportunities for pollution prevention have been taken at a higher level.

[51] From this, one can understand that the Province might wish to have the right to approve, or withhold approval of, municipal bylaws relating to environmental protection in order to ensure that a patchwork of different municipal laws does not hamper provincial environmental programs.

### *Purpose and Effects*

[52] The City submits that the purpose of Bylaw 18-008 is as set out in its preamble:

The purpose of this Bylaw is to regulate business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

This is said to reflect “the collective intention of the Victoria City Council behind adoption of the Bylaw.” In terms of effects, the City points out that the Bylaw regulates actions of “business operators” only, rather than actions of customers or consumers of checkout bags and that it prescribes “what must or must not be done”, thus coming within the scope of “regulate” contained in the Schedule to the *Community Charter*.

[53] The petitioner contends on the other hand that the “key provision” of the Bylaw, s. 3, suggests that its true purpose is not to regulate business or businesses, but to “prohibit and impose requirements” for the protection of the environment. As stated in its factum:

The City’s use of those powers, ones available under subsection 8(3) – but not subsection 8(6) – suggests that the intention (if any) to regulate business is subordinate or only incidental to the bylaw’s driving purpose, i.e., to protect the global environment from the harmful effects of checkout bags by prohibiting any distribution of one form of packaging (plastic bags) and imposing minimum prices for the sale and distribution of other forms of packaging (paper and reusable bags). [Emphasis added.]

With respect to the extrinsic evidence, the petitioner emphasizes that the whole process that led to the adoption of the Bylaw was initiated by Surfrider, an organization dedicated to the protection of the global marine environment. The Bylaw was then supported and publicized as a measure to curtail wasteful practices that have local consequences (on



drains and waterways) but also as a broader measure that is necessary for the future health of oceans and beaches around the world.

[54] As for the effects of the Bylaw, these are obviously felt by “businesses” as the source of “Checkout Bags” for the carrying of purchased items. But it would be inaccurate to say that the main effects are those felt by businesses. It is surely consumers as users of disposable plastic bags who are affected most, and who are the ‘targets’ of the Bylaws. It is on them that the onus falls to use receptacles that are less harmful to the environment at a time when the scourge of plastic waste in our oceans has risen to public consciousness. In other words, while “Business” and “Businesses” are affected by the Bylaw, that effect is incidental. The City did not set out to prohibit some types of checkout bags and encourage other types in order to interfere with or somehow improve business transactions. Rather, it set out to slow down and ultimately end the harm caused by plastics in waterways both local and global. Its success will be measured by an evaluation of whether the amount of plastic in waterways locally and globally begins to decrease — not by any commercial yardstick, such as whether businesses continue to sell goods or not. In other words, the Bylaw imposes requirements and some prohibitions in order to protect the natural environment — a term encompassing both local and global conditions. Certainly an objective observer would in my view regard the bylaw as an environmental measure rather than a ‘business’ or commercial one.

#### *Other Community Charter Provisions*

[55] Turning then to the second major issue, the City contends that that s. 9(2) of the *Community Charter* “expressly recognizes” that a bylaw can be adopted under more than one authority and that the requirement for provincial approval does *not* apply to bylaws enacted under an authority *other than* those listed in s. 9(1). The *latter* statement is correct, and bylaws enacted under s. (8)(3)(j), dealing with protection of the natural environment, are listed in s. 9(1). However, the notion that the statute recognizes (for example in s. 9(2)) that a bylaw can be adopted under more than one heading runs counter to the “pith and substance” principle, which counsel for both parties recognized must be determined when a contest arises between a concurrent head of authority and an ordinary one. It would be absurd if, by simply attaching a different label to a bylaw, a municipality could avoid an express requirement of the *Community Charter*. Indeed, the broad interpretation of municipal powers mandated by s. 4 of the *Community Charter* confirms that substance is to prevail over form in the characterization of bylaws.

[56] Section 9(2) provides that for certainty, s. 9 (which contains the requirement for ministerial approval) does *not* apply to a bylaw under s. 8 that is “under a provision *not* referred” to in s. 9(1) or is “in respect of” a matter to which s. 9(1) does *not* apply. This is so “even if the bylaw could have been made under an authority” to which s. 9 applies. Section 9(2) is very badly drafted, but in my view it is clear that since environmental protection *is* listed in s. 9(1), and the Bylaw relates in pith and substance to environmental protection, subsection (2) does not apply. Subsection (3) *does* apply. It states:

- (3) Recognizing the Provincial interest in matters dealt with by bylaws referred to in subsection (1), a council may not adopt a bylaw to which this section applies unless the bylaw is
  - (a) in accordance with a regulation under subsection (4),
  - (b) in accordance with an agreement under subsection (5), or
  - (c) approved by the minister responsible.

[57] It follows in my view that the approval of the Minister of Environment was required for Bylaw 18–008 of the City of Victoria. The fact that the Bylaw might have been validly enacted *in the absence of s. 9* in the guise of a bylaw relating to business does not detract from the fact that in pith and substance, this Bylaw was intended for the protection of the natural environment and that that is its primary effect.

[58] I share the view expressed in *Ontario (Attorney General) v. OPSEU* [1987] 2 S.C.R. 2, that a court should be “particularly cautious” in invalidating an enactment on the basis that it engages the jurisdiction of some other level of



government when its validity is not contested by that same government. This is especially the case when, as in this case, the law in question has an objective that most reasonable people would endorse. However, a court must strive to give meaning to all the words of a statute. I conclude that the chambers judge erred in law in failing to characterize properly the Bylaw and in holding that in order to be “in relation to” environmental protection, the Bylaw had to regulate the conduct of persons “directly engaged in activities that are considered to have a negative environmental impact.” (At para. 46.) It is on all consumers — everyone — that Bylaw 18-008 is intended to have its effect. Section 9(3) applies to the Bylaw and the approval of the Minister was required as a condition of its becoming valid and enforceable.

[59] In the result, I conclude that we must allow the appeal and quash the Bylaw. While the City’s intentions in passing the Bylaw were no doubt reasonable, we must give effect to the clear instructions of s. 9(3) requiring the Minister’s approval. Whatever the reason for not seeking that approval in July 2018, it will now presumably be sought.

[60] We are indebted to counsel for their helpful submissions.

“The Honourable Madam Justice Newbury”

I AGREE:

“The Honourable Madam Justice Garson”

I AGREE:

“The Honourable Madam Justice Fisher”

## **SCHEDULE I**

NO. 18-008

### **CHECKOUT BAG REGULATION BYLAW A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

#### **Contents**

- 1 Title
- 2 Definitions
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- 8 Consequential Amendment to the Ticket Bylaw
- 9 Transition Provisions
- 10 Effective Date

Under its statutory powers, including sections 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

#### **Title**

- 1 This Bylaw may be cited as the "Checkout Bag Regulation Bylaw".

#### **Definitions**

- 2 In this Bylaw



“Checkout Bag” means:

- (a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag; or
- (b) bags used to package take-out or delivery of food
- (c) and includes Paper Bags, Plastic Bags, or Reusable Bags;

“Business” means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the Business Licence Bylaw or the Cannabis Related Business Regulation Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;

“Paper Bag” means a bag made out of paper and containing at least 40% of post consumer recycled paper content, and displays the words “Recyclable” and “made from 40% post-consumer recycled content” or other applicable amount on the outside of the bag, but does not include a Small Paper Bag;

“Plastic Bag” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag;

“Reusable Bag” means a bag with handles that is for the purpose of transporting items purchased by the customer from a Business and is

- (a) designed and manufactured to be capable of at least 100 uses; and
- (b) primarily made of cloth or other washable fabric;

“Small Paper Bag” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

### **Checkout Bag Regulation**

- 3 (1) Except as provided in this Bylaw, no Business shall provide a Checkout Bag to a customer.
- (2) A Business may provide a Checkout Bag to a customer only if:
  - (a) the customer is first asked whether he or she needs a bag;
  - (b) the bag provided is a Paper Bag or a Reusable Bag; and
  - (c) the customer is charged a fee not less than
    - (i) 15 cents per Paper Bag; and
    - (ii) \$1 per Reusable Bag.
- (3) For certainty, no Business may:
  - (a) sell or provide to a customer a Plastic Bag; or
  - (b) provide a Checkout Bag to a customer free of charge.
- (4) No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

### **Exemptions**

- 4 (1) Section 3 does not apply to Small Paper Bags or bags used to:
  - (a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;



- (b) package loose small hardware items such as nails and bolts;
  - (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
  - (d) wrap flowers or potted plants;
  - (e) protect prepared foods or bakery goods that are not pre-packaged;
  - (f) contain prescription drugs received from a pharmacy;
  - (g) transport live fish;
  - (h) protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag;
  - (i) protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
  - (j) protect clothes after professional laundering or dry cleaning.
- (2) Section 3 does not limit or restrict the sale of bags, including Plastic Bags, intended for use at the customer's home or business, provided that they are sold in packages of multiple bags.
- (3) Notwithstanding section 3(2)(c) and 3(3)(b), a Business may provide a Checkout Bag free of charge if:
- (a) the Business meets the other requirements of section 3(2);
  - (b) the bag has already been used by a customer; and;
  - (c) the bag has been returned to the Business for the purpose of being re used by other customers.
- (4) Section 3 does not apply to a Checkout Bag that was purchased by a Business prior to the first reading of this Bylaw.

## **Offence**

- 5 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person:
- (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

## **Penalties**

- 6 A person found guilty of an offence under this Bylaw is subject to a fine:
- (a) if a corporation, of not less than \$100.00 and not more than \$10,000.00; or
  - (b) if an individual, of not less than \$50.00 and not more than \$500.00
- for every instance that an offence occurs or each day that it continues.

## **Severability**

- 7 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.



## **Consequential Amendment to the Ticket Bylaw**

- 8 The Ticket Bylaw No. 10-071 is amended by inserting, immediately after Schedule Y, the Schedule 1 attached to this Bylaw as the new Schedule Z.

## **Transition Provisions**

- 9 (1) Section 3(2)(c)(i) is amended by deleting “15 cents” and substituting “25 cents”.  
(2) Section 3(2)(c)(ii) is amended by deleting “\$1” and substituting “\$2”.  
(3) Section 4(4) is repealed.

## **Effective Date**

- 10 This Bylaw comes into force on July 1, 2018 except sections 5 and 9 which come into force on January 1, 2019.

READ A FIRST TIME the **14th** day of **December** 2017.

READ A SECOND TIME the **14th** day of **December** 2017.

READ A THIRD TIME the **14th** day of **December** 2017.

ADOPTED on the **11th** day of **January** 2018.

**“CHRIS COATES”**  
CITY CLERK

**“LISA HELPS”**  
MAYOR



Schedule 1

**Schedule Z**  
**Single Use Checkout Bag Regulation Bylaw**  
**Offences and Fines**

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Providing a Checkout Bag to a Customer except as provided in the bylaw	3(1)	\$100.00	\$75.00
Providing a Checkout Bag without asking whether a customer wants one	3(2)(a)	\$100.00	\$75.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	3(2)(b)	\$100.00	\$75.00
Charging less than a prescribed amount for a Checkout Bag	3(2)(c)	\$100.00	\$75.00
Selling or providing a Plastic Bag	3(3)(a)	\$100.00	\$75.00
Providing Checkout Bag free of charge	3(3)(b)	\$100.00	\$75.00
Denying or discourage use of customer's own Reusable Bag	3(4)	\$100.00	\$75.00

**SCHEDULE II**  
**(Emphasis by underlining added.)**

***Community Charter***

**Fundamental Powers**

8 (1) A municipality has the capacity, rights, powers and privileges of a natural person of full capacity.

...

(3) A council may, by bylaw, regulate, prohibit and impose requirements in relation to the following:

(a) municipal services;

(b) public places;

...

(g) the health, safety or protection of persons or property in relation to matters referred to in section 63 [*protection of person and property*];

(h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*];

...

(j) protection of the natural environment;

(4) A council may, by bylaw, regulate and impose requirements in relation to matters referred to in section 65 [*signs and other advertising*].

...



(6) A council may, by bylaw, regulate in relation to business.

(7) The powers under subsections (3) to (6) to regulate, prohibit and impose requirements, as applicable, in relation to a matter

(a) are separate powers that may be exercised independently of one another,

(b) include the power to regulate, prohibit and impose requirements, as applicable, respecting persons, property, things and activities in relation to the matter, and

(c) may not be used to do anything that a council is specifically authorized to do under Part 14 [*Planning and Land Use Management*] or Part 15 [*Heritage Conservation*] of the *Local Government Act*.

...

(10) Powers provided to a municipalities under this section

(a) are subject to any specific conditions and restrictions established under this or another Act, and

(b) must be exercised in accordance with this Act unless otherwise provided.

### **Spheres of Concurrent Authority**

**9** (1) This section applies in relation to the following:

(a) bylaws under section 8(3)(i) [*public health*];

(b) bylaws under section 8(3)(j) [*protection of the natural environment*];

...

(2) For certainty, this section does not apply to

(a) a bylaw under section 8 [*fundamental powers*] that is under a provision not referred to in subsection (1) or is in respect of a matter to which subsection (1) does not apply,

(b) a bylaw that is authorized under a provision of this Act other than section 8, or

(c) a bylaw that is authorized under another Act,

even if the bylaw could have been made under an authority to which this section does apply.

(3) Recognizing the Provincial interest in matters dealt with by bylaws referred to in subsection (1), a council may not adopt a bylaw to which this section applies unless the bylaw is

(a) in accordance with a regulation under subsection (4),

(b) in accordance with an agreement under subsection (5), or

(c) approved by the minister responsible.

(4) The minister responsible may, by regulation, do the following:

(a) establish matters in relation to which municipalities may exercise authority as contemplated by subsection (3)(a), either

(i) by specifying the matters in relation to which they may exercise authority, or

(ii) by providing that the restriction under subsection (3) only applies in relation to specified matters;

(b) provide that the exercise of that authority is subject to the restrictions and conditions established by the regulation;

(c) provide that the exercise of that authority may be made subject to restrictions and conditions specified by the minister responsible or by a person designated by name or title in the regulation.

(5) The minister responsible may enter into an agreement with one or more municipalities that has the same effect in relation to the municipalities as a regulation that could be made under subsection (4).



## **SPHERES OF CONCURRENT JURISDICTION - ENVIRONMENT AND WILDLIFE REGULATION**

[includes amendments up to B.C. Reg. 235/2008, August 7, 2008]

### **Definitions**

**1** In this regulation:

**"Act"** means the *Community Charter*;

**"alien invasive species"** means the species listed in sections 1 and 2 of the Schedule;

**"dangerous wildlife"** has the same meaning as in the *Wildlife Act*;

**"excluded pesticide"** has the same meaning as in the Integrated Pest Management Regulation, B.C. Reg. 604/2004.

[am. B.C. Regs. 326/2005, s. (a); 235/2008, s. 1.]

### **Municipal jurisdiction in relation to the environment and wildlife**

- 2** (1) For the purposes of section 9 (4) (a) (i) of the Act, a municipality may,
- (a) under section 8 (3) (j) of the Act, regulate, prohibit and impose requirements in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property,
  - (b) regulate, prohibit and impose requirements in relation to,
    - (i) under section 8 (3) (j) of the Act, the sale of wild flowers,
    - (ii) subject to subsection (2), under section 8 (3) (j) of the Act, the application of pesticides, except excluded pesticides, for the purpose of maintaining outdoor trees, shrubs, flowers, other ornamental plants and turf on a parcel or a part of a parcel if the parcel or part is used for residential purposes, or on land vested in the municipality,
    - (iii) under section 8 (3) (j) and (k) of the Act, the control and eradication of alien invasive species, and
    - (iv) under section 8 (3) (k) of the Act, the control of wildlife species listed in Schedule B or C to the Designation and Exemption Regulation, B.C. Reg. 168/90, and
  - (c) under section 8 (3) (k) of the Act, regulate, prohibit and impose requirements respecting the feeding or attracting of dangerous wildlife or members of the family Cervidae.

- (2) For the purposes of section 9 (4) (b) of the Act, a municipality may not exercise the authority under subsection (1) (b) (ii) of this regulation in relation to the application of pesticides
- (a) for the management of pests that transmit human diseases or impact agriculture or forestry,
  - (b) on the residential areas of farms,
  - (c) to buildings or inside buildings, or
  - (d) on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality.

- (3) For the purposes of subsection 9 (4) (b) of the Act, the exercise of the authority under subsection (1) (c) is subject to the condition that the bylaw must exempt from its application all the following:

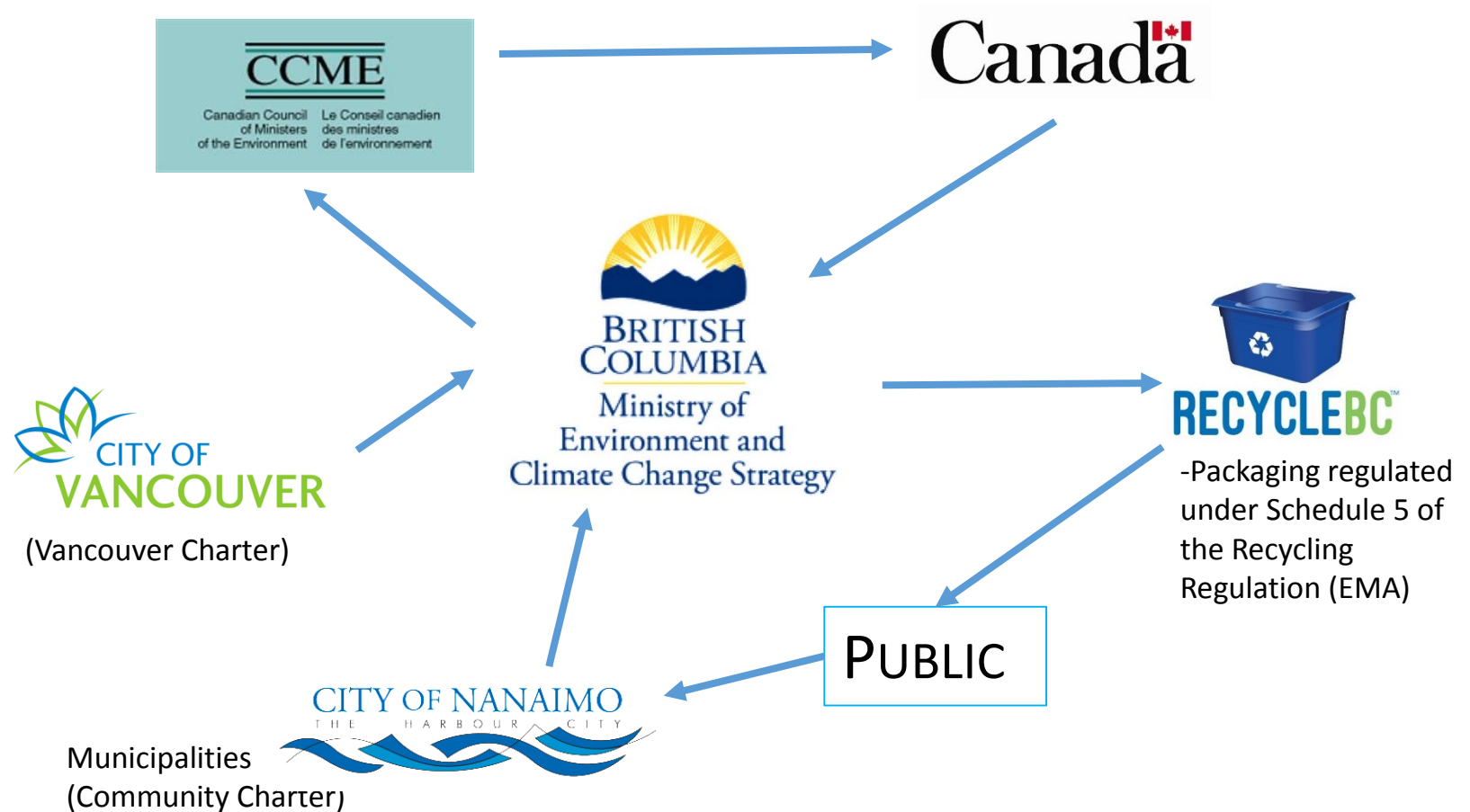


- (a) a person who is engaging in hunting or trapping wildlife in accordance with the *Wildlife Act* and its regulations;
- (b) a farm operation, as defined in section 1 of the *Farm Practices Protection (Right to Farm) Act*, that
  - (i) is conducted on, in or over land anywhere in British Columbia, and
  - (ii) meets the requirements set out in section 2 (2) (a) and (c) of that Act;
- (c) a facility for the disposal of waste that is operated in accordance with the *Environmental Management Act* by a municipality, a regional district, an improvement district that has as an object the disposal of sewage or refuse or the provision of a system for the disposal of sewage or refuse or the Greater Vancouver Sewerage and Drainage District.

[am. B.C. Regs. 326/2005, s. (b); 235/2008, ss. 2 to 4.]



# SINGLE-USE PLASTICS – REGULATORY LANDSCAPE





## Governance and Priorities Committee Agenda Planning

2020 GPC Dates											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
20	10	9	6	11	8	13		14	5	9	14
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**JANUARY**

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January 6 – Meeting cancelled  
January 20 – Special GPC

**FEBRUARY**

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**■ MAY**

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## JUNE

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## JULY

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## OCTOBER

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**NOVEMBER**

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**DECEMBER**

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■	Governance and Priorities Committee Meeting
■	Statutory Holiday
■	FCM Annual Conference (Toronto)
■	Council Meeting

UBCM Convention (Victoria)	
AVICC Convention (Nanaimo)	
Public Hearing (Special Council Meeting)	



## Governance and Priorities Committee Agenda Planning

MEETING DATE	TOPIC	BACKGROUND	FORMAT	OUTCOMES
February 10, 2020	Neighbourhood Associations – Part 1	Identified as a priority topic for the first quarter of 2020 at the GPC meeting held 2020-JAN-20 (session 1 of 2)	Information report identifying: <ul style="list-style-type: none"> <li>- Background on what currently exists (how many we have, how many members, what locations, etc.)</li> <li>- Current policies &amp; information on associations</li> <li>- Values currently and values moving forward</li> <li>- Engagement with associations re: zoning amendments, etc.</li> <li>- How can we leverage our current process to obtain valuable input when re-doing neighbourhood plans and implementing our OCP process.</li> </ul>	Receive information on current state of neighbourhood associations prior to a second GPC on this topic (date TBD)
February 24, 2020	Effective Advocacy Strategies	Identified as a priority topic for the first quarter of 2020 at the GPC meeting held 2020-JAN-20. Also listed as a priority in Council's Strategic Plan	<ul style="list-style-type: none"> <li>- Expert advice on advocacy strategies</li> <li>- Staff report on communications and advocacy to date [Do we have a strategy? Differences in strategies (from Mayor, Council, Committees, Task Forces) and to who and how?]</li> <li>- Advocacy for public to relevant agencies or other levels of government</li> <li>- Council develop a strategy with or without expert advice</li> <li>- Public support of advocacy strategy</li> </ul>	Develop a strategy for implementation



## Governance and Priorities Committee Agenda Planning

February 24, 2020	Coordinated Strategic Policy Review 2020-2021	Requested by council at a GPC (2020-JAN-20) to be brought forward for an update.	- Presentation by staff	Provide Council with the terms of reference for the overall coordinated strategic policy review (2020-2021) process and update on the progress to date.
March 9, 2020	Single Use Checkout Bags	Council motion deferred back to staff to await the outcome of the Victoria bylaw.	- Overview and presentation of 2 bylaws by staff.	Present two bylaw options for information and background.
March 9, 2020	Civic Facilities – conditions, issues, plans and objectives  <i>Could include capital projects and finances (borrowing)</i>	Identified as a priority topic for the first quarter of 2020 at the GPC meeting held 2020-JAN-20.	- Background report from Staff on current facilities that are known to be in need of replacing with the top priorities identified	Develop strategies moving forward with these items - Direction on expansion of the RCMP building - Direction on moving forward with a plan to rebuild the Public Works building - Direction on other facilities in need of replacement, rebuilding or expansion
March 9, 2020	Energy and Emissions Management Program	Staff providing update on what the City is doing to support Council's strategic priority of Environmental Responsibility.	- Presentation by staff	Provide an overview of the Corporate Energy and Emissions Program so Council can better understand what steps the City is taking to meet urgent environmental goals.



## Governance and Priorities Committee Agenda Planning

March 23, 2020	Proposed amendments to the Manual of Engineering Standards and Specifications (MoESS)	Extensive revision to MoESS and high public interest – Staff wanted to provide Council an opportunity to discuss changes in detail.	<ul style="list-style-type: none"> <li>- Presentation by staff</li> <li>- Council roundtable discussion</li> <li>- Delegations</li> </ul>	Provide Council with an opportunity to hear from Staff and discuss the proposed revisions to MoESS.
<i>TBD – April/May</i>	Neighbourhood Associations – Part 2	Identified as a priority topic at the GPC meeting held 2020-JAN-20 (session 2 of 2)	<ul style="list-style-type: none"> <li>- Invite chairs of some associations to attend and be available for the discussion.</li> <li>- Identify what resources are available</li> <li>- Presentation on how neighbourhood associations work in the City and what expectations they have of Council (i.e.: how do they want to be engaged?)</li> </ul>	<ul style="list-style-type: none"> <li>- Formalized process for recognizing neighbourhood associations</li> <li>- Create a new policy and criteria for neighbourhood associations moving forward including how they can be officially recognized.</li> <li>- Defer any financial implications to Finance and Audit Committee</li> </ul>
<i>TBD - April</i>	Arts & Culture	Brought forward through Council discussion and motion made at the GPC meeting held 2019-OCT-7	<ul style="list-style-type: none"> <li>- Invite members from the Arts &amp; Culture community to discuss engagement and communication</li> <li>- Staff report and presentation outlining the process for issuing grants related to the arts and providing an update to the Cultural Plan for a Creative Nanaimo</li> <li>- Round Table discussion</li> </ul>	<ul style="list-style-type: none"> <li>- Discussion</li> <li>- Recommendation to Council or possibly defer to other committee (ie – budget implications deferred to Finance and Audit)</li> </ul>
<i>TBD - April</i>	Women's Participation on City of Nanaimo Task Forces and Childminding Reimbursement for members of City Committees	Identified as a priority topic at the GPC meeting held 2020-FEB-10	-	-



## Governance and Priorities Committee Agenda Planning

2020-APR-20	Transit (PART I) and Crosswalk Safety	Identified as a priority topic at the GPC meeting held 2020-FEB-10	<ul style="list-style-type: none"> <li>- Tailored City of Nanaimo conversation around transit delivery (City of Nanaimo residents' perspective and impacts to residents and the City).</li> <li>- How to encourage transit use from a City perspective.</li> <li>- Invite a member of RDN staff speak to Council at the meeting and provide an update of their planning process.</li> <li>- Bus stop locations that make sense</li> <li>- Conversation around covered bus stops</li> <li>- Number of hours that transit operates</li> </ul> <p>Crosswalks:</p> <ul style="list-style-type: none"> <li>-report about flashing lights at crosswalks (are they beneficial, etc.)</li> <li>-Education and information around increasing pedestrian safety at crosswalks</li> <li>-Costs around the lighting at crosswalks.</li> </ul>	<ul style="list-style-type: none"> <li>- An ask, or assessment, from the City's perspective sent to the RDN after a decision is made at the city level with a recommendation for consideration at the RDN.</li> </ul> <p>Outcome:</p> <ul style="list-style-type: none"> <li>-a report that outlines all of the pros and cons of crosswalk lighting and pedestrian safety.</li> <li>-Options</li> <li>-Costs.</li> </ul> <p>Could come as a next step:</p> <ul style="list-style-type: none"> <li>-Professional best practice on what should be at crosswalks and what works best and why, etc.</li> </ul>
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## Governance and Priorities Committee Agenda Planning

### Future GPC Topics

- Capital planning process
- 1 Port Drive
- Sports venues and tourism strategies
- Vancouver Island Regional Library overview
- Election signage