

**VILLAGE OF PEMBERTON  
-REGULAR COUNCIL MEETING AGENDA-**

**Agenda** for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, May 28, 2019 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1493.

*“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”*

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<b>Item of Business</b>	<b>Page No.</b>
<b>1. CALL TO ORDER</b>	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
<b>2. APPROVAL OF AGENDA</b>	<b>1</b>
<b>Recommendation:</b> THAT the Agenda be approved as presented.	
<b>3. RISE WITH REPORT FROM IN CAMERA (CLOSED)</b>	
<b>4. ADOPTION OF MINUTES</b>	
<b>a) Regular Council Meeting No. 1492, Tuesday, May 7, 2019</b>	<b>4</b>
<b>Recommendation:</b> THAT the minutes of Regular Council Meeting No. 1492, held Tuesday, May 7, 2019, be adopted as circulated.	
<b>5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING</b>	
<b>6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE</b>	
<b>7. COMMITTEE MINUTES - FOR INFORMATION</b>	
<b>8. DELEGATIONS</b>	
<b>a) Food Affordability - Gerry Kasten, Public Health Dietician, Vancouver Coastal Health</b>	<b>11</b>
<b>9. REPORTS</b>	
<b>a) Office of the CAO</b>	
<b>i. CAO Verbal Update</b>	
<b>b) Corporate &amp; Legislative Services</b>	<b>13</b>
<b>i. Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019 – Alternative Approval Process</b>	
<b>Recommendations:</b> THAT Council proceed with an Alternative Approval Process to borrow funds to cover the costs associated with the contingency required for the Downtown Enhancement Project and the costs to facilitate the paving of the Downtown Barn parking lot;	

**AND THAT** Council establish Monday, July 8, at 4:00 p.m. as the deadline for receipt of elector response forms from electors not wanting Council to proceed with the adoption of Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No 863, 2019;

**AND THAT** Council establish the Elector Response Form as shown presented;

**AND THAT** Council determine the total number of electors as 1995 for which the alternative approval process applies as presented.

**ii. Public Hearing Minutes – Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019** 20

**Recommendation: THAT** the minutes of the Public Hearing for Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019, held May 7<sup>th</sup>, 2019, be received.

**c) MAYOR’S Report**

**d) COUNCILLORS’ Reports**

**10. BYLAWS**

**a) Bylaws for First, Second and Third Reading**

**i. Village of Pemberton Council Procedure Bylaw No. 778, 2015, Amendment (Section 31) Bylaw No. 864, 2019** 24

**Recommendation: THAT** the Village of Pemberton Council Procedure Bylaw No. 778, 2015, Amendment (Section 31) Bylaw No. 864, 2019, be given first, second and third reading.

**ii. Village of Pemberton Permissive Tax Exemption (Pemberton Search and Rescue Society) Bylaw No. 846, 2018, Amendment Bylaw No. 865, 2019** 36

**Recommendation: THAT** Village of Pemberton Permissive Tax Exemption (Pemberton Search and Rescue Society) Bylaw No. 846, 2018, Amendment Bylaw No. 865, 2019, be given first, second and third reading.

**iii. Village of Pemberton Outdoor Water Use Regulations Amendment Bylaw No. 792, 2015, Amendment Bylaw No. 866, 2019** 47

**Recommendation: THAT** Village of Pemberton Outdoor Water Use Regulations Amendment Bylaw No. 866, 2019, be given first, second and third reading.

**11. CORRESPONDENCE**

**a) For Action**

**i. Mike Hurley, Mayor, City of Burnaby, dated May 2, 2019, requesting support of Burnaby City Council’s resolutions regarding expanding investment opportunities through changes to the Community Charter.** 61

**Recommendation: THAT** Council provide direction.

**ii. Kristen Clark, Director of Legislative and Corporate Services, SLRD, requesting consent by the Village for Pemberton and District Transfer Station Loan Authorization Bylaw Amendment 1640-2019** 70

**Recommendation: THAT** Council give participating area approval by consenting on behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of “Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567, 2018, Amendment Bylaw No. 1640-2019”.

**b) For Information**

- i. Donna & Saad Hasan, Village Residents, dated May 6, 2019, regarding Municipal Regional District Tax considerations. 82**
- ii. Krista Walden, Pemberton Red Devils Alumni Association, dated May 8, 2019, extending appreciation for the Village’s support of the ‘Day of the Devils’ fundraiser. 84**
- iii. Alfiya Battalova, Manager of Accessibility Initiatives, SPARC BC, received May 21, 2019, advising of Access Awareness Day on June 1, 2019. 85**

**Recommendation: THAT** the above correspondence be received for information.

**12. DECISION ON LATE BUSINESS**

**13. LATE BUSINESS**

**14. NOTICE OF MOTION**

**15. QUESTION PERIOD**

87

**16. IN CAMERA**

**THAT** pursuant to Section 90 (1) (b) Personnel, Disposition, (c) Labour Relations, (e) Acquisition or Expropriation of Lands, (k) Negotiations of the *Community Charter*, the Council of the Village of Pemberton serves notice to hold an In-Camera Meeting on today’s date for the purpose of dealing with matters for which the public shall be excluded from attending.

**17. RISE FROM IN CAMERA**

**18. RECESS REGULAR COUNCIL MEETING**

**19. RECONVENE REGULAR COUNCIL MEETING FOLLOWING THE COMMITTEE OF THE WHOLE**

**20. IN CAMERA**

**21. RISE FROM IN CAMERA**

**22. ADJOURNMENT OF REGULAR COUNCIL MEETING**

**VILLAGE OF PEMBERTON  
-REGULAR COUNCIL MEETING MINUTES-**

**Minutes of the Regular Meeting** of Council of the Village of Pemberton held on Tuesday, May 7, 2019 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1492.

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**IN ATTENDANCE:** Mayor Mike Richman  
Councillor Ted Craddock  
Councillor Amica Antonelli  
Councillor Ryan Zant

**ABSENT:** Councillor Leah Noble

**STAFF IN ATTENDANCE:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Lisa Pedrini, Manager of Development Services  
Lena Martin, Manager of Finance & Administration  
Robert Grossman, Fire Chief  
David Ward, Assistant Operations Manager  
Jill Brooksbank, Senior Communications & Grant Coordinator  
Cameron Chalmers, Planning Consultant  
Elysia Harvey, Legislative Assistant

**Public:** 1

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**1. CALL TO ORDER**

At 5:30 p.m. Mayor Richman called the meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

**2. APPROVAL OF AGENDA**

Moved/Seconded

**THAT** the Agenda be approved as amended by adjusting the order and bringing the Zoning Amendment (Housekeeping) Bylaw for consideration forward after the Delegation.

**CARRIED**

**3. RISE WITH REPORT FROM IN CAMERA (CLOSED)**

Council rose with report from the April 16<sup>th</sup> 2019 In-Camera Meeting No. 1491 with the following resolution respecting the BC Hydro Development Project at 1363 Aster Street:

Moved/Seconded

**THAT** the additional landscaping improvements and security measures (fencing) proposed by BC Hydro in place of the development of a public path be approved.

**CARRIED**

#### **4. ADOPTION OF MINUTES**

##### **a) Regular Council Meeting No. 1491, Tuesday, April 16, 2019**

Moved/Seconded

**THAT** the minutes of Regular Council Meeting No. 1491, held Tuesday, April 16, 2019 be adopted as circulated.

**CARRIED**

#### **5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING**

##### **Community Wildfire Protection Plan (CWPP) Prescription Development Funding**

CAO Gilmore advised that funding options had been considered for facilitating an archeological survey for phase one of the CWPP, and that due to delays in Staffing startups, funding is available within the 2019 Staff budget.

Moved/Seconded

**THAT** six thousand dollars (\$6,000) be allocated from the Staff budget to facilitate the archeological survey for phase one of the Community Wildfire Protection Plan Prescription Development.

**CARRIED**

#### **6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING**

There was no business arising.

#### **7. COMMITTEE MINUTES – FOR INFORMATION**

There were no Committee Minutes.

#### **8. DELEGATIONS**

##### **Darcy Haw, Regional Assurance Partner, MNP**

##### **Presentation of 2018 Financial Statements**

Mr. Haw attended the meeting by teleconference and highlighted some areas of focus within the 2018 Financial Statements for Council.

Moved/Seconded

**THAT** the 2018 Financial Statements, presented May 7, 2019, be approved.

**CARRIED**

## 9. BYLAWS

### a) Bylaw for Third and Fourth Reading

**Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019**

Moved

**THAT** the Zoning Amendment (Housekeeping) Bylaw No. 862, 2019 be referred back to Staff to address the comments received from a Village resident that were received at the Public Hearing.

**MOTION FAILED DUE TO LACK OF A SECONDER**

Moved/Seconded

**THAT** the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 be given Third Reading.

**CARRIED**

**OPPOSED: Councillor Antonelli**

Moved/Seconded

**THAT** the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 be given Fourth and Final Reading.

**CARRIED**

**OPPOSED: Councillor Antonelli**

## 10. REPORTS

### a) Office of the Chief Administrative Officer

#### i. Verbal Report - Joffre Lake Visitor Management Plan

Lisa Pedrini, Manager of Development Services, and Jill Brooksbank, Senior Communications & Grants Coordinator, provided an update on their April 23<sup>rd</sup> meeting with BC Parks to learn more about a proposed Visitor Management Plan for Joffre Lakes Park. Due to substantial increases in visitor numbers to Joffre Lakes Park in recent years, the development of a management plan has become a priority for BC Parks in order to mitigate risks to public safety, address parking issues, waste management, and adverse ecological impacts to the Park.

At the April 23<sup>rd</sup> meeting BC Parks presented an overview and sought feedback of their proposed Visitor Management Plan, which is in phase three of development, to Village Staff and other affected stakeholders including Lil'wat Nation and N'Quatqua First Nations. Potential goals and actions for

the Management Plan could include parking lot expansion, shuttle service, installation of Wi-Fi service for emergencies, day use fees, and towing of illegally parked vehicles.

Council was encouraged to provide feedback on the Management Plan by May 9<sup>th</sup>, 2019 and discussion took place regarding the following:

- The consultation process established for the Plan
- Impacts of expanding the parking lots on the concept of limiting daily park use
- Shuttle service implementation
- Signage improvements
- Day use fees (will the fees collected be allocated back to Joffre Lake Park management)
- Vehicle towing and impacts given lack of taxi service and cell phone coverage

Moved/Seconded

**THAT** Staff provide Council's comments respecting the Joffre Lake Visitor Management Plan to BC Park Staff.

**CARRIED**

## **b) Development Services Department**

### **i. 2019 First Quarter Report**

Moved/Seconded

**THAT** the 2019 First Quarter Development Services Department Report be received for information.

**CARRIED**

## **c) Operations & Projects Department**

### **i. 2019 First Quarter Report**

Moved/Seconded

**THAT** the 2019 First Quarter Operations Department Report be received for information.

**CARRIED**

## **d) Fire Department**

### **i. 2019 First Quarter Report**

Moved/Seconded

**THAT** the 2019 First Quarter Fire Department Report be received for information.

**CARRIED**

**e) MAYOR'S Report**

Mayor Richman reported on the following meetings and events:

- Acknowledged Village Staff for continued hard work during this busy season.
- Emergency Preparedness Open House will take place this Saturday May 11, 11AM-2PM at the Fire Hall
- SLRD, VOP and Lil'wat Nation working on developing an Evacuation Plan for Pemberton Valley.
- Downtown enhancement project is progressing; note that the transit stop on Frontier street has been temporarily re-routed to Camus Street due to construction.
- Squamish Lil'wat Cultural Centre is working on developing an Indigenous Tourism Start-up Program.
- Friends of the Library Book Sale fundraising event will take place on May 10<sup>th</sup> at the Library.
- Pemberton Off Road Cycling Association Enduro event is on May 11<sup>th</sup>
- The Pemberton Red Devils Alumni Association's annual fundraising event, Day of the Devils, raised over \$28,000 towards athletic programs.
- A memorial service in honour of George Henry was well attended on May 4<sup>th</sup>.
- Attended the memorial service in honour of Sydney Bikadi, who lost her battle with leukemia last week.

**f) COUNCILLORS' Reports**

**Councillor Craddock**

Councillor Craddock reported on the following:

- Attended the Celebration of Life memorial services for George Henry
- Attended the Rotary Club of Pemberton's adopt a highway clean-up day.

**Councillor Antonelli**

Councillor Antonelli Reported on the following:

- The Library Board will be initiating fundraiser for their Oktoberfest event.
- Friends of the Library book sale location has been moved to the Library.
- Noted that a Village resident voiced concerns over removal of vegetation and soil on the Plateau.



## **Councillor Zant**

Councillor Zant reported on the following:

- Attended the SLRD Board Meeting on April 24<sup>th</sup> and 25<sup>th</sup>
- Attended the Easter Egg Hunt organized by the Lions Club.
- Will attend the upcoming Tourism Pemberton meeting on May 8<sup>th</sup>.
- Will attend an upcoming Cemetery Committee meeting.
- Acknowledged the work that both Public Works and Communications has been doing to keep the community informed on the Downtown Enhancement Project.

## **Councillor Noble**

Councillor Noble was absent.

## **11. CORRESPONDENCE**

### **a) For Action**

- i. Chief Dean Nelson, Lil'wat Nation, dated April 5, 2019, requesting support for the upcoming Annual May Day Rodeo & Pow-wow.**

Moved/Seconded

**THAT** five hundred dollars (\$500) be allocated from the Community Enhancement Fund to support the Lil'wat Nation Annual May Day Rodeo & Pow-wow in the form of two \$250 sponsorships for the Pee-wee Barrel Racing Event.

**CARRIED**

### **b) For Information**

- i. Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Ontario, dated April 5, 2019, alerting municipalities to Bill C-68 which amends provisions of the Fisheries Act.**
- ii. Steve Orcherton, Executive Director, Child Find BC, dated April 17, 2019, raising awareness and requesting consideration of proclaiming May as National Missing Children's Month.**

**iii. Henry Braun, Mayor, City of Abbotsford, dated April 18, 2019, regarding UBCM resolutions passed by Abbotsford City Council.**

Moved/Seconded

**THAT** the above correspondence be received for information.

**CARRIED**

**iv. Pamela Goldsmith-Jones, MP, West Vancouver-Sunshine Coast-Sea to Sky Country, dated April 5, 2019, advising that federal gas tax funds have been allocated to the Village of Pemberton.**

Moved/Seconded

**THAT** the above correspondence be received for information.

**CARRIED**

## **12. DECISION ON LATE BUSINESS**

There was no late business for consideration.

## **13. LATE BUSINESS**

There was no late business.

## **14. NOTICE OF MOTION**

There was no notice of motion.

## **15. QUESTION PERIOD**

Joel Barde, PiqueNews Magazine, requested to speak with Mayor Richman following the meeting.

## **17. ADJOURNMENT OF REGULAR COUNCIL MEETING**

Moved/Seconded

**THAT** the Regular Council Meeting be adjourned.

**CARRIED**

At 7:02 p.m. the Regular Council Meeting was adjourned.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer



# THE AFFORDABILITY OF HEALTHY EATING IN BC

1/2 MILLION

British Columbians can't afford a basic healthy diet.

1 in 10 HOUSEHOLDS IN BC EXPERIENCE FOOD INSECURITY\*



\* A term for the inadequate or insecure access to food due to financial constraints.

Household food insecurity takes a MAJOR TOLL on our health and health care system.



1 in 6

BC children live in homes that STRUGGLE TO FEED THEM what they need to grow and thrive.



Food insecure adults are more vulnerable to DEPRESSION, HEART DISEASE and other chronic conditions.



Health care costs are 2X higher

for food insecure households compared to those who are food secure.



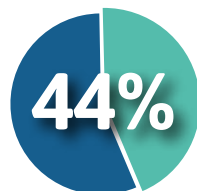
In 2017, the AVERAGE MONTHLY COST of a healthy diet for a family of four in BC increased to \$1,019.

But the ROOT CAUSE of household food insecurity isn't the price of food - it's LACK OF INCOME.

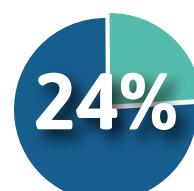
WHAT PERCENTAGE OF HOUSEHOLD INCOME does it take for BC families\* to eat a basic healthy diet?



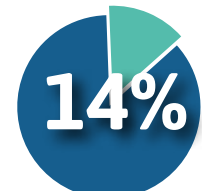
\* based on a family of four with two incomes



ON SOCIAL ASSISTANCE



EARNING MINIMUM WAGE



EARNING MEDIAN WAGE

Village of Remberton  
Regular Council Meeting No. 1493  
Tuesday, May 28, 2019

Use the median wage as a reference point.



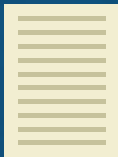
# THE AFFORDABILITY OF HEALTHY EATING IN BC

Community gardens and other local efforts can support important goals like **SOcial CONNECTEDNESS** and a **MORE SUSTAINABLE FOOD SYSTEM**.

BUT research shows that **HOUSEHOLD FOOD INSECURITY CAN'T BE FIXED THROUGH FOOD-BASED INITIATIVES** or charitable efforts.



Household food insecurity is an **INCOME-BASED PROBLEM** and needs **INCOME-BASED SOLUTIONS**.



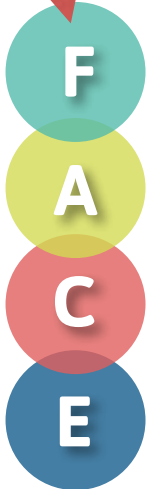
Policies to improve household income are the **MOST EFFECTIVE WAY** to lower food insecurity.

For example, once low income adults reach the age of 65 and become **ELIGIBLE FOR SENIORS' PENSION PROGRAMS** (a form of guaranteed basic income) **THEIR RISK OF BEING FOOD INSECURE DROPS BY 50%**.



## Individuals, communities and governments all have a role to play in making BC food secure.

### TOGETHER, LET'S F.A.C.E THE FACTS ON FOOD INSECURITY



**FRAME** household food insecurity as an income-based problem that needs income-based solutions.

**ASSESS** the affordability of a healthy diet in your community using BC's latest data on the cost of food.

**CONNECT** with others who are working on poverty reduction.

**ENGAGE** in the need for policy action to ensure all British Columbians have the income they need to eat healthy.

For more information, see the **Food Costing in BC 2017 report**.



**Date:** Tuesday, May 28, 2019

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager of Corporate & Legislative Services

**Subject:** Alternative Approval Process  
Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019.

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**PURPOSE**

To request authorization to undertake an Alternative Approval Process (AAP) to receive the assent of the electorate to borrow \$980,000 through the Village of Pemberton Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019.

**BACKGROUND**

At the Regular Meeting of Council No. 1491, held Tuesday, April 16, 2019, Council considered First, Second and Third Readings of Village of Pemberton Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019 and the following resolution was passed:

*Moved/Seconded*

***THAT** the Village of Pemberton Downtown Enhancement Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019, be given First, Second and Third Reading.*

**CARRIED**

The Bylaw, as certified at Third Reading, along with background reports was submitted to the Ministry of Municipal Affairs and Housing for review and approval by the Inspector of Municipalities. In this regard, on May 22, 2019 the Village was advised that it had received the statutory authorization to proceed with the next steps and seek approval of the electorate via an Alternative Approval Process. (**Appendix A** - *A copy of the approval will be provided at the Council Meeting*)

In order to borrow funds over a period longer than five (5) years, Municipalities are required to seek approval of the electorate through an Alternative Approval Process (AAP) or assent of the electorate by Referendum. Both processes provide the electors an opportunity to indicate whether Council may or may not proceed with the borrowing bylaw.

An AAP establishes an Elector Response Form (ERF), which is made available at the Village Office or downloadable from the Village website. This is a form that an elector may sign if they are in opposition of the bylaw. The form is attached as **Appendix B**. The number of responses required to oppose the bylaw is calculated as 10% of the eligible voters within the Municipality

as reported in the most current Census (2016). An APP is much less expensive to facilitate than a Referendum.

It is recommended that for the purposes of the Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization the Village seeks the approval of the electorate through the AAP process.

**Loan Authorization Bylaw Timeline:**

To undertake the process for long term borrowing with the Municipal Finance Authority (MFA) through an Alternative Approval Process a municipality must follow a process as set out in the *Community Charter (CC)* and/or *Local Government Act (LGA)*. The Village has completed steps one and two and has received the Statutory Approval from the Inspector of Municipalities as noted in the table below:

Description of Activity	Section	Estimated Timelines
1. Municipal Loan Authorization Bylaw – initial three readings	<i>Community Charter</i> Section 179	April 16, 2019 (Regular Council Meeting) <b>COMPLETED</b>
2. Submission to Ministry of Community Services (MCS) for review and approval by Inspector of Municipalities	<i>Community Charter</i> Section 179	May 6, 2019 (Submission sent) May 22, 2019 (Approval Received)
3. After receipt of approval from Inspector, carry out AAP <ul style="list-style-type: none"> <li>• Report to Council to establish AAP date</li> <li>• Place ads in paper</li> <li>• Have response forms available at Village Office and on the website</li> </ul>	<i>Community Charter</i> Section 94	May 28, 2019  May 30 <sup>th</sup> and June 6 <sup>th</sup>  June 6, 2019
Process runs for a least thirty (30) days from day after the last advertisement (July 8, 2019)		

Following the completion of the AAP, Village Council must receive the results of the AAP and adopt the Loan Authorization Bylaw. The table below outlines next steps and the timeline for completion with an aim to make submission to the Municipal Finance Authority in the spring 2020.

Description of Activity	Section	Estimated Timelines
4. Receive results from AAP process and adoption of loan authorization bylaw		July 9, 2019 (Regular Council Meeting)
One (1) Month Quashing Period ( <i>LGA</i> Section 262) (August 6, 2019)		
5. Application to MCS for a Certificate of Approval	<i>LGA</i> Section 1022	August 7, 2019 (anticipate 7-10 days)

6. Municipal Security Issuing Resolution passed	<i>Community Charter</i> Section 122	September 10, 2019 (Regular Council Meeting)
7. Resolution sent to the Regional District		September 11, 2019
8. Regional District to prepare and issue Security Issuing Bylaw (all reading done in one meeting)	<i>Community Charter</i> Section 182	September 18, 2019 (SLRD Board Meeting based on current meeting schedule)
Ten (10) day quashing period		
9. Regional District to seek Inspector of Municipalities' Certificate of Approval		September 30, 2019
Information to MFA for Spring Debenture– October, 2019		
Issuance of Funds – Spring 2020		

If there is a need to secure interim borrowing until the submission to MFA can be made it can be accommodated by bringing forward an interim borrowing bylaw to secure interim funding on a short term basis to bridge the gap. This will only be required if there is a need.

### **DISCUSSION & COMMENTS**

At this time, the Village is undertaking step three (3) of the process, which as per Section 86 of the *Community Charter* requires that, Council:

- a) Establish the deadline for receipt of elector responses (at least 30 days after the second publication of Notice)
- b) Establish the Elector Response Forms (ERF); and
- c) Make a fair determination of the total number of electors to which the approval process applies (in this case, the entire municipality)

#### **a) Deadline for receipt of Elector Responses**

If Council approves the AAP at this meeting, the second publication of the Notice will be issued in the Pique Newsmagazine on Thursday, June 6, 2019. As such, the deadline for receipt of elector responses will be set as Monday, July 8, 2019 taking into consideration the requirements for the calculation of time as established in the *Interpretation Act*.

#### **b) Elector Response Forms (ERF)**

The proposed “Alternative Approval Elector Response Form” is attached as **Appendix B**. The Form will be made available at the Village Office and on the Village website. Electors who do not wish Council to proceed with the adoption of the Downtown Enhancement Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019 may submit a completed ERF to the Corporate Officer by hand delivery, facsimile or email by Monday, July 8,

2019 at 4:00 p.m. Additional information defining resident and non-resident electors is provided on the Village website on the Elections Page (Voter Information).

### **c) Number of Electors**

Section 86 of the *Community Charter* states that Council “*must make a fair determination of the total number of electors of the area to which the approval process applies*”. As the entire Village is included as part of Bylaw No. 863, 2019, the total number of electors must be those in the entire municipality. According to the 2016 Census, the number for eligible voters has been determined at 1995 (**Appendix C**). Ten percent (10%) of 1995 (or 195) elector response forms would be required to be received by the Village for Bylaw No. 863, 2019 to be deemed to have not received approval of the electors.

### **COMMUNICATIONS**

As per Section 94 of the *Community Charter*, Notice to the Public will be issued on the dates set out in the table above. Notice will also be provided on the Village’s Blog and Website, at the Village Public Notice boards, the Village’s Facebook Page and via the ENEWS. Information related to the Downtown Enhancement Project is available on the Village website (Downtown Enhancement Project).

### **LEGAL CONSIDERATIONS**

There are no legal considerations at this time. The holding of an Alternative Approval Process meets with the legislation as set out in the *Local Government Act* and the *Community Charter*.

### **IMPACT ON BUDGET & STAFFING**

There will be costs associated with the administration of the AAP and those will be absorbed in-house and can be accommodated as part of the day to day operations of the Corporate & Legislative Services Department.

The advertising costs associated with the AAP are expected to be approximately \$1,000.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The remaining steps in completing the AAP will be facilitated by the Office of the CAO and Corporate and Legislative Services. This initiative will be incorporated into the daily routine and yearly work plan of all departments and can be accommodated.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The holding the Alternative Approval Process to seek the approval of the electorate to borrow funds to cover the costs associated with the contingency required for the Downtown Enhancement Project and the costs to facilitate the paving of the Downtown Barn parking lot does not have any impact on the Region or neighbouring jurisdictions.



**ALTERNATIVE OPTIONS**

There are no recommended alternative options at this time.

**POTENTIAL GOVERNANCE CONSIDERATIONS**

Undertaking an Alternative Approval Process to seek the assent of the electorate for the Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019 meets with Strategic Theme Two: Good Governance being an open and accountable government and to fiscal responsibility and is in alignment with the 2019-2023 Five Year Financial Plan Bylaw No. 857, 2019 as adopted April 16, 2019.

**RECOMMENDATIONS**

**THAT** Council proceed with an Alternative Approval Process to borrow funds to cover the costs associated with the contingency required for the Downtown Enhancement Project and the costs to facilitate the paving of the Downtown Barn parking lot;

**AND THAT** Council establish Monday, July 8, at 4:00 p.m. as the deadline for receipt of elector response forms from electors not wanting Council to proceed with the adoption of Downtown Enhancement Project Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No 863, 2019;

**AND THAT** Council establish the Elector Response Form as shown presented;

**AND THAT** Council determine the total number of electors as 1995 for which the alternative approval process applies as presented.

**ATTACHMENTS:**

- Appendix A: Statutory Authorization to Proceed (to be provided at the Council Meeting)
- Appendix B: Electoral Response Form
- Appendix C: Determination of Total Number of Electors within the Village of Pemberton

Manager Approval:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**ALTERNATIVE APPROVAL ELECTOR RESPONSE FORM**

**A resident elector must:**

1. Be a Canadian Citizen
2. Be an individual who is age eighteen (18) or older
3. Have been a resident of BC for a least the past six (6) months
4. Have been a Village of Pemberton resident for a least the last 30 days
5. Not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law

**A non-resident property elector must:**

1. Not be entitled to register as a resident elector
2. Be a Canadian Citizen
3. Be an individual who is age eighteen (18) or older
4. Have been a resident of BC for a least the past six (6) months
5. Have been a registered property owner with the Village of Pemberton for at least the last thirty (30) days
6. Must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

The undersigned elector of the Village of Pemberton hereby petitions the Council of the Village of Pemberton **not** to proceed with the adoption of “*Village of Pemberton Downtown Enhancement Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019*” being a bylaw authorizing the borrowing of \$980,000, the estimated cost of the Village’s contribution towards the Downtown Enhancement Project Contingency and Downtown Parking Lot Paving Project.

Elector’s Full Name (print – no initials)	Residential Address	Property Address (for non-resident electors only)	Signature of Elector

I am an elector of the Village of Pemberton. By my signature, I hereby indicate that Council **should not** proceed with the adoption of the *Village of Pemberton Downtown Enhancement Contingency and Downtown Barn Parking Lot Paving Loan Authorization Bylaw No. 863, 2019* unless that bylaw is approved by approval of the electors. Loan Authorization Bylaw No. 863, 2019 will be deemed to have received the approval of the electors unless Alternative Approval Elector Response Forms petitioning against the bylaw have been received from ten (10) percent of the eligible electors of the Village of Pemberton.

A person who presents an Alternative Approval Elector Response Form to another person for signing must not knowingly make any false or misleading statements about the proposed bylaw.

**Use one Alternative Approval Elector Response Form for each elector.**

**DEADLINE FOR RECEIPT OF SIGNED FORMS is Monday, July 8, 2019 at 4:00pm** (postmarks not accepted) to:

Village of Pemberton, Attention: Corporate Officer  
 PO Box 100 | 7400 Prospect Street  
 Pemberton, BC V0N 2L0



## Determination of Total Number of Electors

Under section 86 (3) (c ) of the *Community Charter*, Council of the Village of Pemberton is required to make a fair determination of the total number of electors of the municipality to establish the threshold which must be set for the use of the alternative approval process contained in the Community Charter.

- The population in the 2016 Census indicates that the Village of Pemberton's population was 2,574.
- The 2016 Census data showing population broken down by age category indicates as at 2016 the population fifteen (15) years and over was 1995.
- Based on the fact that those who were fifteen (15) years of age in 2016 will be eligible voting age as of 2019, the fair determination of eligible electors in the Village of Pemberton is 1995.

Sheena Fraser  
Manager of Corporate & Legislative Services  
May 13, 2019

**VILLAGE OF PEMBERTON  
- PUBLIC HEARING MINUTES-**

**Minutes of the Public Hearing** of Council of the Village of Pemberton held on Tuesday, May 7, 2019 at 5:00 p.m. in Council Chambers, 7400 Prospect Street.

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<b>IN ATTENDANCE:</b>	Mayor Mike Richman Councillor Ted Craddock Councillor Ryan Zant Councillor Amica Antonelli
<b>ABSENT</b>	Councillor Leah Noble
<b>STAFF IN ATTENDANCE:</b>	Nikki Gilmore, Chief Administrative Officer Sheena Fraser, Manager of Corporate & Legislative Services Lisa Pedrini, Senior Planner Elysia Harvey, Legislative Assistant
<b>MEMBERS OF PUBLIC:</b>	0
<b>MEDIA:</b>	1

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**1. CALL TO ORDER and OPENING STATEMENTS**

At 5:00 p.m. Mayor Mike Richman called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Bylaw No. 832, 2018, Zoning Amendment (Housekeeping) Bylaw No. 862, 2019:

Good Evening. My name is Mike Richman and as Mayor of the Village of Pemberton I will be chairing this Public Hearing.

Lisa Pedrini, Manager of Development Services, will make a brief presentation on the *Zoning Amendment (Housekeeping) Bylaw No. 862, 2019* and Sheena Fraser, Manager of Corporate & Legislative Services, will record your comments for the minutes which will form part of the public record on this matter.

Also in attendance are Councillor Ted Craddock, Councillor Ryan Zant, Councillor Amica Antonelli, Nikki Gilmore, Chief Administrative Officer, Sheena Fraser, Manager of Corporate & Legislative Services, and Cameron Chalmers, Planning Consultant with the Village.

This Public Hearing is convened pursuant to Section 465 of the Local Government Act to allow the public to make representations to Council respecting matters contained in proposed:

*Village of Pemberton Zoning Bylaw No. 832, 2018, Zoning Amendment (Housekeeping) Bylaw No. 862, 2019*

Notification of this Public Hearing was advertised in the April 25<sup>th</sup> and the May 2<sup>nd</sup> issues of the "Pique Newsmagazine".

A Notice was also posted at Village of Pemberton Offices, the Village Notice Board located at the Post Office, and on the Village Website and Facebook Page and public notice boards throughout the community.

Every one of you present who believes that your interest in a property is affected by the proposed Bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed Bylaw.

Each speaker will have up to two (2) minutes to be heard. Once everyone has had a chance to speak, those who wish to speak again may do so if they have new points to present.

None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed Bylaw.

When speaking please commence your remarks by clearly stating for the public record your full name and address and whether or not you are in favour or opposed to the Bylaw.

Members of Council may, if they so wish, ask questions following a presentation. However, the main function of Council Members at this Public Hearing is to listen rather than to debate the merits of the proposed Bylaw. This Public Hearing is not a question and answer period; it is an opportunity for the public's views to be heard.

Please refrain from applause or other expressions.

After this Public Hearing has concluded, Council will further consider this Zoning Amendment Bylaw at the Regular Council Meeting, immediately after this Public Hearing.

May I remind you that tonight is your final opportunity for input on the proposed Bylaw.

## **2. PRESENTATION OF VILLAGE OF PEMBERTON ZONING BYLAW AMENDMENT (HOUSEKEEPING) BYLAW NO. 862, 2019**

Lisa Pedrini, Manager of Development Services introduced Cameron Chalmers, Planning Consultant with the Village, who presented background information regarding the proposed amendment:

Chalmers advised that since the Village of Pemberton Zoning Bylaw 832, 2018 was adopted in July 2018 and amended in October 2018, Staff has been monitoring minor inconsistencies, noting interpretation issues and making a list of suggested changes to improve, clarify and update existing regulations. In translating the information to the new Zoning Bylaw No. 832, 2018, some information was inadvertently omitted or erroneous. The majority of the amendments proposed are intended to reflect the zoning entitlements that existed before the introduction of Zoning Bylaw 832, 2018.

Chalmers noted that Staff has determined that in order to ensure the continued effectiveness of the current Village Zoning Bylaw, it is necessary to address a number of various and sometimes unrelated issues in one amendment bylaw. All the proposed modifications are relatively minor and are therefore considered to be housekeeping in nature.

Chalmers referred those in attendance to the summary table that was presented to Council on April 2, 2019, in the Staff report when the Bylaw was introduced for First and Second Reading. Included in this Public Hearing agenda package, the summary table outlines the specific details of the proposed housekeeping amendments, along with the Staff rationale for bringing forward the amending bylaw.

Clarification was requested on the proposed amendments to Section 7.11 and 16.2.3 of the Bylaw.

## **3. CORRESPONDENCE AND PETITIONS RECEIVED BY THE VILLAGE AS OF 4:30 PM, THURSDAY, MAY 2, 2019.**

Judith MacKenzie, Village of Pemberton Resident, received May 2, 2019.

## **4. ANY OTHER CORRESPONDENCE OR PETITIONS RECEIVED.**

Sheena Fraser, Manager of Corporate & Legislative Services advised that the Village had received no other correspondence or petitions following the May 2<sup>nd</sup> deadline for submissions.

## **5. MEETING OPEN FOR PUBLIC COMMENT**

There were no members of the public in attendance to provide comment.

## 6. CLOSING STATEMENTS

Mayor Richman called three (3) times for any other submissions and hearing none made the following closing statements:

On behalf of Council and myself I would like to thank all of you who have attended this meeting. Your input and participation in the process is greatly appreciated.

Please note that after the Public Hearing is adjourned, the opportunity for public discussion is ended and Council may not hear from or receive correspondence from interested parties relating to this Bylaw. This Bylaw is now a matter for Council's consideration based upon information received to date and will be considered immediately following the close of the Public Hearing.

This Public Hearing for Village of Pemberton Zoning Amendment (Housekeeping) Bylaw No. 862, 2019 is now adjourned.

## 7. ADJOURNMENT

At 5:19 p.m. the Public Hearing was adjourned.

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Sheena Fraser  
Corporate Officer

**Date:** Tuesday, May 28, 2019

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager of Corporate & Legislative Services

**Subject:** Council Procedure Amendment (Section 31) Bylaw No. 864, 2019

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### **PURPOSE**

The purpose of this report is to introduce Village of Pemberton Council Procedure Amendment (Section 31) Bylaw No. 864, 2019 for consideration by Council of First, Second and Third Readings. (**Appendix A**)

### **BACKGROUND**

At the Regular Council Meeting No. 1487, held February 19, 2019, discussion took place regarding the interpretation of section 31 (*Reconsideration by Council Member*) of the Village of Pemberton Council Procedures Bylaw No. 788, 2015. This section states as follows:

#### **31. Reconsideration by Council Member**

- a) *Subject to section 31 (d), a Council member may, at the next Council meeting,*
  - i) *move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and*
  - ii) *move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.*
- b) *A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.*
- c) *Council must not discuss the main matter referred to in section 31 (a) unless a motion to reconsider that matter is adopted in the affirmative.*
- d) *A vote to reconsider must not be reconsidered.*
- e) *Council may only reconsider a matter that has not:*
  - i) *had the approval or assent of the electors and been adopted,*
  - ii) *been reconsidered under section 31 (a) or section 131 of the Community Charter;*
  - iii) *been acted on by an officer, employee, or agent of the Village.*



- f) *A bylaw or resolution that is rejected after reconsideration under section 30 (a) is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.*
- g) *A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.*

In particular, at issue was the interpretation of subsection 31 (a) as the intent of section 31 as a whole is to allow for a member who voted in favour to have a change of heart and bring back the matter for reconsideration. The question raised was whether or not section 31 applied only to a member who voted in favour as has been the historical interpretation or if a member who voted in opposition to the motion could also bring back the resolution for reconsideration.

As a result of this discussion, the following resolution was passed:

*Moved/Seconded*

**THAT** *Staff obtain a further legal opinion regarding the interpretation of Village of Pemberton Procedures Bylaw No. 788, 2015, Section 31 (a).*

**CARRIED**

**OPPOSED:** *Councillor Craddock  
Councillor Zant*

At the Regular Council Meeting No. 1491, held Tuesday, April 16, 2019, Staff provided a report respecting this matter and provided options for Consideration by Council including amending the Bylaw to provide clarification of Section 31 (Reconsideration by a Council Member) or to continue to operate Council meetings in accordance with the existing *Council Procedure Bylaw No. 778, 2015*. The report is attached as **Appendix B**.

In this regard, Council passed the following resolution:

*Moved/Seconded*

**THAT** *a Council Procedure Amendment Bylaw replacing the language in clause 31 of Council Procedures Bylaw No. 788, 2015, (Reconsideration by a Council Member) be brought forward.*

**CARRIED**

## **DISCUSSION & COMMENTS**

An amending bylaw has been prepared in which Section 31 is deleted and replaced with the following wording. The new language that has been incorporated to ensure clarity of the intent of this section is underlined.

### ***Reconsideration by a Council Member***

- a) *Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;*

- i. to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - ii. to reconsider an adopted bylaw after an interval of at least twenty-four(24) hours following its adoption.
- b) Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.
- c) A vote to reconsider must not be reconsidered.
- d) Council may only reconsider a matter that has not:
  - i. had the approval or assent of the electors and been adopted;
  - ii. been reconsidered under subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or
  - iii. been acted on by an officer, employee or agent of the Municipality.
- e) A motion under subsection a) must be introduced in compliance with section 19 (Late Business).
- f) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.
- h) Bylaws or resolutions that are rejected after reconsideration under section 30 (a) are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.

## **COMMUNICATIONS**

In accordance with section 124 (3) of the *Community Charter* Notification of the proposed Council Procedure Amendment (Section 31) Bylaw No. 864, 2019 was posted in the Pique Newsmagazine on May 16, 2019 and May 23, 2019. (see advertisement attached as **Appendix C**). The notice was also posted on the Village Notice Boards, on the Village website, via the eNews and Facebook Page.

## **LEGAL CONSIDERATIONS**

Council is required by Section 124 of the *Community Charter* to establish a Procedure Bylaw and this requirement has been met as noted above.

As well, the proposed amended clause has received legal review to confirm clarity of the wording.

### **IMPACT ON BUDGET & STAFFING**

This preparation of the Council Procedure Amendment (Section 31) Bylaw No. 864, 2019 was incorporated into staff time of the Corporate & Legislative Services Department and the costs associated with advertising were accommodated in the 2019 budget.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impacts or approvals required.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

A review of the Council Procedure Bylaw has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

This initiative supports the Village's Strategic Priorities 2019, particularly the Village's Strategic Priority of Good Governance.

*The Village is committed to citizen engagement, being an open and accountable government, and fiscal responsibility.*

### **RECOMMENDATIONS**

**THAT** Council Procedure Amendment (Section 31) Bylaw No. 864, 2019 be given First, Second and Third Readings.

#### **Attachments:**

Appendix A: Council Procedure Amendment (Section 31) Bylaw No. 864, 2019

Appendix B: Report to Council, dated April 16, 2019

Appendix C: Council Procedure Amendment Bylaw Notification

Prepared by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON**  
**COUNCIL PROCEDURES**  
**AMENDMENT (Section 31) BYLAW No. 864, 2019**

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**Being a bylaw to amend the Village of Pemberton Council Procedure Bylaw No. 788, 2015.**

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**WHEREAS** the Council may amend its bylaws from time to time when deemed appropriate:

**NOW THEREFORE** the Council of the Village of Pemberton, in open meeting assembled, hereby enacts as follows:

1. This bylaw may be cited for all purposes as Village of Pemberton Council Procedure Bylaw No. 778, 2015, Amendment (Section 31) Bylaw No. 864, 2019.
2. That Part 4, Section 31 (Reconsideration by Council Member) of the Village of Pemberton Council Procedure Bylaw No. 778, 2015 be deleted and replaced with the following:

**Reconsideration by Council Member**

- a) Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;
  - i. to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - ii. to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.
- b) Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.
- c) A vote to reconsider must not be reconsidered.
- d) Council may only reconsider a matter that has not:
  - i. had the approval or assent of the electors and been adopted;
  - ii. been reconsidered under subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or
  - iii. been acted on by an officer, employee or agent of the Municipality.

- e) A motion under subsection a) must be introduced in compliance with section 19 (Late Business).
- f) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.
- h) Bylaws or resolutions that are rejected after reconsideration under section 30 (a) are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.

**NOTICE OF INTENTION TO AMEND** Council Procedures Bylaw No. 778, 2015  
**PUBLISHED IN THE** Pique Newsmagazine on May 16, 2019 and May 23, 2019.

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**RECONSIDERED AND FINALLY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Date:** Tuesday, April 16, 2019

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager of Corporate & Legislative Services

**Subject:** Council Procedure Bylaw – Reconsideration by a Council Member

---

**PURPOSE**

The purpose of this report is to bring forward a recommendation to provide clarification respecting section 31 of the Village of Pemberton Council Procedure Bylaw No. 788, 2015 for consideration by Council.

**BACKGROUND**

At the Regular Council Meeting No. 1487, held February 19, 2019, discussion took place regarding the interpretation of section 31 (*Reconsideration by Council Member*) of the Village of Pemberton Council Procedures Bylaw No. 788, 2015. This section states as follows:

***31. Reconsideration by Council Member***

- a) *Subject to section 31 (d), a Council member may, at the next Council meeting,*
  - i) *move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and*
  - ii) *move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.*
- b) *A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.*
- c) *Council must not discuss the main matter referred to in section 31 (a) unless a motion to reconsider that matter is adopted in the affirmative.*
- d) *A vote to reconsider must not be reconsidered.*
- e) *Council may only reconsider a matter that has not:*
  - i) *had the approval or assent of the electors and been adopted,*
  - ii) *been reconsidered under section 31 (a) or section 131 of the Community Charter;*
  - iii) *been acted on by an officer, employee, or agent of the Village.*

- f) *A bylaw or resolution that is rejected after reconsideration under section 30 (a) is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.*
- g) *A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.*

In particular, at issue was the interpretation of subsection 31 (a) as the intent of section 31 as a whole is to allow for a member who voted in favour to have a change of heart and bring back the matter for reconsideration. The question raised was whether or not section 31 applied only to a member who voted in favour as has been the historical interpretation or if a member who voted in opposition to the motion could also bring back the resolution for reconsideration.

As a result of this discussion, the following resolution was passed:

*Moved/Seconded*

**THAT** *Staff obtain a further legal opinion regarding the interpretation of Village of Pemberton Procedures Bylaw No. 788, 2015, Section 31 (a).*

**CARRIED**

**OPPOSED:** *Councillor Craddock  
Councillor Zant*

## **DISCUSSION & COMMENTS**

The intent of section 31 is to enable a Council member to bring back an item for reconsideration in the event that after some time a member might wish to have further discussion on a matter as a result of changing their mind with respect to their vote.

As noted above, the Village's interpretation has always been that a member who voted in opposition of an adopted resolution could not bring back the matter for reconsideration as if this were the case any member opposed could utilize this section to bring a matter back again and again despite the resolution being supported by a majority of Council members and ultimately adopted. This could result in delays in moving forward on an initiative as it would be continually debated with potentially the same results.

Further review of the Council Procedure Bylaw noted that in isolation section 31 (a) of the Council Procedure Bylaw would arguably allow for the right of any member to seek reconsideration. In this regard, the Village's approach has been to consider this section in its entirety along with the principles that govern council proceedings as set out in Roberts Rules of Order.

The basis of restricting the right of reconsideration to members who voted in favour is to allow for finality of council proceedings and to prevent items from being brought back to the table time and time again. It is also intended to allow for reconsideration where a member has a true change of view on the matter.

Staff has reviewed procedure bylaws from the Squamish-Lillooet Regional District (SLRD), District of Squamish (DoS) and the Resort Municipality of Whistler (RMOW). In this regard, both the RMOW and DoS Council Procedure Bylaws establish that only a Council Member who voted with the majority either for or against motion may make a motion to reconsider. The SLRD Board Procedure Bylaw establishes the same with slightly different wording.

Given the issue raised respecting clarity and taking into account the review of member municipality bylaws it is recommended that section 31 of the Council Procedure Bylaw be amended by deleting section 31 and replacing it with the wording as set out below (the new language is underlined):

***Reconsideration by a Council Member***

- a) *Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;*
  - i. *to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and*
  - ii. *to reconsider an adopted bylaw after an interval of at least twenty-four(24) hours following its adoption.*
- b) *Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.*
- c) *A vote to reconsider must not be reconsidered.*
- d) *Council may only reconsider a matter that has not:*
  - i. *had the approval or assent of the electors and been adopted;*
  - ii. *been reconsidered under subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or*
  - iii. *been acted on by an officer, employee or agent of the Municipality.*
- e) *A motion under subsection a) must be introduced in compliance with section 19 (Late Business).*
- f) *If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.*
- g) *A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.*
- h) *Bylaws or resolutions that are rejected after reconsideration under section 30 (a) are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.*



## **COMMUNICATIONS**

If Council chooses to amend the *Council Procedure Bylaw No. 778, 2015*, notice must be given in accordance with section 124 (3) of the *Community Charter which states:*

*A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms.*

Notice must be posted in public notice posting places and published for two (2) consecutive weeks in a newspaper that is distributed at least weekly. In this regard, should Council determine it is appropriate to bring forward this proposed amendment to the Council Procedure Bylaw notice will also be posted at the Village Notice Boards, on the Village website, via the eNews and Facebook Page.

## **LEGAL CONSIDERATIONS**

Council is required by Section 124 of the *Community Charter* to establish a Procedure Bylaw. If Council wishes to make changes to the existing *Council Procedure Bylaw No. 778, 2015*, Council may pass a bylaw to amend the existing bylaw only after notice has first been given as noted above. The proposed amended clause has received legal review to confirm clarity of the wording.

## **IMPACT ON BUDGET & STAFFING**

This review of the Council Procedure Bylaw has been incorporated into staff time of the Corporate & Legislative Services Department.

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

The review of the Council Procedure Bylaw has been incorporated into the daily routine of the Corporate & Legislative Services Department. Should Council elect to proceed with an amending bylaw this work can be accommodated.

## **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

A review of the Council Procedure Bylaw has no impact on other jurisdictions.

## **ALTERNATIVE OPTIONS**

The alternative option for consideration is to continue to operate Council meetings in accordance with the existing *Council Procedure Bylaw No. 778, 2015*. However, this is not recommended as a result of concerns raised respecting the interpretation of clause 31 as it is currently written.

## **POTENTIAL GOVERNANCE CONSIDERATIONS**

This initiative supports the Village's Strategic Priorities 2019, particularly the Village's Strategic Priority of Good Governance.

*The Village is committed to citizen engagement, being an open and accountable government, and fiscal responsibility.*

**RECOMMENDATIONS**

**THAT** Council provide direction with respect to bringing forward a Council Procedure Amendment Bylaw to replace clause 31 (*Reconsideration by a Council Member*).

Prepared by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Questions?  
We're  
Listening.



604.894.6135



admin@  
pemberton.ca



www.pemberton.ca

## Council Procedure Amendment Bylaw No. 864, 2019 First, Second and Third Reading

Pursuant to Section 124 (3) of the *Community Charter* the Village of Pemberton gives notice that Council will consider giving First, Second and Third Reading to a Council Procedure Amendment Bylaw at the **Regular Council Meeting on May 28th, 2019 held at 9am.**

The purpose of the amendment is to provide clarification respecting Section 31 (*Reconsideration by Council Member*) of Council Procedure Bylaw No. 788, 2015. Specifically, that reconsideration of a motion may only be brought forward by a Council member who voted with the majority.

Questions related to the Council Procedure Amendment Bylaw may be directed to Sheena Fraser, Manager of Corporate & Legislative Services at [sfraser@pemberton.ca](mailto:sfraser@pemberton.ca).

To view the proposed amending bylaw, visit the News Section at [www.pemberton.ca](http://www.pemberton.ca).

*Sheena Fraser, Corporate Officer*

Village of Pemberton  
Regular Council Meeting No. 1493  
Tuesday, May 28, 2019

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**Date:** May 28, 2019

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager of Corporate & Legislative Services

**Subject:** Permissive Tax Exemption (Pemberton Search & Rescue Society) Bylaw No. 846, 2018, Amendment Bylaw No. 865, 2019 – First, Second and Third Reading

### PURPOSE

To present to Council Permissive Tax Exemption (Pemberton Search & Rescue Society) Amendment Bylaw No. 865, 2019 for consideration of First, Second and Third readings. (**Appendix A**)

### BACKGROUND

Recognizing the significant value of organizations and groups in our community, a permissive tax exemption is a means for Council to support organizations that further Council's objective to enhance the quality of life while delivering services economically. Land and improvements noted below, which are set apart and in use for not for profit activities, request exemption from municipal taxation under Section 224 (2) (a) of the *Community Charter*. A Permissive Tax Exemption may be granted up to a maximum of ten (10) years.

In 2013, Council established the Permissive Tax Exemption Policy, the purpose of which, “*is to ensure that the organizations applying for a permissive tax exemption meet the criteria and that the application process is consistent and meets the goals, policies and general operating principles of the Village.*” A copy of the Permissive Tax Exemption Policy is attached as **Appendix B**.

In the past, the Village has established Permissive Tax Exemptions (PTE) for non-profit organizations including Stewardship Pemberton, St. David's Church (land only), the Pemberton Childcare Society, Pemberton Lion's and Legion. In 2018, as the previous permissive tax exemption granted were up for renewal Council continued its support of local non-profit organizations and granted ten (10) year (2019-2028) PTE on Municipal Lands and Buildings pursuant to the *Community Charter* to the Pemberton Childcare Society, Pemberton Lions Activities Society, the Pemberton Community Church (formerly St. David's Church), the Royal Canadian Legion and Pemberton Search and Rescue Society.

At Regular Council Meeting No. 1477, held Tuesday, October 16, 2018, Permissive Tax Exemption (Pemberton Search & Rescue) Bylaw No. 846, 2018 was adopted (**Appendix C**). As noted above, this Permissive Tax Exemption Bylaw granted to the Pemberton Search and Rescue Society an exemption on Municipal Lands for a ten (10) year period from 2019 to 2028.

## **DISCUSSION & COMMENTS**

As a result of a discrepancy in the legal description of the Pemberton Search and Rescue Society leased lands, it is necessary to bring forward an amending bylaw to correct the information in order to ensure that the PTE going forward is applied to the correct legal parcel. As such, Permissive Tax Exemption (Pemberton Search & Rescue Society) No. 865, 2019 has been prepared and presented to Council for consideration of First, Second and Third Reading. This is considered to be a housekeeping amendment and does not alter the original intent of the PTE as approved by Council in 2018.

## **COMMUNICATIONS**

The Village provided Notice as per the requirements of Section 94 of the *Community Charter* in order to meet the legislative obligations through advertisements in the local newspaper on May 23, 2019 and May 30, 2019.

Notice was also provided through the Village ENEWS and Website.

## **LEGAL CONSIDERATIONS**

There are no legal considerations at this time.

## **IMPACT ON BUDGET & STAFFING**

Following is the estimated forgone revenue for the Permissive Tax Exemption Bylaw presented:

<b>Property</b>	<b>(Number) Years</b>	<b>Municipal Revenue Forgone, Year(s) 1, 2 and 3</b>
<b><i>Pemberton Search and Rescue</i></b>		
District Lot 4769, Land District 27, Neighborhood Code 560560 (2019)	10	\$395, \$403, \$411
Part shown on Plan EPP78910, Lot 1 District Lot 4769 Lillooet District Plan KAP92761 (for 2020 to 2029)		

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

The processing of exemptions is facilitated through the Department of Finance and Administrative Services with the support of Corporate and Legislative Services. As this is an amending Bylaw the preparation of the bylaw and report has been facilitated by Corporate & Legislative Service and accommodated as part of the day to day operations.

## **ALTERNATIVE OPTIONS**

There are no alternatives provided for consideration at this time.

**POTENTIAL GOVERNANCE CONSIDERATIONS**

Providing Permissive Tax Exemptions support Strategic Theme One: Good Governance  
The Village is committed to citizen engagement, being an open, honest and accountable government.

**RECOMMENDATION**

**THAT** Village of Pemberton Permissive Tax Exemption (Pemberton Search & Rescue) Amendment Bylaw No 865, 2019 be given First, Second and Third Readings.

**Attachments:**

Appendix A: Permissive Tax Exemption (Pemberton Search & Rescue Society) Amendment Bylaw No. 865, 2019

Appendix B: Permissive Tax Exemption Policy

Appendix C: Permissive Tax Exemption (Pemberton Search & Rescue) Bylaw No. 846, 2018

Submitted by:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

## VILLAGE OF PEMBERTON

## BYLAW No. 865, 2019

**Permissive Tax Exemption for the Pemberton District Search and Rescue Society**

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A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton District Search and Rescue Society.

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**WHEREAS** pursuant to Section 224(2)(a)(i) and (ii) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

**AND WHEREAS** Village of Pemberton Tax Exemption (Pemberton Search and Rescue) Bylaw No. 846, 2018 (**the “Bylaw”**) was enacted to grant exemption to the Pemberton District Search and Rescue Society;

**AND WHEREAS** it is deemed advisable to amend the Bylaw;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. Paragraph 1 of Bylaw is deleted and replaced with the following:

“1. The land hereinafter described and the improvements thereon which are owned or held by the Pemberton District Search and Rescue Society and used for purposes that are directly related to the purposes of the Society as a not for profit corporation, are hereby exempt from taxation under Section 224(2)(a)(i) and (ii) of the *Community Charter* for the ten (10) year period from 2019 to 2028:

(a) District Lot 4769, Lillooet District Except Plans KAP44479, KAP87467 and KAP92761 (for 2019); and

(b) part shown on Plan EPP78910, Lot 1 District Lot 4769 Lillooet District Plan KAP92761 (for 2020 to 2028)

2. This Bylaw may be cited for all purposes as the “Village of Pemberton Tax Exemption (Pemberton Search and Rescue) Amendment Bylaw No. 865, 2019.”

**NOTICE OF INTENTION TO PROVIDE** a Permissive Tax Exemption to the Pemberton District Search and Rescue Society was **PUBLISHED IN** the Pique Newsmagazine on May 23, 2019 and May 30, 2019.

**READ A FIRST** this \_\_\_\_ day of \_\_\_\_\_, 2019

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2019

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ADOPTED** this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

Village of Pemberton  
Regular Council Meeting No. 1493  
Tuesday, May 28, 2019  
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# Permissive Tax Exemption Policy

Department:	Finance	Policy No.:	FIN-002
Sub-department:		Created By:	Nikki Gilmore
Approved By:	Council	Amended By:	Council
Approved Date:	20 June 2006	Amendment Date:	4 June 2013
Meeting No.:	1160	Meeting No.:	1336

## POLICY

The Village of Pemberton recognizes the significant value of organizations and groups in our community who provide worthwhile programs and services to our residents. A permissive tax exemption, provided under Section 224 of the *Community Charter*, is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically.

## POLICY PURPOSE

The purpose of this policy is to ensure that the organizations applying for a permissive tax exemption meet the criteria and that the application process is consistent and meets the goals, policies and general operating principles of the Village.. The sources of Municipal revenue are limited and a request for an exemption must be considered in concert with other needs of the Village. Council will determine the amount of revenue to be foregone by permissive tax exemptions for non-profit organizations. Council at its sole discretion may grant varying percentages of tax exemptions up to 100% of the tax exemption.

Exemptions are not given to services that are otherwise provided on a private or for profit bases. This would provide an unfair competitive advantage and is not permitted as per Section 25 of the *Community Charter*.

Requests for permissive tax exemptions for organizations whose facilities are outside the boundaries of the Village of Pemberton will not be considered.

## ELIGIBILITY CRITERIA

Eligibility for exemption should be based on the principal use of the property. To be eligible for a permissive tax exemption, an organization must comply with all of the eligibility criteria outlined below. There is no obligation on the part of Council to grant permissive tax exemptions in any given year. At Council's discretion, any of the following criteria requirements, except those legislated through the *Community Charter*, may be waived.

A property may be eligible for the exemption if the applicant meets all the following criteria:

- a) Is the registered owner of the property, or a tenant under a lease requiring it to pay taxes directly to the Village.
- b) Is a British Columbia registered charity or non-profit Society.



- c) Qualifies for an exemption under the provisions of the *Community Charter* (Part 7, Division 7, Section 224) (other incidental uses would not disqualify the applicant but, if substantial, will reduce the percentage of exemption).
- d) Principal use meets Council's objectives.
- e) Provide benefits and accessibility to the residents of the Village of Pemberton.
- f) Village of Pemberton Residents must be the primary beneficiaries of the organization's services.
- g) Provides a service supporting the social, spiritual, cultural, educational or physical well-being of the community.
- h) Is in compliance with Village policies, plans, bylaws, and regulations (ie. Business licencing, zoning, building, etc.)

Places of Worship must meet the following criteria:

- a) Qualify for an exemption under the provisions of the *Community Charter* (Part 7, Division 7, Section 220 and 224).
- b) The land surrounding the Place of Worship building will be exempt to the extent that the building is sitting on the lot. Empty lots in the proximity of the Place of Worship building will not be exempt.
- c) Vacant land held for future use and/or investment will not be exempt. Property used exclusively for parking unless in direct relationship to the Place of Worship will not be exempt.

## PROCEDURE

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- Council will consider applications for permissive tax exemption annually.
- The opportunity to apply for permissive tax exemption will be advertised once in the local newspaper and on the Village's website. Applications will be mailed to tax exemption recipients designated in the preceding tax year commencing June 1st of each year.
- Applications must be submitted to the Finance Department, using the prescribed application form, before June 30<sup>th</sup> of each year.
- The Finance Department will review the applications for completeness and arrange contact with applicants for additional information as necessary.
- Application submissions must include, but are not limited to, the following:
  - Completed application form
  - Copy of financial statements for last three (3) years (except in the case of an exemption being applied for annually in which case only the financial statement of the previous year may be required).
  - Copy of Registered Charity or Non-Profit Information return for previous year
  - Copy of title certificate or lease agreement, as applicable
  - Description of programs/services/benefits delivered from the subject lands/improvements including participant numbers, volunteer hours, fees charged for participation, benefits to the community
  - Description of any 3rd party use of the subject land/improvements including user group names, fees charged, terms of use

- The Finance Department will prepare a Summary Report, the Permissive Tax Exemption bylaws and public notice by the end of August. Public Notice, in accordance with *Community Charter* section 94, must be placed in 2 successive papers prior to adoption of the bylaw. Notice will also be posted on the Village's website.
- A representative from the organization seeking a Permissive Tax Exemption must be in attendance at the Council Meeting at which the Summary Report is being presented to Council. Attendance may also be required at the Council Meeting which the Bylaw is being considered for First, Second and Third Readings.
- The Permissive Tax Exemption bylaws must be adopted and notice given to BC Assessment for those properties receiving exemption prior to October 31st.
- Letters will be mailed to recipients notifying them of their exemption status for the following year.
- Late applicants will be held until the next review cycle.

## APPENDIX A

### General authority for permissive exemptions

**224** (2) Tax exemptions may be provided under this section for the following:

(a) land or improvements that

(i) are owned or held by a charitable, philanthropic or other not for profit corporation, and

(ii) the council considers are used for a purpose that is directly related to the purposes of the corporation;

(b) land or improvements that

(i) are owned or held by a municipality, regional district or other local authority, and

(ii) the council considers are used for a purpose of the local authority;

(c) land or improvements that the council considers would otherwise qualify for exemption under section 220 [*general statutory exemptions*] were it not for a secondary use;

(d) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by the corporation or organization if

(i) the land or improvements are owned by a public authority or local authority, and

(ii) the land or improvements are used by the corporation or organization for a purpose in relation to which an exemption under this Division or Division 6 of this Part would apply or could be provided if the land or improvements were owned by that corporation or organization;

(e) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by the corporation or organization if

(i) the land or improvements are owned by a person who is providing a municipal service under a partnering agreement,

(ii) an exemption under section 225 [*partnering and other special tax exemption authority*] would be available for the land or improvements in

relation to the partnering agreement if they were used in relation to the service,

(iii) the partnering agreement expressly contemplates that the council may provide an exemption under this provision, and

(iv) the land or improvements are used by the corporation or organization for a purpose in relation to which an exemption under this Division or Division 6 of this Part would apply or could be provided if the land or improvements were owned by that corporation or organization;

(f) in relation to property that is exempt under section 220 (1) (h) [*buildings for public worship*],

(i) an area of land surrounding the exempt building,

(ii) a hall that the council considers is necessary to the exempt building and the land on which the hall stands, and

(iii) an area of land surrounding a hall that is exempt under subparagraph (ii);

(g) land or improvements used or occupied by a religious organization, as tenant or licensee, for the purpose of public worship or for the purposes of a hall that the council considers is necessary to land or improvements so used or occupied;

(h) in relation to property that is exempt under section 220 (1) (i) [*seniors' homes*],

(j) [*hospitals*] or (l) [*private schools*], any area of land surrounding the exempt building;

(i) land or improvements owned or held by an athletic or service club or association and used as a public park or recreation ground or for public athletic or recreational purposes;

(j) land or improvements owned or held by a person or organization and operated as a private hospital licensed under the *Hospital Act* or as a licensed community care facility, or registered assisted living residence, under the *Community Care and Assisted Living Act*,

(k) land or improvements for which a grant has been made, after March 31, 1974, under the *Housing Construction (Elderly Citizens) Act* before its repeal.

## VILLAGE OF PEMBERTON

## BYLAW No. 846, 2018

## Permissive Tax Exemption for Pemberton &amp; District Search and Rescue

A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton & District Search and Rescue

**WHEREAS** pursuant to Section 224 (2) (a) of the *Community Charter*, the Council may by bylaw, exempt certain land, improvements or both from taxation;

**AND WHEREAS** it is deemed advisable to enact a new bylaw granting exemption to the Pemberton & District Search and Rescue;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The land hereinafter described and the improvements thereon which are set apart and in use for not for profit activities, are hereby exempt from taxation under Section 224 (2) (a) of the *Community Charter* for ten (10) year period from 2019 – 2028:

(a) District Lot 4769, Land District 27, Neighborhood Code 560560

2. This Bylaw may be cited for all purposes as the “Village of Pemberton Tax Exemption (Pemberton Search & Rescue) Bylaw No. 846, 2018.”

**NOTICE OF INTENTION TO PROVIDE** a Permissive Tax Exemption to the Pemberton Search and Rescue was **PUBLISHED IN** the Pique Newsmagazine on September 20, 2018 and September 27, 2018.

**READ A FIRST TIME** this 2<sup>nd</sup> day of October, 2018.

**READ A SECOND TIME** this 2<sup>nd</sup> day of October, 2018.

**READ A THIRD TIME** this 2<sup>nd</sup> day of October, 2018.

**ADOPTED** this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mike Richman  
Mayor

\_\_\_\_\_  
Sheena Fraser  
Corporate Officer

**Questions?  
We're  
Listening.**



604.894.6135



admin@  
pemberton.ca



www.pemberton.ca

## Provision of Permissive Tax Exemption First, Second and Third Reading

The Village of Pemberton is providing notice that Council will be considering 1st, 2nd and 3rd readings of Permissive Tax Exemption (Pemberton Search & Rescue Society) Bylaw No. 846, 2018, Amendment Bylaw No. 865, 2019 at the Regular Council Meeting to be held on **Tuesday, May 28, 2019 at 9:00 a.m.** The purpose of the amending bylaw is to correct inaccuracies in the Legal Description.

A Permissive Tax Exemption is a means for Council to support organizations that further Council's objective to enhance the quality of life while delivering services economically.

The land hereinafter described below and the improvements thereon which are set apart and in use for not for profit activities, to be exempted from municipal taxation under section 224 (2) (a) of the *Community Charter* for the following period:

Entity Name	No. of Years	Revenue Foregone Year(s) 1, 2, 3
Pemberton Search & Rescue Society	10 Years	\$395, \$403, \$411

### Property Description:

District Lot 4769, Lillooet District Except Plans KAP44479, KAP87467 and KAP92761 (for 2019).

Part shown on Plan EPP78910, Lot 1 District Lot 4769 Lillooet District Plan KAP92761 (for 2020 to 2028).

General enquiries regarding the proposed Amendment Bylaw should be directed to Sheena Fraser, Manager of Corporate & Legislative Services at 604-894-6135 or [sfraser@pemberton.ca](mailto:sfraser@pemberton.ca)

Sheena Fraser, Corporate Officer  
Village of Pemberton  
Regular Council Meeting No. 1493

Tuesday, May 28, 2019

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**Date:** Tuesday, May 28, 2019

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager, Corporate & Legislative Services

**Subject:** Outdoor Water Use Regulations Amendment Bylaw No. 866, 2019

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## **PURPOSE**

The purpose of this report is to present to Council Water Use Regulations Amendment Bylaw No. 866, 2019 for consideration of First, Second and Third Readings. (**Appendix A**)

## **BACKGROUND**

In 2015 Village Council adopted Outdoor Water Use Regulations Bylaw No. 792, 2015. The purpose of the Bylaw was to address concerns related to the continuous high consumption of water noted by the Village, especially in the summer, which was putting significant strain on the Village's water service infrastructure and impacting fire flows.

Bylaw No. 792, 2015 put in place regulations restricting when residents may water over the summer months. In particular it established that water conservation regulations are in effect from June 1<sup>st</sup> until September 30<sup>th</sup> each year and set out four levels of restrictions, exemptions and permitting as noted on the Bylaw No. 792, 2015 attached. (**Appendix B – note track changes shown indicate proposed amendments**)

## **DISCUSSION & COMMENTS**

Since the adoption of the Bylaw, Staff has been monitoring where there may be inconsistencies or a need for clarification respecting the regulations as set out in the Bylaw. There has also been opportunity to monitor water consumption overall and although the regulations have had some effect, the Village continues to see high volumes of water usage at various times over the summer which has an impact on the Village's water infrastructure.

As such, Staff has prepared an amending bylaw which is meant to provide clarity not only for residents but Staff as well and address aspects of water use that have an impact on the system especially under Level 3 and Level 4 restrictions.

Specifically, the following definition has been updated to clarify that hand watering is not considered to be sprinkling:

**“Sprinkle” or “sprinkling”** means the application or distribution of water to lawns, golf or other recreational fairways, fields, or any area consisting primarily of sod or turf, by a Garden Hose or other device for scattering or spraying water, but does not include hand

watering by a hose or watering by way of soaker hoses, drip irrigation or micro-irrigation systems or the application of water to flower beds and vegetable gardens;

This change has been precipitated as a result of residents asking the Village for clarity as to whether or not hand watering is allowed.

Sections 4.3 (c) (ii) and section 4.4 (a) (iv) have been amended by adding boats and other recreational vehicles and trailers and removing the ability to wash these items when level 3 and 4 restrictions are in place. This change is being proposed in order to address unnecessary water use when higher level restrictions are implemented.

It should be noted that in 2017 due to the extended period of warm weather and continued high levels of use the Village implemented Level 3 water restrictions in early August which remained in place until mid-September. In 2018, although it was not necessary to move to Level 3 restrictions the Village did put in place Level 2 restrictions beginning on June 1<sup>st</sup> thereby completely skipping Level 1 restrictions. In this regard, given the current weather trend, it has been determined that Level 2 restrictions will again start on June 1<sup>st</sup>.

## **ENFORCEMENT**

As with any regulatory bylaw the Village's first approach is with education in mind especially if the Bylaw is new. The Outdoor Water Use Regulations Bylaw was initially adopted in July, 2015. As such the focus at that time was on ensuring residents were aware of the new Bylaw, and as there were only two months left in the summer season, enforcement was limited to providing notices in the event that a property owner was sprinkling outside the permitted time. This practice continued for 2016.

In 2017, as a result of implementing Level 3 restrictions as noted above, the Village stepped up enforcement and actively monitored and issued warning notices and tickets as well as responded to resident complaints as they were received. This practice continued in 2018 given that the sprinkling restrictions started at Level 2 on June 1<sup>st</sup>. It should be noted that tickets are issued only in the event that a property owner does not comply with the regulations after receiving a warning letter. The Village will continue to actively monitor again this year.

Below is a breakdown of the number of Outdoor Water Use Permits, warning letters and tickets issued since that time:

<b>Year</b>	<b>Outdoor Water Use Permit</b>	<b>Warning Letters</b>	<b>Tickets</b>
2017	10	12	2
2018	6	12	2
2019	1 to date	Restrictions not in place yet	Restrictions not in place yet

## **COMMUNICATIONS**

Each year in May, the Village posts notice of the sprinkling regulations via signage placed at the entrance of each subdivision and in various other locations, such as downtown and at the entrance of the Village (corner of Highway 99/Vine Road). Sandwich board signs will also be located in various locations within the Village as a reminder to residents that the restrictions are



in place. Reminder notifications have been placed in the Pique Newsmagazine, in the eNEWS, Village Facebook Page and the website. In addition, all Strata properties are sent correspondence reminding them of the sprinkling regulations and notification if the restrictions change.

The Village will continue to message through its regular channels and focus on education; however, tickets will be issued following a warning notice except in the instance where a property owner has received a warning or tickets in previous years.

### **LEGAL CONSIDERATIONS**

The Village has the legislative authority as per section 8 of the *Community Charter* to implement a water regulation bylaw and make amendments as may be necessary.

### **IMPACT ON BUDGET & STAFFING**

Preparation of the amending bylaw was facilitated in-house as such there is no impact on the budget.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The Office of the Chief Administrative Officer through the Senior Communications and Grant Coordinator has been facilitating notification to the public. This has been incorporated into the yearly work plan.

The monitoring of water consumption is the responsibility of Public Works. The Bylaw delegates to a Village Official the authority to determine if and when restrictions beyond Level One should be implemented. This has been incorporated into the yearly Public Works work plan and is the responsibility of the Village's Water Operator to determine in consultation with the Manager of Operations.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

As a result of successful negotiations that concluded in 2014, the Village supplies water to the residents of the Pemberton North Water System (PNWS). As such, use by those residents also impacts the Village's water supply. The PNWS water agreement includes a provision respecting water conservation and the SLRD have agreed to implement the Village's water usage restrictions for residential irrigation purposes. The SLRD has already been notified of the Level 2 water restrictions that will be in place effective June 1<sup>st</sup> and PNWS residents advised through the SLRD social media channels. Upon adoption of the amending bylaw, the Village will notify the SLRD on the changes and collaborate with the SLRD on public messaging.

### **ALTERNATIVE OPTIONS**

There are no alternative options suggested at this time.

## **POTENTIAL GOVERNANCE CONSIDERATIONS**

Water Consumption management is part of Strategic Priority Two: Good Governance where by the Village is committed to citizen engagement, being an open and accountable government and fiscal responsibility. As well as, Strategic Priority Three: Excellence in Service in which the Village is committed to delivering the highest quality level municipal services within the scope of our resources.

## **RECOMMENDATIONS**

**THAT** Council gives Outdoor Water Use Regulations Amendment Bylaw No. 866, 2019 First, Second and Third Reading.

## **ATTACHMENTS:**

Appendix A: Outdoor Water Use Regulations Amendment Bylaw No. 866, 2019

Appendix B: Outdoor Water Use Regulations Bylaw No. 792, 2015 showing tracked changes.

Manager Approval:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**APPENDIX A**

**VILLAGE OF PEMBERTON  
BYLAW No. 866, 2019**

**Outdoor Water Use Regulations Amendment Bylaw**

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**Being a bylaw to amend Village of Pemberton Outdoor Water Use Regulations  
Bylaw No. 792, 2015, Amendment Bylaw No. 866, 2019**

---

**WHEREAS** it is deemed expedient and necessary to amend Pemberton Outdoor Water Use Regulations Bylaw No. 792, 2015 to provide clarity respecting the regulations;

**NOW THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Outdoor Water Use Regulations Bylaw No. 792, 2015, Amendment Bylaw No. 866, 2019.”
2. Section 2 Definitions of Village of Pemberton Outdoor Water Use Regulations Bylaw No. 792, 2015 is hereby amended by removing the definition of “sprinkle” or “sprinkling” and replacing it with the following:

“**Sprinkle**” or “**sprinkling**” means the application or distribution of water to lawns, golf or other recreational fairways, fields, or any area consisting primarily of sod or turf, by a Garden Hose or other device for scattering or spraying water, but does not include hand watering by a hose or watering by way of soaker hoses, drip irrigation or micro-irrigation systems or the application of water to flower beds and vegetable gardens;

3. Section 4.3 (c) (ii) is hereby deleted and replaced with the following:
  - (ii) To wash motor vehicles, boats or other recreational vehicles or trailers.
4. Section 4.4 (a) (iv) is hereby deleted and replaced with the following:
  - (iv) Use a garden hose to wash motor vehicles, boats or other recreational vehicles or trailers.

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_, 2019.

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_, 2019.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_, 2019.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2019.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**APPENDIX B  
TRACKED CHANGES VERSION**

**VILLAGE OF PEMBERTON**

**BYLAW No. 792, 2015**

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**Being a bylaw to regulate the use of water within the Village of Pemberton.**

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**WHEREAS** Section 8 of Part 2 of the *Community Charter* authorizes Council to enact bylaws that regulate, prohibit and impose requirements in relation to a municipal service;

**AND WHEREAS** Council has established a community water distribution service and wishes to regulate the outdoor use of that service;

**NOW THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS**:

**1. CITATION**

This Bylaw may be cited as "Village of Pemberton Outdoor Water Use Regulation Bylaw No. 792, 2015."

**2. DEFINITIONS**

In this bylaw:

**"Even numbered days"** means even numbered days of the calendar month;

**"Garden Hose"** means a flexible hose with an outside diameter of no more than 1 inch;

**"In-Ground Irrigation System"** means an irrigation system where pipes are buried underground and sprinkler heads are spaced at chosen intervals to deliver Village water and timers are used to turn Village water on and off automatically;

**"Level One", "Level Two", "Level Three" and "Level Four"** refers to periods of time where water restrictions are in effect as established in section 4 of this Bylaw;

**"Newspaper"** means a publication that contains news and advertising and is distributed at least weekly in the Village of Pemberton;

**"Odd numbered days"** means odd numbered days of the calendar month.

**"Sprinkle" or "sprinkling"** means the application or distribution of water to lawns, golf or other recreational fairways, fields, or any area consisting primarily of sod or turf, by a Garden Hose or other device for scattering or spraying water,

but does not include **hand watering by a hose or** watering by way of soaker hoses, drip irrigation or micro-irrigation systems or the application of water to flower beds and vegetable gardens;

**Comment [SF1]:** Added to definition.

**“Village Official”** means a duly authorized representative of the Village of Pemberton as appointed by the Chief Administrative Officer to administer the bylaw;

**“Village”** means Village of Pemberton;

**“Water”** means water supplied by the Village.

### 3. PROHIBITION

No person shall, between June 1<sup>st</sup> and September 30<sup>th</sup> inclusive in every year, use Water outdoors or cause, suffer or allow the use of Water outdoors except in compliance with this bylaw.

### 4. SPRINKLING RESTRICTIONS

#### Level One Restrictions:

**4.1** Subject to further restrictions in subsections 4.2, 4.3 and 4.4, during the period from June 1<sup>st</sup> through September 30<sup>th</sup> of each year, Level One restrictions are in effect and the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or cause, suffer or allow sprinkling, except:
  - i) at premises with an even-numbered civic address, on any even numbered days; and
  - ii) at premises with an odd numbered civic addresses, or with no civic address, on odd numbered days.
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System, except as follows:
  - (i) at premises with an even-numbered civic address, from 10:00 p.m. on any even numbered day until 4:00 a.m. of the day following that day; and
  - (ii) at premises with an odd-numbered civic address, or with no civic address, from 10:00 p.m. on any on any odd numbered day until 4:00 a.m. of the day following that day.

### **Level Two Restrictions**

4.2 During any period which has been declared by the Village Official as being a Level Two restriction period, the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or cause, suffer or allow sprinkling except:
  - i) at premises with an even numbered civic address, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. **or** between the hours of 7:00 p.m. and 10:00 p.m.; and
  - ii) at premises with an odd- numbered civic addresses, or with no civic address, on Wednesdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. **or** between the hours of 7:00 p.m. and 10:00 p.m.
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that system, except on days permitted under paragraph (a), and then only between the hours of 10:00 p.m. of a permitted day and 4:00 a.m. of the day following that day.

### **Level Three Restrictions**

4.3 During any period which has been declared by the Village Official as being a Level Three restriction period, the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or allow sprinkling except as follows:
  - i) at premises with an even-numbered civic address, only on Thursday, and then only:
    - a) between the hours of 4:00 a.m. and 9:00 a.m.; **or**
    - b) between the hours of 7:00 p.m. and 10:00 p.m.; and
  - ii) at premises with an odd-numbered civic address, or with no civic address, only on Wednesday, and then only:
    - a) between the hours of 4:00 a.m. and 9:00 a.m.; **or**
    - b) between the hours of 7:00 p.m. and 10:00 p.m.
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System, except on days permitted by paragraph (a), and then only between the hours of 10:00 p.m. on the permitted day and 4:00 a.m. on the following that day.

(c) No person shall use a Garden Hose:

- (i) to wash sidewalks, driveways, roofs or other outdoor surfaces; or
- (ii) to wash motor vehicles, boats or other recreational vehicles or trailers, ~~unless the hose is equipped with a shut off device that is spring loaded and operated by hand pressure.~~

**Comment [SF2]:** Addition to items not permitted to be washed under Level 3 restrictions

**Comment [SF3]:** Removes option to use spring loaded shut off devices

#### Level Four Restrictions

4.4 During any period which has been declared by the Village Official as being a Level Four restriction period, the use of Water outdoors is restricted as follows:

(a) No person shall, at any time:

- (i) sprinkle or cause, suffer or allow sprinkling;
- (ii) water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System;
- (iii) Use a Garden Hose or pressure washing device to wash sidewalks, driveways, roofs or other outdoor surfaces; or
- (iv) Use a garden hose to wash motor vehicles, boats or other recreational vehicles or trailers, ~~unless the hose is equipped with a shut off device that is spring loaded and operated by hand pressure.~~

**Comment [SF4]:** As above.

## 5. DELEGATION

5.1 The Village Official may:

- (a) determine if and when further reduction in Water use is required beyond the Level One restrictions for Water conservation reasons and establish by declaration periods of time for Level Two, Level Three and Level Four Water restrictions as he or she considers necessary for appropriate conservation of Water;
- (b) require the implementation of further water use reductions by written order, and after the notification prescribed in Section 6; and
- (c) issue a permit applied for under this Bylaw, and impose terms, conditions and requirements on the permit as he or she considers necessary or appropriate in the circumstances for the conservation of Water.

5.2 -In making a decision under subsection 5.1, the primary consideration will be the appropriate conservation of Water and impacts on infrastructure in

all circumstances affecting the Water supply and infrastructure system, and the Village Official may take into account relevant precipitation and weather patterns, geological or other natural conditions, the maximum daily flow of water from the Village Water supply and distribution system projections of usage, and any other factors that reasonably could impact the available supply of Water over a particular time period.

- 5.3 The Village Official shall advise Council of the issuance of any orders establishing Level 3 or Level 4 restrictions.

## **6. NOTICES**

- 6.1 Notices of Water Restriction declarations under Sections 4.2, 4.3 and 4.4 of this bylaw shall be given by an announcement made on behalf of the Village through publication in a newspaper and notices posted at the Village Notice Boards, not less than forty-eight (48) hours prior to the commencement or revocation of restrictions under the order.

## **7. PERMITS**

- 7.1 A person, owner or occupant of a parcel may apply to the Village Official for a permit that allows for sprinkling on the premises despite a period of water restrictions:
- (a) a new lawn, either by replacing sod or by seeding;
  - (b) who has installed new landscaping on a substantial part of the outdoor portion of a premises.
- 7.2 The Village Official may require the applicant for a permit to produce such information as he or she considers relevant in the circumstances, and taking into account the potential impact of the proposed activity on the Water supply, may refuse, suspend, modify or cancel a permit if the activity occurs during a Level Two or higher water restriction period or otherwise would, in the Village Official's opinion, adversely affect Water conservation in the circumstances.
- 7.3 A permit issued under Section 7.2 shall be conspicuously displayed at the premises for which it was issued
- 7.4 A permit may be issued for up to ninety (90) days.
- 7.5 Before the expiration of a permit issued under section 7.2, a person may apply for and obtain one (1) extension only of the permit.



## **8. EXEMPTIONS**

- 8.1 Sections 4.3 (c) and 4.4 (iii) do not apply to outdoor areas which are required to be cleaned or watered so as to comply with health, fire or safety regulations or directives.
- 8.2 The provisions of 4.1, 4.2, 4.3 and 4.4 do not apply to the following:
- a) golf Courses holding a valid and subsisting licence from the Village;
  - b) sports fields;
  - c) parks;
  - d) public gardens (Community Garden);
  - e) farm operations within the meaning of the *Farm Practices Protection (Right to Farm) Act* in agricultural land reserve and other areas where farm uses are permitted;
  - f) private, non-commercial vegetable gardens;
  - g) a commercial nursery; or
  - h) turf & sod within public road rights of way.

## **9. OFFENSE AND PENALTY**

- 9.1 This Bylaw may be enforced by the Village Official, a bylaw enforcement officer, or another person designated by the Chief Administrative Officer.
- 9.2 Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:
- a) pay a fine established in the Village of Pemberton Municipal Ticket Utilization Bylaw, as amended from time to time; or
  - b) if proceedings are brought under the Offence Act, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.
- 9.3 Each day that an offence against this bylaw continues amounts to a separate and distinct offence.

## **10. SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

- Schedule "A" – Permit Fees
- Schedule "B" – Fines

**11. SEVERABILITY**

If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

**READ A FIRST TIME** this 7<sup>th</sup> day of July, 2015.

**READ A SECOND TIME** this 7<sup>th</sup> day of July, 2015.

**READ A THIRD TIME** this 7<sup>th</sup> day of July, 2015.

**ADOPTED** this 21<sup>st</sup> day of July, 2015.

---

Mike Richman  
Mayor

---

Sheena Fraser  
Corporate Officer

**Schedule A – Permit Fees**

Section 7 b – Sprinkling Permit            \$30.00

**Schedule B – Fines**

**Outdoor Water Use Regulations Bylaw No. 792, 2015** **FINE**

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**Section 4.1**

Level One – First Offence	\$100.00
Level One – Second Offence	\$200.00
Level One – Third Offence	\$300.00

**Section 4.2**

Level Two – First Offence	\$100.00
Level Two – Second Offence	\$200.00
Level Two – Third Offence	\$300.00

**Section 4.3**

Level Three – First Offence	\$100.00
Level Three – Second Offence	\$200.00
Level Three – Third Offence	\$300.00

**Section 4.4**

Level Four – First Offence	\$250.00
Level Four – Second Offence	\$500.00
Level Four – Third Offence	\$1,000.00



RECEIVED

MAY 07 2019

Village of Pemberton

CITY OF BURNABY  
OFFICE OF THE MAYOR  
MIKE HURLEY  
MAYOR

2019 May 02

Dear Mayor and Council:

**Subject: Expanding Investment Opportunities**  
(Item No. 6(J), Reports, Council 2019 April 29)

Burnaby City Council, at the Open Council meeting held on 2019 April 29, received the above noted report and adopted the following recommendations, **AS AMENDED**:

1. THAT Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. THAT Council request support from other municipalities and regional districts for the requested changes to the Community Charter.
3. THAT Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities, as outlined in this report.

In accordance with Recommendation No. 2, a copy of the report, containing text of the resolution, is *enclosed* for your information.

Burnaby City Council appreciates your support on this matter.

Yours truly,

Mike Hurley  
MAYOR

**FINANCIAL MANAGEMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: EXPANDING INVESTMENT OPPORTUNITIES**

**RECOMMENDATIONS:**

1. THAT Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. THAT Council request support from other municipalities for the requested changes to the Community Charter.
3. THAT Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities, as outlined in this report.

**REPORT**

The Financial Management Committee, at its meeting held on 2019 April 24, received and adopted the attached report requesting Council to support changes to the Community Charter to allow for prudent investor rules, thus expanding investment parameters and opportunities.

Respectfully submitted,

Mayor M. Hurley  
Chair

Councillor S. Dhaliwal  
Vice Chair

Copied to:	City Manager Director Finance
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**TO:** CHAIR AND MEMBERS  
FINANCIAL MANAGEMENT COMMITTEE

**DATE:** 2019 April 17

**FROM:** DIRECTOR FINANCE

**FILE:** 7500-01

**SUBJECT:** EXPANDING INVESTMENT OPPORTUNITIES

**PURPOSE:** To request Council to support changes to the Community Charter to allow for prudent investor rules, thus expanding investment parameters and opportunities.

---

**RECOMMENDATIONS:**

1. **THAT** the Committee recommend Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules.
2. **THAT** the Committee recommend Council request support from other municipalities for the requested changes to the Community Charter.
3. **THAT** the Committee recommend Council submit a resolution, as outlined in Section 4.1 of this report, to the Union of British Columbia Municipalities as outlined in this report.

**REPORT****1.0 INTRODUCTION**

Financial investments form a critical part of the activities of a municipality, providing a source of revenues for capital expenditures and to offset cash flow fluctuations. The allowable investment parameters as laid out in the Community Charter is considered a “prescribed” or a “closed” set of legislated guidelines designed to protect municipalities from taking unnecessary or undue risks. The concept being that the current regulations provide for a list of instruments that can be placed in the portfolio, instruments that are considered the most creditworthy and least risky, such as provincial debt obligations and investments in financial institutions in Canada. What occurs in a market such as Canada, which represents less than 3% of the global economy, is an over concentration of holdings and limited investment diversification due to the regulation limitations.

The parameters set and limitations for investment powers and opportunities has not changed for decades in British Columbia. The purpose of the proposed changes to Section 183 of the Community Charter is to provide municipalities with the ability to obtain improved returns

through asset class diversification, which in return can reduce tax implications and funding costs associated with capital funding; while also reducing investment risks. Analysis and discussion for structured governance will be critical to determine the scope of change and authority granted through legislated changes. However, the purpose of this report is to start the conversation with the Province.

## 2.0 POLICY SECTION

### Goal

- A Connected Community
  - Partnership –  
Work collaboratively with businesses, educational institutions, associations, other communities and governments
- A Dynamic Community
  - Economic opportunity –  
Foster an environment that attracts new and supports existing jobs, businesses and industries
  - Community development –  
Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
- A Thriving Organization
  - Financial viability –  
Maintain a financially sustainable City for the provision, renewal and enhancement of City services, facilities and assets

## 3.0 MUNICIPAL INVESTMENTS

### 3.1 Investment Funds

Part 6, Division 3, Section 183 of the Community Charter provides investment guidelines to British Columbia municipalities. These legislated guidelines state that municipalities may invest or reinvest money that is not immediately required for expenditures as follows:

**183** Money held by a municipality that is not immediately required may only be invested or reinvested in one or more of the following:

- (a) securities of the Municipal Finance Authority;
- (b) pooled investment funds under section 16 of the *Municipal Finance Authority Act*;
- (c) securities of Canada or of a province;



- (d) securities guaranteed for principal and interest by Canada or by a province;
- (e) securities of a municipality, regional district or greater board;
- (f) investments guaranteed by a chartered bank;
- (g) deposits in a savings institution, or non-equity or membership shares of a credit union;
- (h) other investments specifically authorized under this or another Act.

The British Columbia provincial government is responsible for the laws and framework that provide governance across the province. The *Municipal Act* has provided this guidance since the 1880's. In 1991, UBCM proposed the idea for the creation of a Bill of Rights for municipalities for the purpose of providing broader powers and greater freedoms for BC municipalities. The *Local Government Act* was then created and received Parliamentary approval in 1996. Finally, with Royal Assent in August 2001 of the *Community Charter Council Act*, a Community Charter Council was created for the purpose of developing the *Community Charter*.

BC municipalities have managed investment portfolios under these guidelines as a matter of fiduciary responsibility and with due diligence. Internal investment guidelines support each municipality's investment activities within the constraints of the *Community Charter*. While protectionist in nature, the regulations actually place inadvertent restrictions on the ability to generate higher rates of return and increased revenues, as well as limiting asset class diversification which is paramount to financial sustainability and risk diversification. Currently, BC municipalities can invest in two of the four main asset classes - money market (including cash equivalents) and fixed income (bonds). The other two asset classes include equities and real estate (or other tangible assets). This limitation in turn affects the portfolio real rate of return once inflation is considered and it affects annual taxation rates and other capital costs for a municipality.

**3.2 Prudent Investor Rules**

The prudent investor rule (aka prudent investor standard) requires the investment manager of an organization to conduct investment activities with care, skill and due-diligence for that which a prudent person would do when managing their own investments, such as property, cash or securities. Such a person would therefore deploy investments through a diversification strategy that can potentially reduce risks while enhancing returns.

A prudent investor would therefore have flexibility and seek opportunities based on market and economic cycles, as well as utilize diversification opportunities both in and outside of Canada. For a municipality, benefits from increased returns can reduce taxation requirements and fees. Without a change to provincial legislation, BC municipalities will continue to invest in

prescribed investment products which under varying market conditions, like the historical low interest rates experienced over the last 10 years that has in turn translated into the lowest yields and lower income.

### **3.3 Prudent Investor Rules – Other Jurisdictions**

Various municipalities and pensions maintain prudent investor rules such as the cities of Ottawa, Edmonton, Calgary, Medicine Hat and more recently the City of Toronto. In 2000, the Canada Pension Plan began investing in equities and other investment products (real estate, commodities and futures) with the main goal of seeking higher returns and to stabilize the Canada Pension Plan (CPP) program for future generations. This change meant a more diversified and global deployment of funds for capital appreciation, taking advantage of a much larger global market than just Canadian content.

When the Province of Ontario decided to make changes to the municipal legislation, it was for the purpose of providing municipalities more flexibility. Thus, allowing local governments more freedom to invest available funds in a larger pool of diversified investment products. Providing the added flexibility and freedom could potentially deliver higher returns while lowering or removing systemic risks, reinvestment risks and interest rate risks. The Ontario government put in place specific requirements that a local government must meet to permanently opt into the prudent investor program. The logic was to ensure appropriate governance and structure was in place with separate guidance from an independent board for the expanded portfolio.

The City of Toronto is currently preparing to place their initial investments into equities now that the legislated requirements for prudent standards have been met. The City of Ottawa however has been investing endowment funds of over \$200 million since 2007. Ottawa conducted an RFP and hired two fund managers to manage the investments of the endowment. Applying prudent investment standards to the endowment funds has allowed the City of Ottawa to generate much higher yields over the last decade when compared to the funds invested based on the prescribed legislation. Also, the City of Ottawa is watching Toronto's activities closely and will contemplate the opt-in decision for the remaining portfolio funds as they have first-hand knowledge of the large differential in returns between their funds.

The City of Edmonton began investing in equities in 1995 with the creation of an endowment fund. A May 2014 staff white paper identified that through the use of asset class diversification, the endowment fund has contributed well over \$700 million to the City of Edmonton's operating budget and the fund has grown from \$445 million to \$710 million. Staff reports indicate that the change to investment structure has allowed the city to achieve cost efficiencies and to better align the portfolios with specific risk profile needs and objectivity. This in turn allows for the creation of new asset class investing, such as global infrastructure and emerging market equities, while achieving the goals of increasing overall returns and long term financial sustainability.

Another report highlighted that Edmonton home owners have saved over 7% for the period 2005 – 2014 on property taxes paid. Not only have the funds increased returns resulted in a reduction of the tax burden on citizens, but has and will continue to the support the city's financial position

and sustainability. The investment diversification through prudent investor rules has meant an expanded revenue base for operating and capital budgets.

### **3.4 Prudent Investor Rules – Capacity and Knowledge**

While providing expanded investment options to municipalities through legislation can achieve many benefits, consideration must be made regarding municipal capacity and expertise. Any change in legislation will require municipal input in determining the governance structure that will work best for the province and each municipality. With examples from Ontario and Alberta now in place, this presents a tremendous opportunity to learn from the legislative process and experiences and to understand the need for improvements and the request to change.

Because of the vast range of assignments and work conducted in municipal treasury, the current staff compliments most likely will not have the expertise to branch out into a larger array of investment asset class products. Indeed, smaller municipalities have very few staff that manage varying professional disciplines such as budgets, banking, trades payable, accounting and investments. There are however significant differences amongst the municipalities in the lower mainland and across the province when it comes to portfolio management expertise and knowledge. So governance must consider inclusion for all without creating additional costs and risks.

Such risks can be mitigated through pooling investments or contracts with qualified funds managers through the set-up of simplified but effective reporting standards and clear guidelines. Under prudent investment standards the need for monitoring the decisions made, portfolio performance, policy and governance principles becomes even greater. Setting the criteria by thoughtful consideration will ensure a more comprehensive and general acceptance and adaptation by municipalities. The goal is not to make prudent investing an impossible challenge, but to ensure there is significant and meaningful impact when prudent investment standards are followed.

## **4.0 REQUIRED CHANGE IN LEGISLATION**

The City of Burnaby has maintained a concentrated and focused effort on the investment portfolio for over three decades. This attention has provided for consistently improved yields and income generation. While the City of Burnaby has outperformed market benchmarks and municipal peers, there are still missed opportunities due to investment restrictions based on the current legislation.

While protectionist in nature, a “prescribed” or “closed” set of guidelines can introduce unintended risks by being extremely limited, thus introducing systemic and interest rate risks to a municipal portfolio. This can increase in magnitude for a large portfolio that seeks additional product and yield within the limited reach and size of the Canadian fixed income market. The *Community Charter* provides clarity but does not empower a municipality to obtain greater investment variation and seek to reduce risk further through asset diversification and allocation.

It is therefore proposed that by providing prudent investor standards within the *Community Charter* or other provincial legislation, risk versus reward through asset class diversification can culminate into various funding and cash flow opportunities as returns increase. If the City of Burnaby moved 30% of current holdings to other asset classes for example (Edmonton has 60% of the endowment fund in equities), with only a 2.5% increase in yield on that portion of the portfolio, the annual additional revenue would be \$12.75 million per year.

The evidence is very clear from municipal examples to pension plans and historical analysis that asset mix is a critical determinant of long term investment fund stability, yield and income. Maintaining a set of guidelines that limits municipal investing to a restricted list of products within limited asset classes will result in what is occurring in many municipal portfolios today – yields that range from 1.50% - 3.00% with significantly reduced income. The current standards limit municipal investments to the Canadian market only and to the fixed income asset class which is based on Canadian interest rates only.

The size and utilization of the City’s investment reserves, without debt payment obligations other than internally through annual depreciation, means we are well positioned for the longer term investment time horizon that is needed under other asset classes such as equities and real estate. Providing proficient and transparent oversight to the investment portfolio ensures the City of Burnaby is acting in the best interest of citizens. This also means identifying that as investment markets and economies have changed over the years, opportunities have been missed. The best starting point is to begin the conversation about making changes to the current investment legislation in British Columbia.

And while those opposed to change may suggest that introducing the prudent investor rules will bring with it needless risks, one must consider that risk is defined in many ways, including the long term financial sustainability of municipalities and the tax burden placed on residents. Risk diversification also means fund managers and fund management, not just guarantors and asset class diversification. Risk management means a governance structure that takes into consideration the varying investment strategies that can be deployed and empowering municipalities to diversify and grow for future generations of citizens. For these reasons, updating legislation to include prudent investment rules is practical and warranted.

**4.1 Resolution: Expanded Asset Class Investments Under Prudent Investor Rules**

Given the discussion above, and recognizing that the ability to properly manage and grow assets is an important role of local government, the following resolution has been prepared for the Committee and Council’s consideration.

**WHEREAS** financial investments form a critical part of the activities of a municipality, providing a source of revenues for capital expenditures and to offset cash flow fluctuations;

To: Financial Management Committee  
From: Director Finance  
Re: Expanding Investment Opportunities  
2019 April 24..... Page 7

**AND WHEREAS** allowable investment parameters as laid out in the *Community Charter* is considered a “prescribed” set of legislated guidelines.

**AND WHEREAS** the Provinces of Alberta and Ontario have implemented a wider scope for local government investment, which responds to the needs of local governments of all sizes:

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities request the Ministry of Finance to amend the *Community Charter* to provide municipalities with the ability to obtain improved returns through asset class diversification, which in return can reduce tax implications and funding costs associated with capital funding, while also reducing investment risk.

## 5.0 RECOMMENDATIONS

It is recommended that the Committee recommend Council provide support for changes to the Community Charter to allow for expanded asset class investments under prudent investor rules. It is also recommended that the Committee recommend Council request support from other municipalities for the requested changes to the Community Charter and that a resolution, as outlined in Section 4.1 of this report, be submitted to the Union of British Columbia Municipalities on this matter.



Noreen Kassam, CPA, CGA  
DIRECTOR FINANCE

NK:DS /ml

Copied to: City Manager

**From:** Kristen Clark [mailto:KClark@slrd.bc.ca]  
**Sent:** Thursday, May 23, 2019 1:38 PM  
**To:** Sheena Fraser  
**Cc:** Elysia Harvey  
**Subject:** SLRD Bylaw No. 1640-2019

Good Afternoon Ms. Fraser

Further to my earlier email regarding this, please be advised that the SLRD Board passed the following resolutions at yesterday's Board meeting pertaining to Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019:

*THAT Bylaw No. 1640-2019, cited as "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019", be introduced and read a first, second and third time.*

*THAT in accordance with section 349(1)(b) of the Local Government Act, written consent of the two participants be provided with respect to Bylaw No. 1640-2019, cited as "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019" by the following participants:*

- (a) Electoral Area C Director, pursuant to section 347(2) of the Local Government Act, and;*
- (b) Council of the Village of Pemberton, pursuant to section 346 of the Local Government Act,*

*THAT Bylaw No. 1640-2019, cited as "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019", (as at third reading with participating area consents) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the Local Government Act.*

This pertains the Pemberton Refuse Service Area, Cost Centre #1900.

- Participating Areas: Village of Pemberton and a portion of Electoral Area C

I've attached the Consent for consideration by the Village of Pemberton Council at the May 28, 2019 meeting as well as the associated staff report.

Please advise me of the outcome of your Council meeting.

Regards,  
Kristen



**Kristen Clark**  
**Director of Legislative and Corporate Services**  
[kclark@slrd.bc.ca](mailto:kclark@slrd.bc.ca)  
P: 604-894-6371 x230  
F: 604-894-6526  
[www.slrd.bc.ca](http://www.slrd.bc.ca)

Date: \_\_\_\_\_, 2019

### **Bylaw Consent Form**

I, Nikki Gilmore, Chief Administrative Officer of the Village of Pemberton, hereby certify that the following resolutions were passed by the Council of the Village of Pemberton at its meeting on May 28, 2019:

*THAT Council give participating area approval by consenting on behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019";*

*AND THAT Village of Pemberton staff notify the Squamish-Lillooet Regional District Board of the Village of Pemberton's consent.*

---

Nikki Gilmore, Chief Administrative Officer  
Village of Pemberton

**Date of Meeting:** Regular Board Meeting – May 22, 2019

**Recommendations:**

THAT Bylaw No. 1640-2019, cited as “Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019”, be introduced and read a first, second and third time.

THAT in accordance with section 349(1)(b) of the *Local Government Act*, written consent of the two participants be provided with respect to Bylaw No. 1640-2019, cited as “Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019” by the following participants:

- (a) Electoral Area C Director, pursuant to section 347(2) of the *Local Government Act*, and;
- (b) Council of the Village of Pemberton, pursuant to section 346 of the *Local Government Act*,

THAT Bylaw No. 1640-2019, cited as “Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019”, (as at third reading with participating area consents) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the *Local Government Act*.

**Background:**

On May 23, 2018, the Squamish-Lillooet Regional District (SLRD) Board adopted Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, which authorized total borrowing of \$1,375,000 for the construction of the new Pemberton & District transfer station at a specific site, being the SLRD-owned property (undeveloped lands) at 1950 Venture Place in Pemberton.

On June 27, 2018, the SLRD Board adopted Squamish-Lillooet Regional District Security Issuing Bylaw No. 1585-2018 (Pemberton & District Transfer Station Service), which authorized a draw of \$200,000 for undertaking design and preliminary site work.



Following the mandatory 30-day quashing period for the security issuing bylaw, the SLRD submitted the loan request to Municipal Finance Authority (MFA) by MFA's deadline in early August 2018 as per MFA's requirements, and in October 2018, funding of the \$200,000 draw occurred.

At the October 24, 2018 Board meeting, the Board passed the following resolution:

*THAT the Correspondence for Action - Pemberton Transfer Station Relocation Alternatives - Letters of Support and Signature be received and referred to staff for consideration as staff explores options for the relocation of the current Pemberton Transfer Station.*

Staff continues to explore options for the relocation of the current Pemberton Transfer Station. While none of the \$200,000 draw has been spent, the Pemberton Refuse Disposal Service is responsible for paying the accruing interest.

At the March 20, 2019 Board meeting, the Board passed the following resolution:

*THAT the Squamish-Lillooet Regional District undertake a survey to collect information from Pemberton and Electoral Area C residents to better determine the requirements of the new Pemberton Waste Transfer Station.*

Staff continues to work on preparing this survey.

### **Key Information:**

The Board has not yet made a decision in respect of where the new Pemberton & District transfer station will be located. To maximize flexibility in respect of whatever location the Board decides upon, staff has prepared a bylaw amendment (attached) to remove the specific reference to the 1950 Venture Place property (which at the time was the site intended to be used for the new Pemberton & District transfer station) so that the borrowing is not site-specific, based on recommendations from the Ministry of Municipal Affairs and Housing. It is not necessary to identify a specific location in a loan authorization bylaw. Legislation (section 179 of the Community Charter and sections 403 and 406 of the Local Government Act) only requires that a loan authorization bylaw identify the following items (all of which have been identified in the bylaw):

- the service to which the borrowing relates (*Pemberton Refuse Disposal Service*);
- the total amount to be borrowed (*\$1,375,000*);

- the purpose of the debt to be incurred (*to construct a Pemberton & District solid waste transfer station within the service area boundaries*); and
- the maximum term (*30 years*).

Consent on behalf of the municipal participating area (Village of Pemberton) and the electoral participating area (Electoral Area C) will have to be sought. (Consents are attached.)

Pursuant to section 349(4) of the Local Government Act, the Minister of Municipal Affairs and Housing has the discretion to require elector approval (i.e. via Alternative Approval Process or assent voting) to be obtained in respect of this bylaw amendment. Staff has consulted with the Ministry of Municipal Affairs and Housing regarding this matter, and it is not expected that the Minister will require an Alternative Approval Process or assent voting to be undertaken as this is considered to be an administrative or “housekeeping” matter.

**Options:**

- 1) As per Recommendations above (***Preferred Option***);
- 2) Other, as per the Board’s direction.

**Next Steps:**

If the Board proceeds as per the Recommendations above, staff will seek the consent of the Electoral Area C Director, as well as the consent of the Village of Pemberton via forwarding the request for consent for consideration at the May 28, 2019 Village of Pemberton Council meeting. An estimated timeline is below:

- May 22, 2019: Electoral Area C Director provides electoral participating area consent;
- May 28, 2019: Village of Pemberton considers providing municipal participating area consent;
- June 4, 2019: Village of Pemberton staff forwards municipal participating area consent to SLRD staff.
- June 5, 2019: SLRD staff forwards package to the Ministry of Municipal Affairs and Housing to request Inspector approval.
- July 17, 2019: Assuming a 6 week turnaround, SLRD staff receives Inspector approval.

- July 24, 2019: Board considers adoption of Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019.

**Attachments:**

1. *Proposed* Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019;
2. *Proposed* consolidated version of Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018;
3. Consent - Electoral Area C Director; and
4. Consent - Village of Pemberton.

<b>Submitted by:</b>	Kristen Clark, Director of Legislative and Corporate Services
<b>Approved by:</b>	Lynda Flynn, Chief Administrative Officer



PARTICIPATING AREA APPROVAL  
by way of the Council of the Village  
of Pemberton consenting in writing  
obtained this

\_\_\_ day of \_\_\_, 2019.

APPROVAL of the Inspector of  
Municipalities received this

\_\_\_ day of \_\_\_, 2019.

ADOPTED this

\_\_\_ day of \_\_\_, 2019.

---

Tony Rainbow,  
Chair

---

Kristen Clark,  
Corporate Officer

**PROPOSED CONSOLIDATED COPY - THIS IS AN UNOFFICIAL CONSOLIDATION OF  
BYLAW NO. 1567-2018 WHICH HAS BEEN PREPARED FOR CONVENIENCE ONLY.**

**SQUAMISH-LILLOOET REGIONAL DISTRICT  
BYLAW NO. 1567-2018**

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A bylaw to authorize the borrowing of \$1,375,000.00 for the purpose of constructing the Pemberton and District Transfer Station for the use and benefit of the Village of Pemberton and a defined area of the Squamish-Lillooet Regional District's Electoral Area C

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**WHEREAS** pursuant to Pemberton Refuse Disposal Local Service Conversion and Establishment Bylaw No. 568, 1994, the Squamish-Lillooet Regional District operates the Pemberton Refuse Disposal Service within:

- (a) the Village of Pemberton; and
- (b) a defined area of the Squamish-Lillooet Regional District's Electoral Area C;

**AND WHEREAS** pursuant to section 406(1) of the *Local Government Act*, this bylaw relates to the Pemberton Refuse Disposal Service in the Village of Pemberton and Squamish-Lillooet Regional District Electoral Area C;

**AND WHEREAS** the Squamish-Lillooet Regional District has identified (or will identify) a site for locating the Pemberton and District transfer station within the service area boundaries (the "Property");

*Amendment Bylaw No. 1640-2019*

**AND WHEREAS** the Regional Board of the Squamish-Lillooet Regional District deems that it is desirable and expedient to construct and operate the Pemberton and District transfer station for the use and benefit of the Village of Pemberton and a defined area of the Squamish-Lillooet Regional District's Electoral Area C;

**AND WHEREAS** the total sum to be borrowed for the purpose of constructing the Pemberton and District solid waste transfer station on the Property, is \$1,375,000.00, which is the amount of debt created by this bylaw;

**AND WHEREAS** the maximum term for which a debenture may be issued to secure the debt created by this bylaw is 30 years;

**AND WHEREAS** the authority to borrow under this bylaw expires five years from the date on which this bylaw is adopted; and

**AND WHEREAS** the Regional Board of the Squamish-Lillooet Regional District has received participating area approval of this loan authorization bylaw by approval of the electors in accordance with section 345 of the *Local Government Act* [approval by alternative approval

process].

**NOW THEREFORE**, the Regional Board of the Squamish-Lillooet Regional District in open meeting assembled, enacts as follows:

1. The Regional Board is hereby empowered and authorized to construct and operate a Pemberton and District solid waste transfer station on the Property and to do all things necessary in connection therewith to provide for the continued provision of solid waste services in the Pemberton and District area, and without limiting the generality of the foregoing, to borrow upon the credit of the Squamish-Lillooet Regional District a sum not exceeding \$1,375,000.00.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 30 years.
3. This bylaw may be cited as "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018".

READ A FIRST TIME this 28<sup>th</sup> day of February, 2018.

READ A SECOND TIME this 28<sup>th</sup> day of February, 2018.

READ A THIRD TIME this 28<sup>th</sup> day of February, 2018.

APPROVAL of the Inspector of Municipalities received this 27<sup>th</sup> day of March, 2018.

APPROVAL OF THE ELECTORS within the Pemberton Refuse Disposal Service obtained this 15<sup>th</sup> day of May, 2018.

ADOPTED this 23<sup>rd</sup> day of May, 2018.

*"Original signed by"*

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Tony Rainbow,  
Presiding Chair

*"Original signed by"*

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Kristen Clark,  
Corporate Officer

Date: May 22, 2019

### **Bylaw Consent Form**

I, Russell Mack, Director for Electoral Area C of the Squamish-Lillooet Regional District, hereby give participating area approval by consenting on behalf of the electors of Electoral Area C, to the adoption, by the Regional District, of "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019".

---

Russell Mack  
Director for Electoral Area C



Date: \_\_\_\_\_, 2019

### **Bylaw Consent Form**

I, Nikki Gilmore, Chief Administrative Officer of the Village of Pemberton, hereby certify that the following resolutions were passed by the Council of the Village of Pemberton at its meeting on May 28, 2019:

*THAT Council give participating area approval by consenting on behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of "Squamish-Lillooet Regional District Pemberton and District Transfer Station Loan Authorization Bylaw No. 1567-2018, Amendment Bylaw No. 1640-2019";*

*AND THAT Village of Pemberton staff notify the Squamish-Lillooet Regional District Board of the Village of Pemberton's consent.*

---

Nikki Gilmore, Chief Administrative Officer  
Village of Pemberton

Dated: May 6, 2019

Dear Mayor & Council:

**SUB: MUNICIPAL REGIONAL DISTRICT TAX (MRDT) CONSIDERATIONS**

Recent discussions around MRDT and documents being circulated in Pemberton presenting this additional tax on guests as a good and easy source of tourism funding may, in our opinion, be prematurely wishful. Having some familiarity with the MRDT process at various stages of the chain, we wanted to clarify a few assumptions that are being relied upon as Pemberton attempts to consider approaching the Province to apply this additional tax on visitors to our municipality. Otherwise the collection process will be inherently flawed, unfair and unruly; for instance:

1. **ONLINE ACCOMMODATION PLATFORMS (OAPs):** The MRDT has been successful in Whistler as the RMOW has strong controls around zoning and short-term transient rentals. Properties wishing to list on OAP's such as Airbnb are only given a business license if they are zoned for tourist accommodation. Whistler's new bylaw adjudication system, adopted last March, allows the RMOW to enforce Whistler's Tourism Accommodation Bylaw by issuing bylaw notices to anyone advertising a property that is not zoned for nightly accommodation. Properties that offer tourist accommodation without a business license are ticketed and shut down. With OAPs now collecting MRDT, this leads to fair application of taxes across all accommodation sectors in Whistler. **Pemberton does not have these controls** and the full burden of MRDT collection will no doubt fall on law abiding properties in the VoP cluster putting them at a further competitive disadvantage on rates against illegal OAPs, **compounding an unfairness which is already very much at play.**
2. **APPLICATION FOR FUNDS:** Once taxes are collected, applying for MRDT funding is an extremely labor intensive process that not only requires administration but also extensive reporting including Annual Performance Reports, Tactical Plans, Financial Reports, and/or a Five Year Strategic Business Plan. The "Sustainable Funding Model for Tourism Marketing" document being circulated suggests that the MRDT in Pemberton would generate approx. **\$75k**. Mathematically, a majority of this money (if not all and more) will have to be spent on labor to prepare the aforesaid reports whereby it makes it illogical to burden our guests with taxes to support a make-work project. We are wasting enough money on needless surveys, consultants, and now this futile exercise when in the end **the economies of scale are inherently absent.**
3. **+51% THRESHOLD OF ACCOMMODATION APPROVAL:** The minimum support required from the accommodation sector for the tax to be imposed is at least 51% of the number of establishments that would collect the tax within the municipality/region representing at least 51% of the total number of rooms. An application could then be made by VoP to acquire some of the MRDT funds from the Province and be used under the jurisdiction of VoP. If on the other hand the MRDT application is being submitted by Area-C of the SLRD with accommodation partners as far away as Goldbridge, then the application will likely be made by SLRD to the Province and funds used under the jurisdiction of the SLRD. In this case Pemberton will merely be a party to a much larger jurisdiction with an inadequate \$75k for labor, reporting, and marketing. Logically, the money is then better spent by a regional and/or provincial organization to benefit from other synergies and VoP will have little to no further influence on this spending.

4. **RELEASE OF FUNDS FROM THE PROVINCE:** Ministry of Finance, Ministry of Tourism, and Destination BC just does not release funds to random organizations with noble intentions. Funds are released to established Destination Marketing Organizations (DMOs) that are highly qualified, experienced, have solid bench-strength and can produce long-term strategies not just for tourism growth but their own existence. Tourism Pemberton itself has morphed multiple times over the past few years and its Governance model including seat distribution on its board, conflict of interest guidelines, etc., seem rudimentary at best. What confidence can it offer MRDT collectors that their additional taxes will be well spent, let alone the Ministries. A likely outcome may be that any new taxes will end up with established Provincial organizations such as DBC that have significant caliber and also the **economies of scale** to obtain a desirable outcome in tourism marketing for Pemberton/Area-C on an event-by-event basis.
  
5. **OVER TOURISM:** Realistically visitors come to Pemberton more so for the area and its spectacular landscapes, which in turn are being severely threatened by **unregulated tourism**. Growth in economy is warranted but regulations equally if not more so. Our current situation around OAP's in point-1 is an example of potential misadventures in the absence of suitable regulations. While we are beneficiaries of the tourism industry ourselves, we are also very conscious of our fragile environment and our ethical responsibility to protect our natural habitats. **Unfortunately the "Sustainable Funding Model for Tourism Marketing" document does not speak at all to environmental sustainability but instead purposes to further exploit it.** This unregulated traffic on our trail system is a grave concern. The desire to plunge ahead heedless of obstacles in the pursuit of tourism also puts TP and VoP at cross-purposes with the substantial efforts being made by some of the more established conservation stewardship organizations in our area. *"As is often the case with ecotourism, though, there is a risk of the tourists killing the thing they love by turning up in numbers so large that they harm the habitat"* The Economist.

**CONCLUSION:**

It is not that we are hugely in favor or vehemently opposed to the collection of MRDT. It is just that in the absence of established structures perhaps **it is not the right time**. We do not have any substantive regulations in place to properly manage OAPs or the unmitigated growth of tourism to our destination/landscape. The \$75k will be chump-change after all costs and expenditures; and using the unbridled horsepower of provincial marketing organization will unleash consequences that our natural surroundings are perhaps not ready to handle without substantive regulations and enforcement.

We are truly appreciative of all the hard work VoP is doing to wrestle with shared economy marketplaces that have confounded many large cities, and the dynamic peer-to-peer social networks that are making traditional tourism marketing completely irrelevant. It is no longer about "promoting" Pemberton through print and digital but desperately so about **service, regulations, enforcement and management**.

Thank you very much for your time and consideration in this matter.

Kind regards,

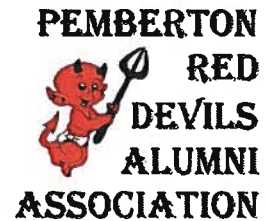
Donna & Saad Hasan

██████████  
Pemberton, BC

RECEIVED

MAY 08 2019

Village of Pemberton



Pemberton BC, V0N 2L0

Dear Village of Pemberton,

We recently hosted our annual 'Day of the Devils' fundraiser, and it has been our most successful fundraiser yet! As we complete our fourth year of working to ensure that the athletics program in our small community continues, we, as a committee, are taking a moment to reflect on our purpose and examine the goals we strive to achieve.

In the most basic terms, our goal is to ensure that all students in our one-school community have access to organized sport. While Pemberton Secondary certainly benefits from this annual event, the real beneficiaries are the young people of our community. School sport provides an opportunity for those who cannot afford activities such as ice hockey or gymnastics. The differences between 'educational athletics' and community-organized sports are many, but the benefits we value as an association include:

1. Educational Athletics is less focused on outcome (winning) and is therefore able to integrate social education, develop lifelong skills, and promote healthy lifestyles
2. Educational Athletics is inclusive, and accessible to all students regardless of socio-economic status

Our association was created because we exist in a period of time where there appears to be an expectation on society to 'solve problems' while government takes a back seat. A book entitled, 'Philanthrocapitalism: How Giving Can Save the World' (Bishop & Green, 2009), states that:

....society is changing the way it solves its biggest problems, by bringing together business, nonprofits, governments, social entrepreneurs and philanthropists in innovative partnerships. Giving has a crucial role to play... and (society depends on) the willingness of us all to give back.

We would simply not be able to support our youth without the help of so many organizations and individuals such as yourself. We are so grateful for the support that our larger community continues to provide year after year. This year's event raised more than ever, at over \$27,750!

Thank you for recognizing the importance of this cause. While many rural communities are seeing their sports programs disappear, our students continue to be well taken care of by the generosity of our community. Together, we can ensure that their athletics programs will thrive for years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Walden".

Krista Walden  
On behalf of,  
The Pemberton Red Devils Alumni Association

Dear Mayor and Council:

**RE: Access Awareness Day – June 1, 2019**

June 1, 2019 is Access Awareness Day! Access Awareness Day provides an opportunity to look at our communities and reflect on ways to make them more accessible and inclusive for everyone! Access Awareness Day is part of National AccessAbility Week which takes place from May 26 to June 1, 2019.

As part of National AccessAbility Week, the goal is to recognize the efforts of individuals and communities that are actively removing barriers such that Canadians of all abilities have the best chance to succeed! The theme for this year's Access Awareness Day is "*Accessibility Makes Communities Complete*". As part of this year's planning, our goal is to draw attention to accessibility as being integral to where people live, work, learn and play.

Each year, as part of our annual Access Awareness Day campaign we reach out to local governments and community partners to learn more about the work that they are doing to ensure that all citizens are able to share their talents, experiences and abilities in all aspects of community life – social, physical, cultural, economic, and recreational. Please find enclosed thirty (30) copies of posters that have been developed to help build increased public awareness and support around accessibility and to recognize the importance of working together to ensure that everyone is included. Please share these posters with your local library, your accessibility committee, your department of parks and recreation and other local partners. Also, please do not hesitate to request additional posters.

I am also pleased to announce that this year, the Government of Canada's Social Development Partnerships Program – Disability component as well as the Ministry of Social Development and Poverty Reduction have made \$500 in funding available to municipalities and community-based disability groups who are holding local accessibility events. If you are planning an event, please do not hesitate to reach out to share your ideas and to request this funding. We know that by building accessibility we are creating stronger and healthier communities.

Email us at [abattalova@sparc.bc.ca](mailto:abattalova@sparc.bc.ca) or tweet us at @SPARCBC to request funding for your event or to request additional materials or posters.

Thank you for the part that you play in helping to make our communities more accessible and inclusive for everyone!

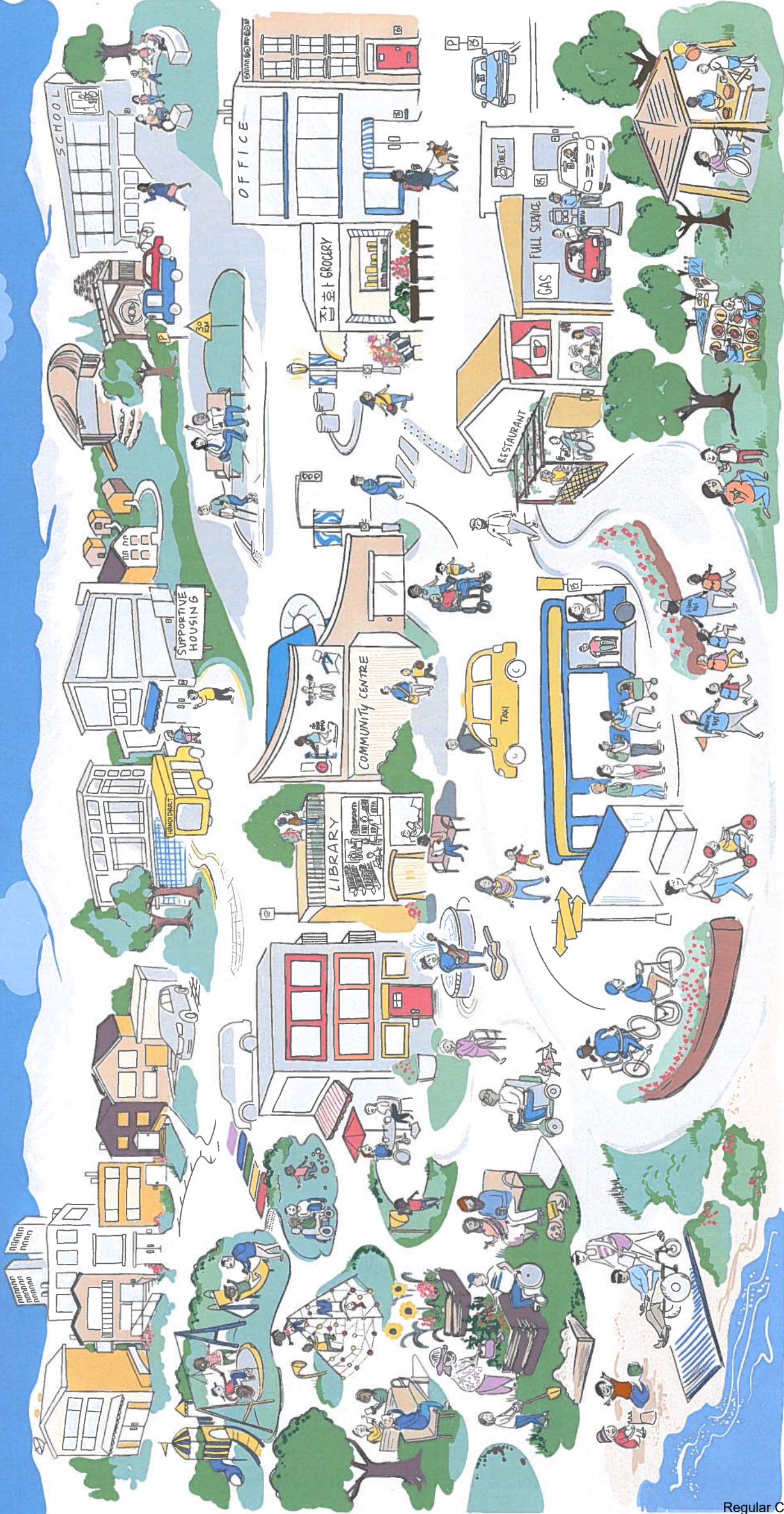
Sincerely



Alfiya Battalova  
Manager of Accessibility Initiatives, SPARC BC



# Accessibility Makes Communities Complete



## Access Awareness Day 2019

Celebrated annually on the first Saturday in June, **Access Awareness Day** draws attention to accessibility as being an integral part of a complete community.

**sparc bc**  
people. planning. positive change.

**BRITISH COLUMBIA**

**Canada**