

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, May 23, 2012 at 8:58 pm.

**PRESENT:** Chair R. Hutchins  
Directors L. Iannidinardo, M. Dorey, L. Duncan  
B. Fraser, G. Giles <to 11:22 pm>,  
R. Hartmann <to 9:42 pm>, P. Kent,  
J. Lefebure <to 9:42 pm>, B. Lines <to 9:42 pm>,  
M. Marcotte, T. McGonigle, M. Walker, P. Weaver  
and Alternate Director D. Darling <to 9:42 pm>

**ALSO**

**PRESENT:** Warren Jones, Chief Administrative Officer  
Kathleen Harrison, Deputy Corporate Secretary  
Sybille Sanderson, A/General Manager, Public Safety  
Tom Anderson, General Manager,  
Planning and Development  
Brian Dennison, General Manager,  
Engineering and Environmental Services  
Kate Miller, Manager,  
Regional Environmental Policy  
Sharon Moss, Manager, Finance Division  
Ilse Sarady, Environmental Technologist II

**ABSENT:** Director I. Morrison

**APPROVAL OF  
AGENDA**

**12-275**

**It was moved and seconded that the agenda be amended with the addition of New Business items as follows:**

**NB1 Correspondence from Schon Timber Limited  
Re: Ladysmith Harbour Industrial Area Revitalization  
Feasibility Planning - 5258 Brenton Page Road, Ladysmith;**

**NB2 Resolution  
Flood Management and Protection Compensation and  
Operation of the Weir at Lake Cowichan;**

**NB3 Mill Bay Marina - Subdivision and Building Permit Covenant;  
CSNB1 Local Government Objectives {Sub (1) (I)};**

**CSNB2 Potential Litigation {Sub (1) (g)} referred from the  
May 23, 2012 Regional Services Committee meeting; and**

**that the agenda, as amended, be approved.**

**MOTION CARRIED**

**COMMITTEE REPORTS**

**CR1**

The report and recommendation from the Shawnigan Lake Community Centre Commission meeting of May 8, 2012 listing one item was considered.

- 12-276                    It was moved and seconded that the Board approve short term borrowing up to a maximum of \$65,000 for the purchase of a bus for the Shawnigan Lake Community Centre to be paid back within five years under the Liabilities Under Agreement Section 175 of the *Community Charter*.

**MOTION CARRIED**

#### **STAFF REPORTS**

- SR1                    The Staff Report from the West Cowichan Facilities Coordinator dated May 15, 2012 re: Sole source expenditure and short term borrowing for the capital purchase of acoustic treatments for the Cowichan Lake Sports Arena was considered.

- 12-277                    It was moved and seconded that the CVRD Board approve short term borrowing up to a maximum of \$100,000 for the purchase of acoustics treatments (custom fabric panels) for the Cowichan Lake Sports Arena to be paid back within five years under the Liabilities Under Agreement Section 175 of the *Community Charter*.

**MOTION CARRIED**

Resolution No. 2 was withdrawn as another service provider has been identified negating the need for a sole source award.

- SR2                    The Staff Report from the Acting General Manager, Public Safety dated May 17, 2012 re: Fire Tender for Honeymoon Bay Fire Protection Service Area was considered.

- 12-278                    It was moved and seconded:
1. That the Board approve the sole source purchase, from Fort Garry Fire Truck Sales, of a fire tender for the Honeymoon Bay Volunteer fire Rescue Service, the overall expenditure of which will not exceed \$225,000.
  2. That the Board approve \$75,000 in short term borrowing for the purchase of a fire tender for the Honeymoon Bay Volunteer Fire Department to be paid back over five years under the Liabilities Under Agreement Section 175 of the *Community Charter*.
  3. That staff be directed to prepare the necessary Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$75,000 from the Honeymoon Bay Fire Local Service Area Reserve Fund and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

**MOTION CARRIED**

#### **NEW BUSINESS**

- NB1                    The correspondence from Schon Timber Limited dated May 17, 2012 re: Ladysmith Harbour Industrial Area Revitalization Feasibility Planning - 5258 Brenton Page Road, Ladysmith was considered.

- 12-279                   It was moved and seconded that the Chair be authorized to sign a letter of support for Schon Timber Limited's application for funding from the *BC Brownfield Renewal Program* to carry out environmental investigation works at 5258 Brenton Page Road in an effort to understand the environmental liabilities and potential for future remediation and redevelopment of the site.

**MOTION CARRIED**

- NB3**                   Item NB3 was brought forward in the agenda.

Mill Bay Marina - Subdivision and Building Permit Covenant

- 12-280                   It was moved and seconded that the Board Chair and Corporate Secretary be authorized to execute a Section 219 Covenant to allow the subdivision of Block C, Sections 1 and 2, Range 9, Shawnigan District, Except Part in Plans 29781 and 30142 (Mill Bay Marina) and the issuance of a building permit for 14 townhouse dwellings in advance of a completed sewer connection to the Sentinel Ridge sewer treatment plant.

**MOTION CARRIED**

- NB2**                   Resolution: Flood Management and Protection Compensation and Operation of the Weir at Lake Cowichan.

- 12-281                   It was moved and seconded:

**WHEREAS** the CVRD in partnership with the City of Duncan, the Municipality of North Cowichan and the Cowichan Tribes have received approval of flood management and protection funding from Emergency Management BC and others, and, the Partners have developed plans for Tier 2 and Tier 3 flood management and protection projects to protect residents, property and infrastructure in the lower watershed commencing in 2012;

**AND WHEREAS** the Department of Fisheries and Ocean's (DFO) approval to proceed with the projects in 2012 is conditional on compensation for loss and alternation of fish habitat, and DFO has indicated that a significant portion of the required compensation could take the form of reinstating weir operation procedures that would increase the likelihood of maintaining river flows at a minimum of 7 cubic metres per second (cms) in the Cowichan River below Catalyst Inc.'s weir at the Lake Cowichan Water Survey of Canada Gauge 08HA002;

**AND WHEREAS** this approach to operating the weir would be no different than the approach previously supported by the BC Ministry of Environment and employed by Catalyst; and, there is inadequate time to develop an alternate approach to allow these projects to proceed in 2012; and, failure to undertake that work could cause the partners to forgo Emergency Management BC funding and continue unnecessary exposure of residents, land and infrastructure to flooding;

NOW THEREFORE BE IT RESOLVED that the CVRD endorse a return to past spring and summer approach to operating the weir at Lake Cowichan for a three year period as a pilot project with the goal of maintaining a minimum summer and early autumn flow of 7 cms below the weir at Lake Cowichan.

MOTION CARRIED

**RESOLVING INTO  
CLOSED SESSION**

12-282  
9:35 pm

It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (g) Potential Litigation and (1) (l) Local Government Objectives.

MOTION CARRIED

**RISE FROM  
CLOSED SESSION**

12-285  
11:30 pm

It was moved and seconded that the Board rise with report on item CSSR1 and return to the open portion of the Special Board meeting.

MOTION CARRIED

12-284

It was moved and seconded that the Operating Plan be referred to the Manager.

Opposed: Directors Marcotte, Iannidinardo, McGonigle, Giles  
and Hutchins

MOTION CARRIED

**ADJOURNMENT**

12-286  
11:30 pm

It was moved and seconded that the Special Board meeting be adjourned.

MOTION CARRIED

The Special Board meeting adjourned at 11:30 pm.

Certified Correct:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

Dated: \_\_\_\_\_