



# Alberni-Clayoquot Regional District

## BOARD OF DIRECTORS MEETING

WEDNESDAY, JULY 22, 2015, 1:30 pm

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

## AGENDA

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	PAGE #
<b>1. <u>CALL TO ORDER</u></b>	
<b>Recognition of Traditional Territories.</b>	
<b>2. <u>APPROVAL OF AGENDA</u></b>	
<i>(motion to approve, including late items requires 2/3 majority vote)</i>	
<i>THAT the agenda be approved including the following for consideration under late items:</i>	
<i>-Resolution– Huu-ay-aht First Nation Elections</i>	
<b>3. <u>DECLARATIONS</u></b>	
<i>(conflict of interest or gifts)</i>	
<b>4. <u>ADOPTION OF MINUTES</u></b>	
a. <b>Board of Directors Meeting – July 8, 2015</b>	<b>6-16</b>
<i>THAT the minutes of the Board of Directors meeting held on July 8, 2015 be adopted.</i>	
b. <b>Reconciliation Committee Meeting - July 8, 2015</b>	<b>17-19</b>
<i>THAT the minutes of the Reconciliation Committee meeting held on July 8, 2015 be adopted.</i>	
<b>5. <u>PETITIONS, DELEGATIONS &amp; PRESENTATIONS (10 minute maximum)</u></b>	
a. <b>Inspector Mac Richards, Officer In Charge, Port Alberni Detachment, RCMP regarding the Port Alberni RCMP Report for June, 2015.</b>	<b>20-21</b>
<b>6. <u>CORRESPONDENCE FOR ACTION</u></b>	
a. <b>REQUEST FOR CONSIDERATION AND COMMENTS</b>	<b>22</b>
Minister of Fisheries and Oceans, July 9, 2015, Regarding the Renewal Negotiations of the Pacific Salmon Treaty.	
<i>(Board of Direction Requested)</i>	

- b. **CONFERCING OPPORTUNITY** **23-24**  
Ministry of Environment, June 30, 2015, ACRD Request for Investigation of Improved River Monitoring for the Somass River Watershed.

Possible Motion:

*THAT the Board of Directors direct staff to contact the Ministry of Environment and have their staff arrange for conferencing with key players.*

**7. CORRESPONDENCE FOR INFORMATION**

- a. **AUDITOR GENERAL FOR LOCAL GOVERNMENT** **25**  
The Release of a Performance Audit Report on the City of Dawson Creek by the Auditor General for Local Government.  
Release of Annual Report of the Office of the Auditor General for April 1, 2014 to March 31, 2015. **26**
- b. **UNIVERSITY OF VICTORIA** **27-32**  
Research Publication from the POLIS Water Sustainability Project at the University of Victoria: California's Oranges and B.C.'s Apples: Lessons for B.C. from California's Groundwater Reform.

**8. REQUEST FOR DECISIONS & BYLAWS**

- a. **REQUEST FOR DECISION** **33-36**  
ACRD Reconciliation Committee Terms of Reference

*THAT the Alberni-Clayoquot Regional District Board of Directors approves the terms of reference for the ACRD Reconciliation Committee as presented.*

- b. **REQUEST FOR DECISION** **37-54**  
ACRD Reconciliation Reach Out

*THAT the Alberni-Clayoquot Regional District Board of Directors:*

- i. *Forward a letter to the Council of Ha'wiih requesting a meeting to provide an update on reconciliation activities of the ACRD Board and to explore ways the Regional District can support the recommendations coming out of the Truth and Reconciliation Canada report dated June 2, 2015 within the Alberni-Clayoquot region.*
- ii. *Forward a letter to the Port Alberni Friendship Centre following up from the last meeting with ACRD Reconciliation Committee and extend an invitation to meet again in order for the Committee to provide an update on activities and to explore future opportunities for reconciliation initiatives.*

- c. **REQUEST FOR DECISION** **55-70**  
Huu-ay-aht First Nation/ACRD Fire Services Agreement

*THAT the Alberni-Clayoquot Regional District Board of Directors renew the Fire Protection Services Agreement with the Huu-ay-aht Government for the Bamfield Volunteer Fire Department to provide structural fire protection to Anacla for a three year term commencing August 16, 2015 and authorize the Chairperson and Chief Administrative Officer to enter into the Agreement on behalf of the Regional District.*

- d. **REQUEST FOR DECISION** **71-72**  
Cherry Creek Waterworks District Infrastructure Planning Grant

*THAT the Alberni-Clayoquot Regional District (ACRD) Board of Directors re-apply for an Infrastructure Planning Grant on behalf of the Cherry Creek Waterworks District (CCWW) to develop an infrastructure improvement plan.*

## 9. **PLANNING MATTERS**

### 9.1 **ELECTORAL AREA DIRECTORS ONLY**

- a. **RE15004, CALDWELL, 6210 WALKER ROAD** **73-74**  
Rezoning Application – Bylaw P1330

*THAT Bylaw P1330, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be adopted.*

- b. **RT15005, ACCESSORY DWELLING UNITS** **75-77**  
Zoning Text Amendment – Bylaw P1327

*THAT Bylaw P1327, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw, be adopted.*

## 10. **REPORTS**

### 10.1 **STAFF REPORTS**

- a. Staff Action Items Report – July 17, 2015 **78-83**  
b. Meeting Schedule – August 2015 **84**  
c. Building Inspector's Report – June 2015 **85**  
d. Financial Statement – June 30, 2015 **86-87**  
e. Update – Status of the Dog Mountain Wildfire Risk & Reflect on the Following Resolutions Passed at the July 8<sup>th</sup> Board of Directors Meeting:  
- Fire Departments Ability to Deploy Resources out of District  
- Closure of all Regional Parks - R. Dyson, CAO (verbal)

*THAT the Board of Directors receives the Staff Reports a-e.*

**10.2 COMMITTEE REPORTS**

- a. **Alberni & Bamfield Services Committee Meeting, July 21, 2015  
(verbal)**

*THAT this verbal report be received.*

**10.3 MEMBER REPORTS**

- a. 9-1-1 Corporation – J. McNabb
- b. Vancouver Island Regional Library - P. Cote
- c. Central West Coast Forest Society – T. Bennett
- d. Emergency Planning – J. McNabb/P. Cote/M. Kokura/M. Ruttan
- e. Alberni Valley Chamber of Commerce – Jack McLeman
- f. Coastal Community Network – T. Bennett
- g. West Island Woodlands Advisory Group –L. Banton
- h. Island Coastal Economic Trust – J. Osborne
- i. Air Quality Council, Port Alberni – J. McNabb
- j. West Coast Aquatic Board – T. Bennett/K. Wyton
- k. Association of Vancouver Island & Coastal Communities – J. Osborne
- l. Beaver Creek Water Advisory Committee – J. McNabb
- m. Other Reports

*THAT the Board of Directors receives the Member Reports.*

**11. UNFINISHED BUSINESS**

**12. LATE BUSINESS**

- a. **Notice of Motion - Huu-ay-aht First Nation Elections**

*THAT the Alberni-Clayoquot Regional District Board of Directors forward a letter of congratulations to the newly elected Huu-ay-aht First Nation Council*

*and a letter of best wishes to outgoing Council.*

**13. QUESTION PERIOD**

**14. ADJOURN**

**Next Board of Directors Meeting: Wednesday, August 12, 2015.**



# Alberni-Clayoquot Regional District

## MINUTES OF THE BOARD OF DIRECTORS MEETING

HELD ON WEDNESDAY, JULY 8, 2015, 1:30pm

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

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### DIRECTORS

Josie Osborne, Chairperson, District of Tofino

### PRESENT:

John McNabb, Vice-Chair, Electoral Area "E" (Beaver Creek)

Keith Wyton, Director, Electoral Area "A" (Bamfield)

Mike Kokura, Director, Electoral Area "B" (Beaufort)

Tony Bennett, Director, Electoral Area "C" (Long Beach), (Via Teleconference)

Penny Cote, Director, Electoral Area "D" (Sproat Lake)

Lucas Banton, Director, Electoral Area "F" (Cherry Creek)

Mike Ruttan, Mayor, City of Port Alberni

Jack McLeman, Councillor, City of Port Alberni

Dianne St. Jacques, Mayor, District of Ucluelet

Alan McCarthy, Member of Legislature, Yuułuꞑiꞑath Government

Wilfred Cootes, Councillor, Uchucklesaht Tribe Government

### REGRETS:

John Jack, Councillor, Huu-ay-aht First Nation

### STAFF PRESENT:

Russell Dyson, Chief Administrative Officer

Andrew McGifford, Acting Manager of Finance/Manager of Environmental Services

Wendy Thomson, Manager of Administrative Services

Alex Dyer, Planner

## 1. CALL TO ORDER

The Chairperson called the meeting to order at 1:30 pm.

**The Chairperson recognized the meeting this afternoon is being held in the Tseshaht First Nation and the Hupacasath First Nation Traditional Territories.**

## 2. APPROVAL OF AGENDA

*MOVED: Director Banton*

*SECONDED: Director Kokura*

*THAT the agenda be approved as circulated with the addition of late items as outlined for consideration:*

- *Correspondence from Sandy McRuer Regarding the Proposed Runway Expansion at the Alberni Valley Regional Airport*

- *Presentation/Update from Russell Dyson Regarding the EOC for the Dog Mountain Fire.*

**CARRIED**

**3. DECLARATIONS**

**4. ADOPTION OF MINUTES**

**a. Board of Directors Meeting – June 24, 2015**

*MOVED: Director McNabb*  
*SECONDED: Director McLeman*

*THAT the minutes of the Board of Directors meeting held on June 24, 2015 be adopted.*

**CARRIED**

**b. Special Board of Directors Meeting - June 24, 2015**

*MOVED: Director Kokura*  
*SECONDED: Director Banton*

*THAT the minutes of the Special Board of Directors meeting held on June 24, 2015 be adopted.*

**CARRIED**

**c. Special Board of Directors Meeting - June 25, 2015**

*MOVED: Director Cootes*  
*SECONDED: Director St. Jacques*

*THAT the minutes of the Special Board of Directors meeting held on June 25, 2015 be adopted.*

**CARRIED**

**d. Alberni-Clayoquot Regional Fisheries Resource Committee Meeting –  
May 13, 2015**

*MOVED: Director St. Jacques*  
*SECONDED: Director Banton*

*THAT the minutes of the Alberni-Clayoquot Regional Fisheries Resource Committee meeting held on May 13, 2015 be adopted.*

**CARRIED**

**e. West Coast Solid Waste Plan Monitoring Advisory Committee Meeting –  
June 18, 2015**

*MOVED: Director St. Jacques*

*SECONDED: Director Banton*

*THAT the minutes of the of West Coast Solid Waste Plan Monitoring Advisory Committee meeting held on June 18, 2015 be adopted.*

**CARRIED**

**f. Alberni Valley Solid Waste Plan Monitoring Advisory Committee Meeting – June 18, 2015**

*MOVED: Director McNabb*

*SECONDED: Director Banton*

*THAT the minutes of the Alberni Valley Solid Waste Plan Monitoring Advisory Committee held on June 25, 2015 be adopted*

**CARRIED**

**5. PETITIONS, DELEGATIONS & PRESENTATIONS**

**a. Russell Dyson, CAO - Alberni-Clayoquot Regional District – Update Regarding the wildfire on Dog Mountain, Sproat Lake.**

The CAO provided an update on the current situation with the wildfire on Dog Mountain, Sproat Lake. The BC Fire Service Branch is managing all aspects of fire control. The ACRD Emergency Operations Centre has expanded to a level two to provide resources for advanced emergency planning and continue to provide support to BC Fire Service. He encouraged people to visit the BC Fire Service website or ACRD website for up to date information on the wildfire. The CAO requested the Board consider two resolutions (actions) in order for Regional District fire departments to be able to act outside their fire district boundaries and management of Regional District parks and trails.

*MOVED: Director McNabb*

*SECONDED: Director Banton*

*THAT the ACRD Board of Directors provide the following direction with regards to the wildfire at Dog Mountain, Sproat Lake for local fire departments:*

- a. Direction to respond out of district under authority of BC Wildfire Service;*
- b. Discretion granted to fire chiefs to deploy resources out of district without BC Wildfire Service authority where the opinion of the fire chief that response is in the best interest of the community;*
- c. Direction to enforce provincial burning restrictions within the District.*

**CARRIED**



*MOVED: Director Ruttan*  
*SECONDED: Director Kokura*

*THAT the ACRD Board of Directors provide the following direction for the management of Regional District parks and trails:*

- a. closure of all regional trails;*
- b. assign resources for promotion and education of the closures.*

**CARRIED**

## **6. CORRESPONDENCE FOR ACTION**

- a. Correspondence dated July 2, 2015 from Melody Francoeur regarding a request for the closure of the Log Train Trail due to heat.**

*MOVED: Director McNabb*  
*SECONDED: Director Cootes*

*THAT the ACRD Board of Directors receive this correspondence.*

**CARRIED**

- b. Correspondence dated June 26, 2015 from Sandy McRuer regarding the Proposed Runway Expansion at the Alberni Valley Regional Airport.**

*MOVED: Director McNabb*  
*SECONDED: Director McLeman*

*THAT the ACRD Board of Directors instruct staff to respond with a letter to Mr. McRuer regarding the proposed runway expansion at the Alberni Valley Regional Airport.*

**CARRIED**

## **7. CORRESPONDENCE FOR INFORMATION**

- a. REGIONAL DISTRICT OF BUCKLEY NECHAKO**  
British Columbia Earthquake Preparedness Consultation Report
- b. UNION OF BRITISH COLUMBIA MUNICIPALITIES**  
2015 Resolutions
- c. E-COMM 911**  
2014 Annual Report
- d. PEACE RIVER REGIONAL DISTRICT**  
Order in Council No. 148
- e. EIGHTH AVENUE ELEMENTARY**  
Certificate of Appreciation
- f. ISLAND TIMBERLANDS**  
Gate Closures

MOVED: Director Kokura  
SECONDED: Director St. Jacques

*THAT the Board of Directors receive items a-f for information.*

**CARRIED**

## **8. REQUEST FOR DECISIONS & BYLAWS**

### **a. Request for Decision regarding Request for Exemption from Noise Bylaw R1002 – 5771 Beaver Creek Road, Port Alberni, BC**

MOVED: Director McNabb  
SECONDED: Director Banton

*THAT the Alberni-Clayoquot Regional District Board of Directors approve a resolution to grant a permit for a special event as per Section 5 of the “Beaver Creek Noise Control Bylaw No. R1002” from August 14, 2015 from 5pm to 11pm and from August 15, 2015 from noon to 11:00 pm to a maximum of 92 decibels at the property line.*

**DEFEATED**

MOVED: Director Cote  
SECONDED: Director ST. Jacques

*THAT the Alberni-Clayoquot Regional District Board of Directors approve a resolution to grant a permit for a special event as per Section 5 of the “Beaver Creek Noise Control Bylaw No. R1002” from August 14, 2015 from 5pm to 11pm and from August 15, 2015 from noon to 12:00 am.*

**CARRIED**

### **b. Request for Decision regarding Fisheries Resource Terms of Reference**

MOVED: Director St. Jacques  
SECONDED: Director Cote

*THAT the Alberni-Clayoquot Regional District Board of Directors approve the terms of reference for the Fisheries Resource Committee as presented.*

**CARRIED**

### **c. Request for Decision regarding Vegetation Management Contracts for the Alberni Valley Regional Airport**

MOVED: Director McNabb  
SECONDED: Director Cote

*THAT the Alberni-Clayoquot Regional District Board of Directors direct staff to proceed with the three obstacle limitation surface projects on the Alberni Valley Regional Airport property and lands surrounding as outlined in the June 2015 request for proposals and the work be awarded as follows:*

- *Area 1 7.3ha requiring vegetation removal and landscaping to Berry and Vale Contracting for \$29,900.00.*
- *Area 2 22.04ha requiring vegetation removal to Berry and Vale for \$37,000.00.*
- *Area 3 40.7ha requiring timber harvesting and vegetation removal to Dynamite Logging for \$59,133.29.*

**CARRIED**

**d. Request for Decision regarding Arvay Road Street Lighting Bylaw Amendment**

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT the Alberni-Clayoquot Regional District Board of Directors give first reading to Bylaw cited as "Bylaw 766-2, Arvay Road Street Lighting Service Amendment, 2015."*

**CARRIED**

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT the Alberni-Clayoquot Regional District Board of Directors give second reading to Bylaw cited as "Bylaw 766-2, Arvay Road Street Lighting Service Amendment, 2015."*

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT the Alberni-Clayoquot Regional District Board of Directors give third reading to Bylaw cited as "Bylaw 766-2, Arvay Road Street Lighting Service Amendment, 2015."*

**CARRIED**

**e. Request for Decision regarding Finance Warrant No.554**

*MOVED: Director Bennett*

*SECONDED: Director Cote*

*THAT the Board of Directors approves Finance Warrant Number 554 in the amount of \$927,757.98 dated June 30, 2015.*

**CARRIED**

**f. Request for Decision regarding Bamfield Volunteer Fire Department – West Side Hall Roof**

*MOVED: Director Wyton*

*SECONDED: Director Cootes*

*THAT the Alberni-Clayoquot Regional District (ACRD) Board of Directors award the bid for the roofing installation and repair for the West Side Fire Hall to K&F Roofing & Renovations in the amount of \$21,000 plus GST.*

**CARRIED**

**g. Request for Decision regarding IT Contractor – 6 Month Extension**

*MOVED: Director Kokura*

*SECONDED: Director Cootes*

*THAT the Alberni-Clayoquot Regional District Board of Directors extend the contract with George Rose, CertiTech IT Services to provide IT support services to the Regional District from July 1, 2015 to December 31, 2015 for a total cost of \$32,500.00 including expenses.*

**CARRIED**

**9. PLANNING MATTERS**

**a. DPD15003, ROBERTSON, 8372 BLOEDEL DRIVE**

Development Permit Application – Report and Permit

*MOVED: Director Cote*

*SECONDED: Director Banton*

*THAT the Board of Directors pass a resolution to issue development permit DPD15003.*

**CARRIED**

**b. RE15004, CALDWELL, 6210 WALKER ROAD**

Rezoning Application – Public Hearing Report, Minutes and Bylaw P1330

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT the Board of Directors receive the public hearing report.*

**CARRIED**

*MOVED: Director McNabb*

*SECONDED: Director Bennett*

*THAT the Board of Directors receive the public hearing minutes.*

**CARRIED**

*MOVED: Director McNabb*  
*SECONDED: Director Kokura*

*THAT Bylaw P1330, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be read a second time.*

**CARRIED**

*MOVED: Director McNabb*  
*SECONDED: Director Bennett*

*THAT Bylaw P1330, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be read a third time.*

**CARRIED**

**b. RT15005, ACCESSORY DWELLING UNITS**

Rezoning Application – Public Hearing Report, Minutes and Bylaw P1327

*MOVED: Director Bennett*  
*SECONDED: Director Banton*

*THAT the Board of Directors receive the public hearing report.*

**CARRIED**

*MOVED: Director Wyton*  
*SECONDED: Director Banton*

*THAT the Board of Directors receive the public hearing minutes.*

**CARRIED**

*MOVED: Director Bennett*  
*SECONDED: Director Kokura*

*THAT Bylaw P1327, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw, be read a second time.*

**CARRIED**

*MOVED: Director Banton*  
*SECONDED: Director Bennett*

*THAT Bylaw P1327, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw, be read a third time.*

**CARRIED**

**10. REPORTS**

## 10.1 STAFF REPORTS

- a. CAO Report – July 2, 2015
- b. Planning & Development Manager Report – July 2, 2015
- c. Staff Action Items Report – July 2, 2015

*MOVED: Director Kokura*

*SECONDED: Director Banton*

*THAT the Board of Directors receives the staff reports a-c.*

**CARRIED**

## 10.2 COMMITTEE REPORTS

- a. **Island Costal Economic Trust – June 27, 2015**

*MOVED: Director Ruttan*

*SECONDED: Director Bennett*

*THAT the Board of Directors receive the Island Costal Economic Trust 2015 Project update.*

**CARRIED**

- b. **AVICC Special Committee on Solid Waste Management – May 29, 2015**

*MOVED: Director McNabb*

*SECONDED: Director Ruttan*

*THAT the Board of Directors receive the May 29, 2015 AVICC Special Committee on Solid Waste Management Report.*

**CARRIED**

- c. **Alberni Community and Women’s Service Society – Grant-in-Aid 2015 – June 22, 2015**

*MOVED: Director Banton*

*SECONDED: Director Ruttan*

*THAT the Board of Directors receive the Alberni Community and Women’s Service Society - Grant in Aid 2015 update.*

**CARRIED**

## 11. UNFINISHED BUSINESS

**12. LATE BUSINESS**

*MOVED: Director Cootes*  
*SECONDED: Director Cote*

*THAT that ACRD Board allows the following as a late item: congratulations to Mr. McGifford on his new appointment as Manager of Environmental Services for the ACRD.*

**CARRIED**

**13. QUESTION PERIOD**

**14. RECESS**

*MOVED: Director Ruttan*  
*SECONDED: Director Cote*

*THAT the Regular Board of Directors meeting be recessed in order to conduct the Regional Hospital District meeting.*

**CARRIED**

The meeting was recessed at 2:55 pm

**15. RECOVENE**

*The meeting was reconvened at 3:05 pm.*

**16. IN-CAMERA**

*MOVED: Director Cote*  
*SECONDED: Director McLeman*

*THAT the meeting be closed to the public to discuss matters relating to:*

- i. Labour to other employee relations.*
- ii. Litigation or potential litigation affecting the Regional District.*
- iii. Information that is prohibited from disclosure under Section 21 of the Freedom of Information and Privacy Act.*

**CARRIED**

The meeting was closed to the public at 3:06 pm.

The meeting was re-opened to the public at 4:06 pm.

**17. RECOMMENDATIONS TO THE BOARD FROM IN-CAMERA**

**18. ADJOURN**

*MOVED: Director Kokura*

*SECONDED: Director Cote*

*THAT this meeting be adjourned at 4:07 pm.*

**CARRIED**

Certified Correct:

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Josie Osborne,  
Chairperson

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Russell Dyson,  
Chief Administrative Officer





# Alberni-Clayoquot Regional District

## MINUTES OF THE RECONCILIATION COMMITTEE MEETING HELD ON WEDNESDAY, JULY 8, 2015

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

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**DIRECTORS PRESENT:** Josie Osborne, Mayor, District of Tofino  
Penny Cote, Director, Electoral Area "D" (Sproat Lake)  
Mike Ruttan, Mayor, City of Port Alberni  
Tony Bennett, Director, Electoral Area "C" (Long Beach) (via teleconference)

**STAFF PRESENT:** Wendy Thomson, Manager of Administrative Services

### 1. CALL TO ORDER

Director Cote chaired the meeting and called the meeting to order at 10:49 am.

The Chairperson recognized the meeting this morning being held in the Tseshaht First Nation and Hupacasath First Nation traditional territories.

### 2. APPROVAL OF AGENDA

*MOVED: Director Ruttan*

*SECONDED: Director Osborne*

*THAT the agenda be approved as circulated.*

**CARRIED**

### 3. ADOPTION OF MINUTES

#### a. **Reconciliation Committee Meeting – November 13, 2014**

*MOVED: Director Ruttan*

*SECONDED: Director Bennett*

*THAT the minutes of the Reconciliation Committee meeting held on November 13, 2014 be adopted.*

**CARRIED**

### 4. REPORTS

#### a. **Terms of Reference – ACRD Reconciliation Committee**

The Committee reviewed the draft terms of reference for the ACRD

Reconciliation Committee.

*MOVED: Director Bennett*

*SECONDED: Director Ruttan*

*THAT the Committee approve the draft terms of reference as amended and forward for approval by the ACRD Board of Directors.*

**CARRIED**

**b. NTC letter – Call for Action on TRC Recommendations**  
(Referred from the June 10<sup>th</sup> ACRD Board Meeting)

*MOVED: Director Bennett*

*SECONDED: Director Ruttan*

*THAT this correspondence be received.*

**CARRIED**

**5. NEXT STEPS**

The Committee discussed next steps.

*MOVED: Director Bennett*

*SECONDED: Director Ruttan*

*THAT the Reconciliation Committee recommends that the ACRD Board of Directors:*

- a. Forward a letter to the Council of Ha'wiih requesting a meeting to provide an update on reconciliation activities of the ACRD Board and to explore ways the Regional District can support the recommendations coming out of the Truth and Reconciliation Canada report dated June 2, 2015 within the Alberni-Clayoquot region.*
- b. Forward a letter to the Port Alberni Friendship Centre following up from the last meeting with ACRD Reconciliation Committee and extend an invitation to meet again in order for the Committee to provide an update on activities and to explore future opportunities for reconciliation initiatives.*

**CARRIED**

**6. ADJOURN**

*MOVED: Director Ruttan*

*SECONDED: Director Cote*

*The meeting adjourned at 11:42 am.*

**CARRIED**

Certified Correct:

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Penny Cote,  
Chairperson

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Wendy Thomson,  
Manager of Administrative Services



## PORT ALBERNI RCMP DETACHMENT MONTHLY REPORT



This report represents the policing activities undertaken by the Port Alberni RCMP Detachment during June 2015. I have included an update on policing activities thus far in 2015 and a comparator to previous years.

The following represents some of the calls for services received, investigations undertaken and activities of the RCMP during the month.

- Officers received and responded to 1152 calls for service during the month.
- 2015 has shown very similar complaint patterns as compared to 2014. Comparisons to 2014 are listed below:
  - Total Criminal code offences have increased 6%
  - Break and Enter to businesses have increased 135%
  - Theft from vehicles have decreased 25%
  - Property Crime as a whole has increased 16%
  - Violent Crime against persons has decreased 8%
  - Traffic Offences have increased by 13%
- In June the Victim Services assisted 28 new clients of which 16 were in connection to violence within relationships.
- The Detachment continues to place an emphasis on First Nations and youth. DARE classes concluded at a number of Schools. In addition to information on drugs the DARE program focusses on providing children with skills to make and assess their decisions. The Survival Kids program has proven to be a success and will be taking place in Port Alberni in conjunction with Parks and Recreation in July.
- The Detachment has increased the number and frequency of patrols throughout the community. These patrols are being conducted by vehicle, bicycle and foot. Regular patrols will be supplemented with additional officers throughout the summer. Partnerships with other agencies and RCMP Units will assist in increasing the Detachment's service delivery.

Port Alberni RCMP's 2015/16 Annual Performance Plan's First quarter progress:

- **Crime Reduction:** Reduce the impact and prevalence of crime by conducting 1200 curfew checks. Thus far 331 have been conducted.
- **Mental Health:** Increase awareness and decrease the impact of mental health in calls for service by increasing community partners by two. One additional partnership formed
- **Visibility/engagement:** Engagement with community and patrols. Goal is to attend 24 community events and conduct 460 patrols. Thus far Detachment members have attended 9 events and have conducted 185 patrols.
- **Traffic:** Increased road safety through focus on Provincial traffic offences and impaired driving. Goal is to conduct 2400 Provincial enforcement actions, have completed 555 and to conduct 150 impaired driving investigations and have completed 31.

Respectfully,

Insp Mac Richards  
OIC Port Alberni Detachment

## Detailed Crime - 2015 Year Review

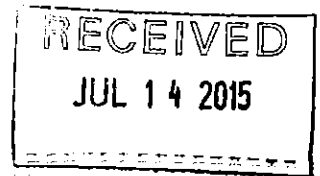
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Assault	46	45	32	39	57	46							265
Relationship Violence	9	10	10	14	19	7							69
Thefts	77	74	58	78	91	101							479
Break and enter	17	16	28	28	25	25							139
Mischief	32	51	41	60	67	62							313
Drugs	12	30	16	24	30	23							135
Provincial Traffic	80	76	95	95	96	123							565
Criminal Code Traffic	25	23	15	23	31	36							153
Motor Vehicle Incident	24	21	27	24	23	38							157
Calls for Service	843	847	840	906	1050	1152							5638

## 7 Year Comparison

	2008	2009	2010	2011	2012	2013	2014	2015	Total
Assault	766	728	628	616	622	512	551		4423
Relationship Violence	222	175	158	112	140	87	101		995
Thefts	1508	1288	1159	1077	1124	961	962		8079
Break and enter	450	325	298	359	251	287	288		2258
Mischief	738	679	538	555	582	583	544		4219
Drugs	445	323	257	372	329	331	304		2361
Provincial Traffic	1212	1199	1211	1150	1042	1112	1090		8016
Criminal Code Traffic	373	359	398	374	354	294	285		2437
Motor Vehicle Incident	518	484	406	364	389	360	366		2887
Calls for Service	14340	12848	12077	12429	11790	11591	11698		86773

### 2008 – 2014 Average

Assault	631
Relationship Violence	142
Thefts	1154
Break and enter	322
Mischief	602
Drugs	337
Provincial Traffic	1145
Criminal Code Traffic	348
Motor Vehicle Incidents	412
Calls for Service	12396



JUL 09 2015

Ms. Josie Osborne  
Chair  
Alberni-Clayoquot Regional District  
3008 Fifth Avenue  
Port Alberni BC V9Y 2E3

Dear Ms. Osborne:

Thank you for your correspondence of June 2, 2015, concerning the renewal negotiations for the Pacific Salmon Treaty.

I assure you that Fisheries and Oceans Canada (DFO) recognizes the importance of consultation and engagement with British Columbia coastal communities on the future of the Pacific Salmon Treaty. DFO is currently developing an approach for the negotiations for renewal of the Annex Chapters 1, 2, 3, 5 and 6 of the Pacific Salmon Treaty that are expected to commence in January 2016.

Representatives from First Nations, commercial and recreational fishing and conservation organizations are among the members of the Pacific Salmon Commission's Canadian Panel and Technical Committee. The Department will work with the Panel as we develop mechanisms for communication throughout the negotiation process. DFO welcomes input from the Alberni-Clayoquot Regional District regarding potential approaches for information exchange and engagement with coastal communities. Your input may be submitted by email to Ms. Angela Stadel, Manager, Consultations Secretariat, at < [angela.stadel@dfo-mpo.gc.ca](mailto:angela.stadel@dfo-mpo.gc.ca) >.

Thank you for writing.

Yours sincerely,

Gail Shea, M.P., P.C.

Reference: 284037

*June 30, 2015*

Josie Osborne, Chair  
and Directors  
Alberni-Clayoquot Regional District  
c/o Tracy Bond, Administrative Assistant  
Email: [tbond@acrd.bc.ca](mailto:tbond@acrd.bc.ca)

Dear Chair Osborne and Directors:

Thank you for your letter of May 13, 2015, which was also sent to my colleague, the Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations, requesting that the Province investigate improved river monitoring for the purpose of flood forecasting within the Somass River Watershed. As Minister of Environment, I am pleased to respond on behalf of my colleague.

The December 2014 storm event referenced in your letter included a week of under-forecast torrential rains along with extreme high (king) tides. Tidal influence contributed to the flooding of Highway 4, which crosses the Somass River.

Ministry of Environment staff have been in communication with staff from the Ministry of Forests, Lands and Natural Resource Operations' River Forecast Centre (RFC), BC Hydro, and the Alberni-Clayoquot Regional District (ACRD). The RFC does not typically model ungauged streams such as the Somass River. However, following the December event, the RFC developed flood forecasting capabilities for the Somass River based on data from the two Provincial Hydrometric Network hydrometric stations located upstream in the watershed: the Sproat River (08HB008) and Ash River (08HB023) stations.

As you may know, the Water Survey of Canada (WSC) operates a network of hydrometric (water level and flow monitoring) stations in British Columbia (BC) under a formal Federal-Provincial Agreement on Hydrometric Monitoring that is co-managed by the Ministry of Environment and WSC. The total cost of operating the provincial network under the Agreement is approximately \$7 million each year. Roughly one-third is covered by Environment Canada; the BC Ministry of Environment covers two-thirds, one-third of which is recovered from third-party clients, including BC Hydro, industry, First Nations and local governments.

Your letter touches on conference calls with Emergency Management BC. In these calls, I understand that BC Hydro has relayed how they are responding to storms. Some BC Hydro facilities (for example, Puntledge River and John Hart facilities) require proactively releasing water from these reservoirs. This is not the case for the Elsie Lake – Ash River facility, which operates with an overflow weir. It has minimal influence on flood impact or control.

Mr. Stephen Watson of BC Hydro gave a presentation at the recent 2015 Vancouver Island Emergency Preparedness Conference, which may be of interest to those with the ACRD concerned with flooding.

As discussed with Mr. Russell Dyson, ACRD Chief Administrative Officer, the Somass River hydrometric station (08HB017), funded by industry, was discontinued in 2003. Stream channel shifting rendered the station cableway unsafe and there was a lack of funds to rebuild it. The WSC attempted alternative monitoring approaches, including use of an Acoustic Doppler Current Profiler, which were not successful. Due to inability to take measurements and maintain the stream stage-discharge rating curve, the Somass River station was deactivated.

Should the ACRD wish to consider establishing another hydrometric station within the Provincial Hydrometric Network, please follow up with Ms. Heather Johnstone at 250 387-9941 or via email at [Heather.Johnstone@gov.bc.ca](mailto:Heather.Johnstone@gov.bc.ca). Furthermore, if relevant, I would be happy to have ministry staff arrange a conferencing opportunity to bring together key contacts to collaboratively explore common related interests.

Thank you again for your letter and for bringing your interests and concerns to my attention.

Sincerely,

Mary Polak  
Minister

cc: Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations  
Heather Johnstone, Unit Head, Hydrometric and Hydrology Programs, Knowledge Management Branch, Ministry of Environment  
Stephen Watson, BC Hydro





*This document is confidential*

July 14, 2015

Ref: 158863

To: Mayors and Councillors  
Chairs and Directors of Regional District Boards  
Chairs and Directors of Greater Boards

I am pleased to inform you that the Office of the Auditor General for Local Government will be releasing a performance audit report on the City of Dawson Creek under the topic “Learnings from Local Government Capital Procurement Projects and Asset Management Programs.”

The audit report will be published on our website [www.aglg.ca](http://www.aglg.ca) on Wednesday, July 15 at 11:00 am.

I welcome feedback from local governments on all aspects of the work of our office, so I look forward to your comments on the report to be issued tomorrow.

Sincerely,



Arn van Iersel, CPA, FCGA  
A/Auditor General for Local Government

pc: Chief Administrative Officers



July 16, 2015

Ref: 158889

To: Mayors and Councillors  
Chairs and Directors of Regional District Boards  
Chairs and Directors of Greater Boards

As the Acting Auditor General for Local Government I am pleased to advise you of the release of the annual report of the Office of the Auditor General for Local Government, covering the period from April 1, 2014 through March 31, 2015. Although I was not appointed until after the end of this reporting period, this annual report fulfills the requirements of Section 25 of the *AGLG Act* to report on the office's activities and the progress made in relation to the goals, objectives and measures set out in last year's service plan. As per the *Act*, the audited financial statements for 2014/15 are included in this report.

The annual report is a valuable tool to reflect on the office's accomplishments and challenges over the last year, and the plans the office is now developing to address those challenges and move the office forward to carry out its important mandate.

It is clear the office did not achieve its main objective of delivering on its planned release of audit reports. This has impacted the office's credibility and it is extremely important that this be corrected going forward. As stated in our recently released service plan, there is much work to do, but at the same time there is also much promise if the planned reports can be released on a much more timely basis. The office is committed to improving its performance and will be working closely with the Audit Council to implement the necessary changes.

The 2014/15 Annual Report will be released on our website [www.aglg.ca](http://www.aglg.ca) at 11:00 am on July 17, 2015.

I hope you will take the opportunity to read our 2014/15 Annual Report and share your feedback and comments with us. Please send your comments to [info@aglg.ca](mailto:info@aglg.ca) or call the office at 604-930-7100.

Sincerely,

Arn van Iersel, CPA, FCGA  
A/Auditor General for Local Government

pc: Chief Administrative Officers

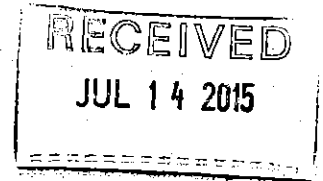


POLIS Project on Ecological Governance  
Centre for Global Studies  
University of Victoria  
PO Box 1700 STN CSC  
Victoria, British Columbia V8W 2Y2  
Canada



July 9<sup>th</sup>, 2015

Josie Osborne  
Chair, Board of Directors, Alberni-Clayoquot Regional District  
3008 5th Avenue  
Port Alberni, BC V9Y 2E3



Dear Josie Osborne,

We are writing to make you aware of the latest research publication from the POLIS Water Sustainability Project at the University of Victoria: *California's Oranges and B.C.'s Apples: Lessons for B.C. from California's Groundwater Reform*.

This report evaluates California's recent groundwater law reform in light of options available to B.C. Drawing from the California experience, the research outlines several insights relevant to the B.C. context that could support the development of a comprehensive approach to sustainable groundwater management in the province. A copy of the report briefing summary is enclosed for your interest and reference. The full report is available on the POLIS website (see: [poliswaterproject.org/orangesapples](http://poliswaterproject.org/orangesapples)). It has received significant attention within the water and policy community, provincial government, and media.

As you are aware, B.C.'s new *Water Sustainability Act* introduces a requirement to integrate previously unregulated groundwater into B.C.'s water law system. To help inform B.C.'s approach to groundwater regulation, this report points to four key lessons that can be drawn from California's *Sustainable Groundwater Management Act (SGMA)*:

- 1) Despite differences in the contexts and legal regimes in California and B.C., the approach to groundwater planning under the SGMA holds valuable insights for B.C.
- 2) California's law reform process indicates that it can take decades to develop and implement an effective groundwater management plan.
- 3) California has produced a clearer definition of sustainable groundwater management than B.C.
- 4) Local control for groundwater management and governance is important, but must be supported by strong state/provincial standards.

This report highlights that B.C. law and decision-makers can go further than California to promote sustainable use and management of groundwater. The province has a unique opportunity with the new *Water Sustainability Act* to develop and implement strong groundwater regulations.



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Canada

If you are interested in further information, we would be more than happy to set up a time to meet with you or other members of your team to provide a briefing on this research and POLIS' work around water law reform priorities and opportunities. Our team continues to focus on supporting the *Water Sustainability Act* regulation development phase through ongoing research and outreach.

Sincerely,

Oliver M. Brandes, BA(H), Dip.RNS, M.Econ., JD  
Co-Director & Water Sustainability Project Lead,  
POLIS Project on Ecological Governance, University of Victoria  
Research Associate, Centre for Global Studies, University of Victoria  
Research Affiliate, Environmental Sustainability Research Centre, Brock University  
Adjunct Professor, Faculty of Law & School of Public Administration, University of Victoria  
Adjunct Professor, Department of Environment & Resource Studies, University of Waterloo  
Founding Member, Forum for Leadership on Water (FLOW-Canada)

Rosie Simms, B.A. & Sc.(H), M.A.  
Water Law & Policy  
Researcher/Coordinator  
POLIS Water Sustainability Project  
University of Victoria



University  
of Victoria

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# California's Oranges and B.C.'s Apples?

## LESSONS FOR B.C. FROM CALIFORNIA GROUNDWATER REFORM

RANDY CHRISTENSEN AND OLIVER M. BRANDES  
JUNE 2015

### SUMMARY FOR DECISION-MAKERS

Full report can be downloaded at <http://poliswaterproject.org/orangesapples>

The B.C. legislature passed the *Water Sustainability Act* (WSA) in April 2014 and it is expected to come into force in early 2016. The WSA has the potential to better protect B.C.'s freshwater resources and integrate the management of previously unregulated groundwater in B.C.'s water law system. This will be the case if the full suite of regulations are developed and enacted, and real emphasis is placed on early and substantial planning in watersheds across the province.

To help inform this new, more integrated water law regime for B.C., important lessons can be drawn from California and its recent law reform efforts—which culminated in the passing of the *Sustainable Groundwater Management Act* (SGMA) in 2014. Naturally, any advice or lessons learned must be considered in light of the different climatic, social, and legal considerations and traditions between the two jurisdictions.

### CALIFORNIA'S ORANGES AND B.C.'S APPLES?

The purpose of this report is to better understand and evaluate recent steps taken in California in light of options available to B.C. Drawing from the California experience, we outline a number of insights that reveal priorities for B.C. to ensure a comprehensive and effective approach to sustainable groundwater management. We are not suggesting that B.C. emulate California, but rather learn from the lessons offered by the California experience, both good and bad.

### CALIFORNIA'S *Sustainable Groundwater Management Act*

The key element of the SGMA is the *requirement* for groundwater sustainability agencies to develop "groundwater sustainability plans." The SGMA requires these plans to meet basic sustainability standards and to avoid "undesirable effects." This includes aquifer overdraft, land subsidence, and saltwater intrusion. Clear timelines, targets, and requirements for action are centrepieces of California's approach.

The SGMA is informed by previous state efforts to protect groundwater. Existing California laws set out groundwater management plan requirements and required localities to develop these plans in order to be eligible for certain state water funding, but previously they did not require adherence to the terms of the plans. An important insight from the California experience is that this *previous failure to require clear performance standards, timelines, and accountability for local agencies limited successful implementation of the groundwater plans.*

### KEY INSIGHTS FROM THE COMPARISON BETWEEN B.C.'S WSA AND CALIFORNIA'S SGMA

- Both B.C. and California are creating frameworks for regulating groundwater pumping rights or allocations.
- Under the SGMA, California delegates and shares significant control and responsibility for water resources, including the implementation



**TABLE: COMPARING KEY PROVISIONS IN THE WSA AND SGMA RELATED TO GROUNDWATER LICENSING**

PROVISION/APPROACH	GENERAL APPROACH	AUTHORITY AND PROCESS FOR RESTRICTING GROUNDWATER EXTRACTION INCLUDING DROUGHT RESPONSES
<b>BRITISH COLUMBIA'S WATER SUSTAINABILITY ACT</b>	<p>Over-allocation of groundwater might be, with cabinet approval, addressed through locally developed water sustainability plans, area-based regulations, and critical environmental flow protections.</p> <p>Under the WSA, B.C. will integrate classes of current and future groundwater users into the existing surface water licensing scheme. Water sustainability plans, area-based regulations, and short-term orders may cover both groundwater and surface water.</p>	<p>Water allocations may be restricted by ministerial order.</p> <p>Water allocations may also be restricted through water sustainability plans, which are locally developed but require discretionary provincial cabinet approval.</p> <p>"Temporary protection orders" that can be used to address drought conditions include "declarations of significant water shortage"; "critical environmental flow protection orders"; and "fish population protection orders."</p>
<b>CALIFORNIA'S SUSTAINABLE GROUNDWATER MANAGEMENT ACT</b>	<p>Under the SGMA, local water agencies in basins under stress are required to develop groundwater management plans.</p> <p>The surface water and groundwater management systems are not being integrated under the SGMA. However, groundwater management plans must consider impacts on surface water.</p>	<p>A groundwater management plan may contain measures restricting groundwater extraction.</p> <p>While the SGMA is itself a response to drought conditions, the legislation does not provide specific emergency powers (though drought response measures could be included in local groundwater management plans).</p> <p>Separate from the SGMA, California passed emergency drought legislation.<sup>1</sup></p>

of groundwater sustainability plans, with local agencies.

- An important counterbalance to local decisions that might undermine sustainable outcomes in the California regime are mandatory state government-set standards and duties to prepare plans to achieve clear sustainability criteria.
- The SGMA defines sustainability criteria that must be met. Currently, sustainability objectives are not clearly defined in the WSA and there is no minimum performance standard or measure.
- Legally enforceable environmental flow and critical flow protections will be important centrepieces of any successful water allocation regime. However, the WSA only requires that environmental flows and other aspects of sustainability be *considered* while the SGMA mandates that sustainability criteria be *achieved*.
- Compensation for loss of water rights is generally required in California. In contrast, B.C.'s WSA

clarifies that compensation is not generally required—except in the context of the impact on water licences associated with local water sustainability plans—because water licences are not legally viewed as a “property” in Canada. This clarification gives B.C. far greater latitude to address and craft innovative solutions in the broader public interest.

### KEY FINDINGS FOR BRITISH COLUMBIA

The analysis of the two legal regimes demonstrates some differences but also numerous commonalities, and provides a good opportunity for insights that might guide B.C. as it develops and implements a groundwater regime over the coming years. The seven insights identified throughout this report, coupled with the exploration of the California situation, provides four key findings:

AND PLANNING

ENVIRONMENTAL FLOW PROTECTIONS	COMPENSATION FOR LOSS/DIMINISHMENT OF WATER RIGHTS/USE	ACCOUNTABILITY FOR PLAN ENFORCEMENT
<p>The Province must consider environmental flow needs in licensing decisions, including future groundwater allocations. Water objectives will also contain environmental flow protections and will impact other statutory decisions</p> <p>Other measures are available on a discretionary, ad hoc basis.</p>	<p>The general rule is that there will not be any compensation for changes to water rights.<sup>3</sup></p> <p>However, provincial cabinet may make rules regarding compensation.<sup>4</sup> Where a water sustainability plan makes a significant change, the plan must recommend responsibility for compensation.<sup>5</sup></p>	<p>The WSA has penalty- and order-making powers in relation to violations of the statutes.</p> <p>The degree to which conditions and restrictions in water sustainability plans are binding and enforceable will be determined in the provincial cabinet approval process.<sup>7</sup></p>
<p>The sustainable groundwater management required by the SGMA includes avoiding “surface water depletions that have significant and unreasonable adverse impacts on beneficial uses.” Preservation and enhancement are beneficial uses under California water law.<sup>2</sup></p>	<p>The SGMA is intended to work within existing common law rights to groundwater, that is overlying landowners have rights to the “safe yield” of the groundwater basin below them.<sup>6</sup></p> <p>There is an argument that as groundwater rights are correlative, limiting groundwater extraction to the “safe yield” should not, in theory, trigger compensation requirements even if a landowner cannot extract at previous rates. However, there is also a long tradition in California, and perhaps a constitutional requirement, to pay compensation for the diminishment of water rights.</p>	<p>The State can intervene when:</p> <ul style="list-style-type: none"> <li>(i) no local agency is willing to serve as a groundwater sustainability agency;</li> <li>(ii) the groundwater sustainability agency does not complete a groundwater sustainability plan in a timely fashion;</li> <li>(iii) the groundwater sustainability plan is inadequate, and remains so after a review by the Department of Water Resources and efforts to cure the deficiencies; or</li> <li>(iv) the groundwater sustainability plan is being implemented and simply does not work.</li> </ul>

**1 The Utility of the California Experience in Drawing Lessons for B.C.**

The approach to planning as envisioned under the SGMA, as well as the contents of local plans when developed, holds valuable ideas and examples for B.C. These lessons are potentially applicable in the context of B.C. water law, which includes legal instruments such as water sustainability plans, area-based regulations, environmental flow protections, and temporary protection orders.

**2 The Time Required to Develop an Effective and Implemented Groundwater Management Plan is Measured in Decades**

In California, a long time will have passed between 1) the creation of the first framework for local planning (1991), 2) when the first groundwater management plans are *required* to be in place and operating under the SGMA (2020 and 2022), and 3) when sustainability criteria must be achieved (20 years after being adopted). It is worth considering what is needed to facilitate fast-tracking this evolution in B.C., including, at a minimum,

the urgent need to begin piloting groundwater sustainability plans in critical watersheds to test important elements. These pilots should include drought management, linkage to environmental flows, and the application of minimum standards and water objectives.

**3 California Has Produced a Clearer Definition of Sustainability than B.C.**

Under the SGMA, California’s groundwater resources are to be managed sustainably for long-term water supply reliability, balancing multiple economic, social, and environmental benefits for current and future beneficial uses. The SGMA defines sustainable groundwater management as “the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.” In B.C. these kinds of sustainability criteria will likely reside in water sustainability plans and the provincial water objectives regime. Ensuring these criteria are developed and passed into law in a timely fashion will be necessary to create an effective groundwater management system.

#### 4 Local Control is Important, BUT Must be Guided by Strong State/Provincial Standards

The right legislation is a very important and necessary element of the winning conditions for water sustainability generally. Legislation, however, is rarely sufficient on its own. Rules, laws, standards, and regulations must be clear and need to be enforced with sufficient capacity to ensure the right actions and management happen on the ground (and in the water).

#### A GLIMPSE OF AN AVOIDABLE FUTURE?

California is now facing a historic drought and the consequences of decades of lackluster follow-through on effective and sustainable groundwater management. B.C. does not have to follow this same path. B.C. can learn from the best examples of California's new regime and, by employing a precautionary and proactive approach, can avoid the situation that California is currently facing.

### KEY INSIGHTS FROM CALIFORNIA

**INSIGHT #1:** The lessons from California offer a rich learning opportunity for B.C. and Canada.

**INSIGHT #2:** B.C. law- and decision-makers can go much further and potentially be more innovative than California to promote the sustainable use and management of groundwater as they develop the regulatory package over the coming years.

**INSIGHT #3:** Allowing courts to determine water rights—and, thus, water policy—is not an ideal choice. As demonstrated in California, litigation is costly, confrontational, and time consuming. Creative solutions that create a “win-win” for all parties may not be within the court's power to order. As such, a planning approach that brings in all parties and receives support is preferable for many reasons, including the availability of a broader range of innovative solutions.

**INSIGHT #4:** The element of California water law that may be most pertinent to B.C. is the process for developing sustainable groundwater management plans. There is a strong resemblance between this process and what is envisioned with the water sustainability plans authorized under B.C.'s *Water Sustainability Act*.

**INSIGHT #5:** B.C.'s new water law structure will enhance the opportunities for sustainable management and provide real opportunities to better manage groundwater use in the province.

**INSIGHT #6:** Comprehensive planning and the potential for shared governance will be critical to ensuring more local control and clear roles in decision-making for groundwater.

**INSIGHT #7:** Clear performance standards, timelines, and accountability for local decision-making bodies are critical to ensuring successful watershed or aquifer plans.



**POLIS Project**  
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**watersustainabilityproject**

**ecojustice**

#### **POLIS Project on Ecological Governance**

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214–131 Water Street  
Vancouver BC V6B 4M3 Canada  
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Email: info@ecojustice.ca

1 See: Frank, R. (2014, March 4). California Enacts Emergency Drought Legislation. [Web blog post]. Legal Planet. Retrieved from <http://legal-planet.org/2014/03/04/california-enacts-emergency-drought-legislation/>

2 *Fullerton v. State Water Resources Control Bd.* (1979), 90 Cal.App.3d 590 [153 Cal. Rptr. 518]; and *California Trout, Inc. v. State Water Resources Control Bd.* (1979) 90 Cal.App.3d 816 [153 Cal. Rptr. 672].

An application for water rights cannot be made based on an in situ use, however.

3 *Water Sustainability Act*, SBC 2014, c 15, s 121.

4 *Water Sustainability Act*, SBC 2014, c 15, s 134.

5 *Water Sustainability Act*, SBC 2014, c 15, ss 62, 74.

6 *City of Barstow v. Mojave Water Agency* (2000) 23 Cal. 4th 1224, 1240.

7 *Water Sustainability Act*, SBC 2014, c 15, s 76.





## REQUEST FOR DECISION

**To:** Board of Directors

**From:** Reconciliation Committee/  
Wendy Thomson, Manager of Administrative Services

**Meeting Date:** July 22, 2015

**Subject:** ACRD Reconciliation Committee Terms of Reference

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### Recommendation:

**That the Alberni-Clayoquot Regional District Board of Directors approves the terms of reference for the ACRD Reconciliation Committee as presented.**

### Desired Outcome:

To approve a terms of reference for the ACRD Reconciliation Committee.

### Background:

The ACRD Board of Directors has instructed staff to update and or develop terms of references for all Regional District committees.

Regional District's may establish various committees to assist the Board in decision-making processes. There are three types of committees: standing, select and advisory.

**Standing Committees** are permanent bodies primarily made up of Directors that are established by the Chairperson to provide regular, ongoing advice to the Board on different areas of business, activities and services.

**Select Committees** are temporary, time-limited bodies that are established by the Board to provide advice on a particular issue or initiative that arises. Once the issue is dealt with, the select committee is dissolved.

**Advisory Committees** are made up primarily of community volunteers and assist with the delivery of regional district services, providing input on community interests related to a specific service.

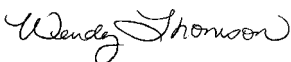
The ACRD Reconciliation Committee is a standing committee of the ACRD. The Committee met on July 8<sup>th</sup> and reviewed the draft terms of reference. The Committee recommends the ACRD Board approve the attached terms of reference.

**Time Requirements – Staff & Elected Officials:**

Some staff time required to update and or develop terms of references for the Regional District’s 17 Committees.

**Policy or Legislation:**

The *Local Government Act, Community Charter* and ACRD Procedures Bylaw A1075 applies.

Submitted by:   
\_\_\_\_\_  
Wendy Thomson, Manager of Administrative Services

Approved by:   
\_\_\_\_\_  
Russell Dyson, Chief Administrative Officer



## Alberni-Clayoquot Regional District

### Terms of Reference Reconciliation Committee

#### 1. Purpose

- 1.1 The Alberni-Clayoquot Regional District (ACRD) has formed the Reconciliation Committee which advise the ACRD on matters relating to building and maintaining relationships with Nuu-chah-nulth First Nations and Aboriginal First Nations in Canada.

#### 2. Duties/Mandate

- 2.1 The Reconciliation Committee advises the ACRD Board on matters relating to reconciliation, building and maintaining relationships among Aboriginal peoples and all Canadians – relationships built on a foundation of openness, dignity, understanding and hope.
- 2.2 To achieve this objective, the Reconciliation Committee will undertake the following activities:
- a. Consider the matter of reconciliation and the relevance to the ACRD.
  - b. Reach out to all the First Nations communities within the ACRD.
  - c. Provide recommendations to the Board on specific actions.
  - d. Help to implement activities.
  - e. Provide advice on communications, education, specific actions with respect to the services of the ACRD.

#### 3. Membership

- 3.1 In order to provide representation, membership on the Committee is made up of ACRD Directors.

#### 4. Appointment and Term

- 4.1 The appointment and term of Committee Members coincides with the Directors appointment or elected term on the ACRD Board of Directors.
- 4.2 Committee appointments are confirmed by the Chair of the Board at the Regular ACRD Board of Directors Meeting in January of each year.

**5. Committee Chair**

- 5.1 The Committee will elect a Chair and Vice-Chair from amongst its Members at the first meeting of each year.

**6. Meeting Procedures**

- 6.1 Meetings of the Committee shall be held quarterly or at the call of the Committee Chairperson. The yearly Committee meeting schedule will be developed and approved by the Board at the first Board meeting in January of each year.
- 6.2 A quorum for a meeting of the Committee shall be the majority of the Members of the Committee.
- 6.3 Meetings of the Committee shall be conducted and held in accordance with the Regional District's Procedure Bylaw.

**7. Reporting to the Board**

- 7.1 The Committee Chair will report to the ACRD Board on the activities of the Committee.
- 7.2 Recommendations from the Committee to the Board must be adopted by the Committee prior to presentation to the ACRD Board.

**8. Resources**

- 8.1 On behalf of the Committee, the CAO or his/her designate will provide advice and professional assistance to the Committee including writing letters, preparing reports to the ACRD Board.
- 8.2 ACRD Administrative staff will provide support to the Committee including preparing agendas, recording the minutes of meetings and ensuring Committee agenda's, minutes etc. are circulated electronically to all Members.

**9. 2015 Reconciliation Committee**

- Tony Bennett
- Penny Cote
- Josie Osborne
- Mike Ruttan

Approved by the ACRD Board:	
Revised by the Board:	



## REQUEST FOR DECISION

**To:** Board of Directors

**From:** ACRD Reconciliation Committee/  
Wendy Thomson, Manager of Administrative Services

**Meeting Date:** July 22, 2015

**Subject:** ACRD Reconciliation Reach Out

---

### Recommendation:

**That the Alberni-Clayoquot Regional District Board of Directors:**

- a. **Forward a letter to the Council of Ha'wiih requesting a meeting to provide an update on reconciliation activities of the ACRD Board and to explore ways the Regional District can support the recommendations coming out of the Truth and Reconciliation Canada report dated June 2, 2015 within the Alberni-Clayoquot region.**
- b. **Forward a letter to the Port Alberni Friendship Centre following up from the last meeting with ACRD Reconciliation Committee and extend an invitation to meet again in order for the Committee to provide an update on activities and to explore future opportunities for reconciliation initiatives.**

### Desired Outcome:

To reach out to First Nations within the ACRD region to continue building relationships and explore opportunities for reconciliation.

### Background:

The ACRD Board of Directors formed the ACRD Reconciliation Committee to advise the Board on matters relating to reconciliation, building and maintaining relationships among First Nations in the region.

The Committee met on July 8<sup>th</sup> and reviewed the attached correspondence referred from the ACRD Board from the Nuu-chah-nulth Tribal Council regarding calls for action on the Truth and Reconciliation Commission (TRC) recommendations. The ACRD Reconciliation Committee recommends the ACRD Board of Directors forward a letter to the Council of Ha'wiih requesting a meeting to explore ways the ACRD can support the recommendations coming out of the TRC report dated June 2, 2015.

The Committee also recommends that a follow-up meeting be requested with the Port Alberni Friendship Centre to provide an update on Committee reconciliation activities and to explore future opportunities.

**Time Requirements – Staff & Elected Officials:**


Staff and elected officials time required to support and undertake the activities of the Committee.

**Financial:**

Funded through General Government services.

**Policy or Legislation:**

ACRD Reconciliation Committee Terms of Reference

Submitted by:   
\_\_\_\_\_  
Wendy Thomson, Manager of Administrative Services

Approved by:   
\_\_\_\_\_  
Russell Dyson, Chief Administrative Officer



# Nuu-chah-nulth Tribal Council

AHOUSAHT  
DITIDAHT  
ʔIIHATIS / ČIINAXINT  
HESQUIAHT  
HUPACASATH

HUU-AY-AHT  
KA:YU:K'T'H'/CHE:K:TLES7ET'H'  
MOWACHAHT/MUCHALAHT  
NUCHATLAHT  
TLA-O-QUI-AHT

TOQUAHT  
TSESHAHT  
UCHUCKLESAHT  
YUULU?E?ATH

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June 3, 2015

## **NUU-CHAH-NULTH TRIBAL COUNCIL CALLS FOR ACTION ON TRC RECOMMENDATIONS**

The Nuu-chah-nulth Tribal Council (NTC) fully supports the recommendations outlined in the Calls to Action section of the Truth and Reconciliation Commission (TRC) report released on June 2, 2015.

Nuu-chah-nulth First Nations had two residential schools within their territories (Christie Indian Residential School and Alberni Indian Residential School), and hundreds if not thousands of Nuu-chah-nulth First Nations citizens attended other residential schools across Canada. Many faced mental, physical, spiritual, and sexual abuse while they attended these schools.

Today the NTC stands with our survivors, those who did not live to see the TRC recommendations, those who did return home, and those who are faced with the intergenerational effects of cultural genocide. We also stand with all fourteen of our Nuu-chah-nulth First Nations.

The time to act is now. Federal, provincial, regional and municipal governments, as well as educational institutions, churches and others listed in the recommendations now have the direction to address true reconciliation with First Nations across Canada.

Residential schools are not just a dark chapter in history for Aboriginal people but for all of Canada. Everyday Canadians play an important role in the next steps of recognition and reconciliation. We encourage Canadians to educate themselves and those around them about this horrific era in our history.

The NTC found the actions of the Crown's Minister of Aboriginal Affairs and Northern Development Canada, Bernard Valcourt, during the recent TRC announcement particularly disturbing. The majority of the audience responded with a standing ovation to Commissioner

Justice Murray Sinclair's recommendation for a national inquiry into murdered and missing indigenous women, while Minister Valcourt stayed seated with his arms folded. No longer can governments sit and be idle. The time to act is right now for future generations and all Canadians.

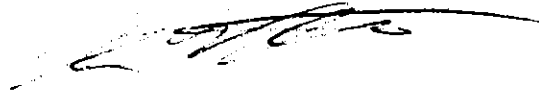
First Nations are doing the work necessary to heal. Over 100 years of abuse cannot be undone with simply an apology and compensation. True reconciliation begins with action.

We look forward to working hand-in-hand on reconciliation with all levels of government and First Nations across Canada. Future generations are looking to all of us to help create a better Canada right now. Nuu-chah-nulth First Nations and citizens simply want to have their rightful place in this country recognized and respected.

Sincerely,



Debra Foxcroft, President  
Nuu-chah-nulth Tribal Council



Ken Watts, Vice President  
Nuu-chah-nulth Tribal Council

**For more information please contact:**

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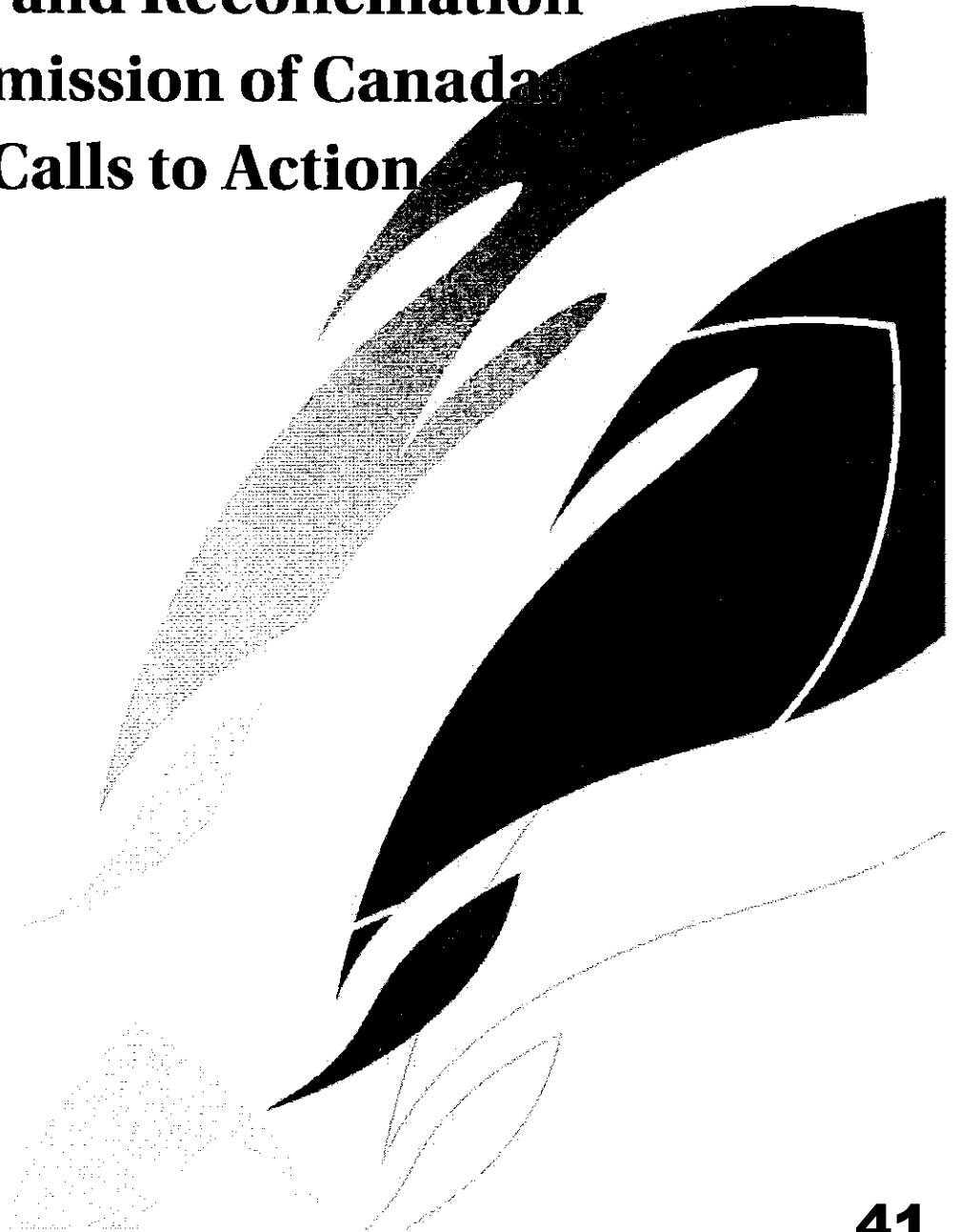




**Truth and  
Reconciliation**  
Commission of Canada

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**Truth and Reconciliation  
Commission of Canada  
Calls to Action**



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**2015**

Truth and Reconciliation Commission of Canada, 2012

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## Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

### Legacy

#### CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
  - i. Monitoring and assessing neglect investigations.
  - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
  - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
  - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
  - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and

publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
  - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
  - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
  - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

#### EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
  - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
  - ii. Improving education attainment levels and success rates.
  - iii. Developing culturally appropriate curricula.
  - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
  - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
  - vi. Enabling parents to fully participate in the education of their children.
  - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

#### **LANGUAGE AND CULTURE**

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
  - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
  - ii. Aboriginal language rights are reinforced by the Treaties.
  - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
  - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
  - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

#### **HEALTH**

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
- i. Increase the number of Aboriginal professionals working in the health-care field.
  - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
  - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

#### JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
  - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
  - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
  - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
  - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.
40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
  - i. Investigation into missing and murdered Aboriginal women and girls.
  - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

## Reconciliation

### CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

### ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
- ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
- iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

- i. Reaffirmation of the parties' commitment to reconciliation.
- ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
- iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
- iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
- v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
- vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

**SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

48. We call upon the church parties to the Settlement

Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:

- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
- ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
- iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
- iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

**EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM**

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
  - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
  - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

#### **NATIONAL COUNCIL FOR RECONCILIATION**

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
  - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
  - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
  - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

- iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
  - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
  - ii. Comparative funding for the education of First Nations children on and off reserves.
  - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
  - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
  - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
  - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
  - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.



### PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

### CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled culture- and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

### EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
  - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
  - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
  - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
  - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
  - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
  - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

#### YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

#### MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.

68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.

69. We call upon Library and Archives Canada to:

- i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Ensure that its record holdings related to residential schools are accessible to the public.
- iii. Commit more resources to its public education materials and programming on residential schools.

70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

#### MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.

72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.

73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.

74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- i. The Aboriginal community most affected shall lead the development of such strategies.
  - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
  - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

#### **NATIONAL CENTRE FOR TRUTH AND RECONCILIATION**

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

#### **COMMEMORATION**

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
  - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

#### **MEDIA AND RECONCILIATION**

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
  - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
  - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
- i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
  - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.

#### **SPORTS AND RECONCILIATION**

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
- i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
  - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
  - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

#### **BUSINESS AND RECONCILIATION**

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
  - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
  - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

#### **NEWCOMERS TO CANADA**

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

## Truth and Reconciliation Commission of Canada

1500-360 Main Street

Winnipeg, Manitoba

R3C 3Z3

Telephone: (204) 984-5885

Toll Free: 1-888-872-5554 (1-888-TRC-5554)

Fax: (204) 984-5915

E-mail: [info@trc.ca](mailto:info@trc.ca)

Website: [www.trc.ca](http://www.trc.ca)



## REQUEST FOR DECISION

**To:** Board of Directors

**From:** Wendy Thomson, Manager of Administrative Services

**Meeting Date:** July 22, 2015

**Subject:** **Huu-ay-aht First Nation/ACRD Fire Services Agreement**

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### **Recommendation:**

**That the Alberni-Clayoquot Regional District Board of Directors renew the Fire Protection Services Agreement with the Huu-ay-aht Government for the Bamfield Volunteer Fire Department to provide structural fire protection to Anacla for a three year term commencing August 16, 2015 and authorize the Chairperson and Chief Administrative Officer to enter into the Agreement on behalf of the Regional District.**

### **Desired Outcome:**

To renew the agreement with the Huu-ay-aht Government (HFN) in order for the Bamfield Volunteer Fire Department (BVFD) to continue to provide structural fire protection to Anacla.

### **Background:**

The BVFD has been providing structural fire protection services to Anacla since 2010 through an agreement with the ACRD. The current agreement expires on August 15, 2015. The ACRD has received confirmation from the Huu-ay-aht Government (attached) advising they wish to renew the agreement for an additional three year term.

The renewal agreement is attached for consideration by the ACRD Board of Directors. All terms, conditions and fees are the same as the previous agreement with the ACRD dated August 15, 2012.

The BVFD met on July 22<sup>nd</sup> and approved the renewal of the agreement for another three year term as per the agreement. Staff recommend the ACRD Board of Directors renew the agreement as presented.

### **Time Requirements – Staff & Elected Officials:**


Minimal staff time required to enter into the new agreement.

### **Financial:**

Paid for by the Huu-ay-aht Government as per the agreement Section 7.0.

**Policy or Legislation:**

*Local Government Act* applies to entering into agreements for services.

Submitted by:   
\_\_\_\_\_  
Wendy Thomson, Manager of Administrative Services

Approved by:   
\_\_\_\_\_  
Russell Dyson, Chief Administrative Officer





huu ay aht

ANCIENT SPIRIT, MODERN MIND

July 13, 2015

Ms. Wendy Thomson,  
Manager of Administrative Services  
Alberni Clayoquot Regional District  
3008 Fifth Avenue  
Port Alberni, BC V9Y 2E3

Dear Wendy,

Please be advised that Huu-ay-aht First Nations wishes to renew the Fire Protection Services Agreement to provide structural fire protection services to Anacla for another three-year term commencing August 16, 2015.

All terms and conditions of the existing agreement do not require any amendments and the number of dwellings remains the same as in the current Schedule "C".

Should you have any questions or require any additional information, please feel free to contact our Director of Government Services, Andy Daniel at [Andy.D@huuayaht.org](mailto:Andy.D@huuayaht.org) or 250-728-3414 Ext #227.

Sincerely,

James Edwards,  
Executive Director  
Huu-ay-aht First Nations

Cc: Andy Daniel

Office: Anacla Government Office, 170 Nookemus Road, Anacla, B.C., V0R 1B0

Phone: 1.888.644.4555 | 250.728.3414 | Fax: 250.728.1222

Mail: Port Alberni Government Office, 3483 - Third Ave., Port Alberni, BC, V9Y 4E4 | Phone: 250.723.0100 | Fax: 250.723.4646

**FIRE PROTECTION SERVICES AGREEMENT**

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BETWEEN:

**ALBERNI-CLAYOQUOT REGIONAL DISTRICT**

3008 Fifth Avenue  
Port Alberni, British Columbia, V9Y 2E3

(the "ACRD")

OF THE FIRST PART

AND:

**HUU-AY-AHT GOVERNMENT**

Box 70, Anacla  
Bamfield, British Columbia, V0R 1B0

(the "HFN")

OF THE SECOND PART

**WHEREAS:**

- A. The HFN has requested the ACRD to provide structural fire protection services to Anacla, as outlined in bold on the attached map as Schedule "A", in accordance with Bylaws;
- B. The ACRD operates the Bamfield Volunteer Fire Department and is prepared to offer structural fire protection services, subject to the terms and conditions contained in this Agreement;
- C. The ACRD Board of Directors have approved this Agreement and its resolution is attached as Schedule "B" to this Agreement;
- D. The Council of the HFN has approved this Agreement by Council Resolution, attached as Schedule "B" to this Agreement.

**NOW THEREFORE** in consideration of the covenants herein contained and for other valuable consideration the receipt and sufficiency of which is hereby acknowledged, the ACRD and the Council on behalf of the HFN, do hereby covenant and agree each with the other as follows:

## 1.0 DEFINITIONS

1.1 For the purposes of this Agreement, the following definitions shall apply:

**"Campground Facility"** means those items referred to as such in Schedule "C" attached hereto.

**"Commercial Unit"** means any unit or divided space used or intended to be used for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including retail sales, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices;

**"Dwelling Unit"** means any room or suite of rooms used or intended to be used as a residential dwelling by one or more persons, whether or not occupied, and shall include buildings used in connection with the dwelling. A Dwelling Unit shall include, without limiting the generality of the foregoing, a single-family dwelling, a trailer, a mobile home, a self-contained room or suite of rooms in a building or a strata-title unit;

**"Fire Chief"** means the person who is the head of the Bamfield Volunteer Fire Department or that person's lawfully appointed designate;

**"Public Building"** means any structure or portion thereof which is used for community, religious or other functions which are otherwise not encompassed under the definitions of "Dwelling Unit", "Commercial Unit" or "Campground Facility";

**"Unit"** means any Dwelling Unit, Public Building, Commercial Unit or Campground Unit;

**"Residential Development"** means residential use of a Dwelling Unit to accommodate the home life of one or more individuals;

**"Senior Officer"** means the highest-ranking Officer after the Fire Chief, or the most senior firefighter to arrive on the scene.

## 2.0 WATER SUPPLY

2.1 The HFN represents and warrants to the ACRD that Anacla has a water supply and water pressure sufficient for the purposes of providing the fire protection services contemplated under this Agreement.

2.2 The Regional District, its elected officials and appointed officers, employees and volunteers shall not be responsible for any loss occurring as a result of the

inability to fight any fire emergency in Anacla due to insufficient supply of water, insufficient water pressure or any other reason outside the Regional District's control.

- 2.3 At all times during the term of this Agreement, fire hydrants in Anacla shall be maintained by the HFN in good working order and kept painted and free of rust in accordance with current editions of the National Fire Protection Codes and amendments thereto and will remain in effect throughout the term of this Agreement. As part of that maintenance, each fire hydrant must be kept clear of brush and high grass within a radius of twenty (20) feet of the hydrant. A map, detailing the locations of all fire hydrants in Anacla, must be provided to the Bamfield Volunteer Fire Department and the ACRD at the commencement of this Agreement and annually thereafter. In addition, the HFN agrees to maintain all fire hydrants and water supply lines in accordance with the instructions of the ACRD or its officers designated for that purpose.
- 2.4 For the purpose of greater certainty, it is acknowledged and agreed between the parties that notwithstanding anything to the contrary contained in this Agreement, the ACRD does not and shall not be obliged to possess, control, operate or maintain any of the water supply system in Anacla or to add to or update any fire service equipment utilized by the Regional District.

### **3.0 PERMISSION TO ENTER ANACLA**

- 3.1 The HFN covenants and agrees that the Fire Chief, or other Senior Officer may, at all reasonable times, enter upon the Anacla lands for the purposes of:
- (a) inspecting and testing the fire hydrants;
  - (b) inspecting any Unit located in Anacla to determine if there are possible threats to the safety of the Regional District's firefighters who may be called upon to extinguish fires within such Units;
  - (c) determining what steps the HFN must take to remove such potential dangers; and
  - (d) any other purpose related to the delivery of fire protection services under this Agreement.
- 3.2 The HFN covenants and agrees that a representative of the ACRD may, at all reasonable times, enter upon Anacla lands for the purpose of performing Unit counts of all categories of development (i.e. Dwelling Unit, Public Building and Commercial Unit).
- 3.3 The HFN's permission to enter upon the Anacla lands in sections 3.1 and 3.2 shall, as a result of the execution of this Agreement by the HFN and the Regional

District, be considered to be in writing and shall continue without reservation or restriction during the term of this Agreement and shall be considered as a license only and not as the granting or the conveyance or conferring on the ACRD of any right, estate or interest in title to any portion of Anacla or any improvements hereunder and shall terminate upon the termination of this Agreement.

#### **4.0 EXTENT OF SERVICE**

- 4.1 The Regional District, through the Bamfield Volunteer Fire Department, agrees to provide structural fire protection services to all Units existing in Anacla as of the date of this Agreement, as detailed on Schedule "C" to this Agreement, at the request of the HFN or its members.
- 4.2 Subject to the terms of this Agreement, the ACRD will make all reasonable efforts to provide the fire protection services detailed in section 4.1 during the term of this Agreement at the same level of service that the ACRD provides those services to its own inhabitants within the Regional District. If the level of service to the Regional District's own inhabitants increases to the extent that the Regional District, in its sole opinion and discretion, believes that the fees payable under section 7 of this Agreement are not sufficient to recover the Regional District's costs of providing the same level of service to Anacla, the ACRD will give three (3) months written notice to the HFN of a proposed amendment of this Agreement reflecting a proposed fee increase and provide the HFN with justification of the fee increase. If at the end of the three-month period of the notice, the ACRD and the HFN have not agreed to the amendment, the ACRD will continue to provide the former level of service to Anacla and not the increased level being provided to inhabitants of the ACRD if it is reasonably practical to do so.
- 4.3 It is a condition of the Regional District's provision of fire protection services under this Agreement that any Unit to be provided with those services shall be constructed in accordance with the applicable federal, provincial and local government enactments standards and codes governing:
  - (a) the construction of buildings and structures;
  - (b) the provision of plumbing and water services in those buildings; and
  - (c) fire safety, prevention of spread of fire and other firefighting and life safety provisions. Inspection services may be provided for any Unit other than single family dwellings to the same level as accepted within the Regional District. The ACRD may request the HFN to provide the ACRD with a copy of the occupancy permit or any other relevant information for any building or structure on Anacla lands at any time in order to ascertain whether it is safe to enter the building or structure in the event of a fire.

- 4.4 Notwithstanding section 4.1 of this Agreement, the ACRD will not provide fire protection services to Units that are not listed on Schedule "C" on the date of this Agreement, unless such Units are added to this Agreement as an Addendum upon the Regional District's approval of an application made to the ACRD by the HFN, such approval may be unreasonably withheld.
- 4.5 For the purposes of obtaining the Regional District's approval under section 4.4 the HFN shall notify the ACRD not less than three (3) months in advance of the estimated date of completion of construction of any new Unit that the HFN wishes to be added as an Addendum to this Agreement .
- 4.6 The HFN agrees to name and indicate by sign post all of the streets within Anacla to which this Agreement applies, and to affix numbers conforming to the official numbering system of the ACRD of Alberni-Clayoquot to all residences and other buildings situate within Anacla so that the said numbers are easily visible from the streets.
- 4.7 This Agreement shall not be interpreted to create any greater standard of care or liability on the part of the ACRD in respect of the supply of fire protection services to the HFN than that which applies to the supply of such services to inhabitants of the Regional District. Nothing in this Agreement shall require the ACRD to provide a fire service under this Agreement higher than the level of fire protection service provided to inhabitants of the Regional District.
- 4.8 Notwithstanding any other provision in this Agreement, the parties acknowledge and agree that the distance between Anacla and the Bamfield Fire Hall will result in longer response times for buildings in Anacla than for buildings within the Regional District. The parties acknowledge and agree that the Bamfield Volunteer Fire Department has limited resources for fighting fires including limited personnel, equipment and one fire truck. Accordingly, it is acknowledged that a reduced level of services in respect of response time and overall fire protection services will be provided to Anacla.
- 4.9 Despite sections 4.2 and 4.7 of this Agreement, the ACRD cannot ensure the same level of service to Anacla unless the HFN first enacts and enforces standards for open air burning and land clearing similar to those enacted by the ACRD for its own inhabitants.
- 4.10 Nothing in this Agreement requires the Fire Chief of the Bamfield Volunteer Fire Department to deploy firefighting personnel, apparatus, and equipment to Anacla, where the Fire Chief or his/her designate has determined that they are either unavailable or are required to provide fire protection within the ACRD fire service area.

## 5.0 NATURE OF SERVICE

- 5.1 The ACRD shall provide the firefighting service on a twenty-four hour on call basis from the Bamfield Fire Hall, utilizing the manpower and equipment available at the time of notification of a fire.
- 5.2 Any fire protection services provided under this Agreement shall be under the exclusive control of the Fire Chief or Senior Officer present at such fire, and no member of the HFN shall interfere with the conduct of such services but shall assist if requested to do so by the Bamfield Volunteer Fire Department's Senior Officer at the scene of a fire in Anacla.
- 5.3 The HFN agrees that the HFN shall and shall cause its members to comply with all directions and requests of the Fire Chief or Senior Officer attending at the scene of a fire in Anacla, to assist in the Regional District's provision of fire protection services under this Agreement.

## 6.0 INDEMNITY

- 6.1 The HFN shall indemnify and save harmless the Regional District, its elected officials and appointed officers, employees and volunteers from any and all actions, causes of action, suits or other liability whatsoever which may arise as a consequence of the ACRD entering into or carrying out the provisions of this Agreement or arising from a breach of this Agreement by the HFN.

## 7.0 FEE FOR SERVICES

- 7.1 The HFN shall provide annually to the ACRD on or before January 15<sup>th</sup>, a statement of the number of Units as of December 31<sup>st</sup> of the previous calendar year.
- 7.2 The HFN shall pay the ACRD an annual fee representing a proportionate share of the total costs to provide structural fire protection calculated as follows:
- a. Current year annual tax requisition for Bamfield Volunteer Fire Department  
*divided by* ( $\div$ )
  - b. Total number of Units within the Bamfield Fire Protection Area  
*equals* ( $=$ )
  - c. Per Unit fee  
*multiply by* ( $\times$ )
  - d. Number of Units covered in Services Agreement (Schedule C)  
*equals* ( $=$ )

e. Total annual fee for structural fire protection services

7.3 On or before April 1<sup>st</sup> of each year, the ACRD will invoice the HFN for the fees due for fire protection provided by the ACRD under the terms of this Agreement.

7.4 The HFN agrees to pay the invoice on or before August 1<sup>st</sup> of each year.

7.5 A 10% penalty shall be added to all amounts remaining unpaid on August 31<sup>st</sup> and a further 10% to the unpaid balance on December 1<sup>st</sup>. Amounts remaining unpaid on January 1<sup>st</sup> of the following year shall be subject to interest at the rate of prime plus one percent as set by the Regional District's, bankers until the balance is paid in full.

7.6 If the HFN fails to make a payment required under this Agreement to the ACRD on the date that the same is due, the ACRD may, at its option, and upon two months' written notice, discontinue the fire protection services provided under this Agreement until payment has been made in full, together with interest pursuant to section 7.5.

## **8.0 COST OF ADDITIONAL AID**

8.1 The HFN agrees to pay the full cost of any additional firefighting manpower or equipment from another jurisdiction outside the ACRD that the ACRD considers necessary to assist with the suppression of a fire in Anacla.

## **9.0 RIGHTS RESERVED**

9.1 Nothing contained or implied herein shall prejudice or affect the rights and powers of the ACRD in the exercise of its functions under any public or private statutes, bylaws, orders or regulations, all of which may be fully and effectively exercised in relation to the Bamfield Volunteer Fire Department and the fire protection services provided hereunder and any other function of the ACRD as if this Agreement had not been executed and delivered by the parties and the interpretation of this Agreement shall be subject to and consistent with statutory restrictions imposed on the ACRD under the *Local Government Act* and the *Community Charter*.

## **10.0 TERM OF AGREEMENT**

10.1 This Agreement shall come into force as of the date of its execution by all parties and shall continue in force for (3) three years or until earlier terminated as provided for in this Agreement.



## **11.0 ASSIGNMENT**

11.1 This Agreement shall not be assigned by any of the parties hereto except with the prior written consent of the others, which consent shall not be unreasonably withheld.

## **12.0 TIME**

12.1 Time shall be of the essence of this Agreement.

## **13.0 INTERPRETATION**

13.1 No provision of this Agreement shall be construed to create a partnership or joint venture relationship, an employer-employee relationship a landlord-tenant, or a principal-agent relationship.

## **14.0 HEADINGS**

14.1 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

## **15.0 WAIVER**

15.1 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

## **16.0 LANGUAGE**

16.1 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

## **17.0 BINDING EFFECT**

17.1 This Agreement will ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assignees.

## **18.0 TERMINATION BY THE REGIONAL DISTRICT**

18.1 The ACRD may terminate this Agreement at any time upon giving ninety (90) days' notice in writing to the HFN.

## **19.0 TERMINATION BY THE HFN**

19.1 The HFN may terminate this Agreement at any time upon giving ninety (90) days' notice in writing to the ACRD but the ACRD shall not be required to refund any prepaid money paid to the ACRD under this Agreement.

## **20.0 NOTICE**

20.1 It is hereby mutually agreed that:

any notice required to be given under this Agreement will be deemed to be sufficiently given:

- (i) if delivered, at the time of delivery; and
- (ii) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the Regional District:

3008 Fifth Avenue  
Port Alberni BC V9Y 2E3

if to the HFN:

Box 70, Anacla  
Bamfield, British Columbia, V0R 1B0

Unless otherwise specified herein, any notice required to be given under this Agreement by any party will be deemed to have been given if mailed by prepaid registered mail, or sent by facsimile transmission, or delivered to the address of the other party set forth on the first page of this Agreement or at such other address as the other party may from time to time direct in writing, and any such notice will be deemed to have been received if mailed or faxed, 72 hours after the time of mailing or faxing and, if delivered, upon the date of delivery. If normal mail service or facsimile service is interrupted by strike, slow down, force majeure or other cause, then a notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice must utilize any other such services which have not been so interrupted or must deliver such notice in order to ensure prompt receipt thereof.

## **21.0 DISPUTE RESOLUTION**

21.1 If a dispute relating to this Agreement should arise, and the Parties cannot settle the dispute through negotiation, then the Parties must attempt in good faith to resolve the dispute through mediation. If mediation is unsuccessful, the parties may submit the dispute to binding arbitration pursuant to the *Commercial Arbitration Act* (British Columbia).

21.2 If any dispute is referred to mediation or to an arbitrator appointed under the *Commercial Arbitration Act*, the costs of the mediation or arbitration shall be borne equally by the parties involved in the dispute. The parties agree that in the event of arbitration, a single arbitrator shall be appointed in lieu of a panel.

**22.0 ENTIRE AGREEMENT**

22.1 The whole agreement between the parties is set forth in this document and no representations, warranties or conditions, express or implied, have been made other than those expressed.

22.2 This Agreement may be amended from time to time upon terms and conditions mutually acceptable to the HFN and the ACRD only if the amendments are in writing and executed by the parties hereto.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as follows:

**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT** by its authorized signatories )

\_\_\_\_\_) )  
Name: \_\_\_\_\_) )  
\_\_\_\_\_) )  
Name: \_\_\_\_\_) )  
\_\_\_\_\_)

SIGNED SEALED AND DELIVERED by the )  
**HUU-AY-AHT GOVERNMENT COUNCIL** )  
pursuant to the consent of the majority of the )  
Councillors of the HUU-ay-aht HFN present )  
at a Council meeting duly convened at which )  
authority was given for the )  
**COUNCIL** to enter into this Agreement: )

\_\_\_\_\_) Chief  
\_\_\_\_\_) Councillor  
\_\_\_\_\_) Councillor  
\_\_\_\_\_) Councillor  
\_\_\_\_\_) Councillor  
\_\_\_\_\_) \_\_\_\_\_

**SCHEDULE “B” TO AGREEMENT BETWEEN REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT AND THE HUU-AY-AHT GOVERNMENT**

**COUNCIL/BOARD RESOLUTIONS**

**Alberni-Clayoquot Regional District**

Resolution passed by the Alberni-Clayoquot Regional District Board of Directors at their regular meeting held on Wednesday, July 22, 2015:

*THAT the Alberni-Clayoquot Regional District Board of Directors renew the Fire Protection Services Agreement with the HUU-ay-aht Government for the Bamfield Volunteer Fire Department to provide structural fire protection to Anacla for a three year term commencing August 16, 2015 and authorize the Chairperson and Chief Administrative Officer to enter into the Agreement on behalf of the Regional District.*

**Huu-ay-aht Government**

Authority to sign agreements on behalf of the HUU-ay-aht Government falls under Part 9 and Section 67 of the Financial Administration Act and states the following:

*“Subject to spending authority the Executive Director may enter into contracts in the name of the HUU-ay-aht Government as required for the Administration of government or HUU-ay-aht Government bodies.”*

James Edwards, Executive Director, HUU-ay-aht Government has entered into this Fire Protection Services Agreement on behalf of the HUU-ay-aht Government.

**SCHEDULE "C" TO AGREEMENT BETWEEN REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT AND THE HUU-AY-AHT GOVERNMENT**

**DETAILS OF DEVELOPMENT EXISTING IN ANACLA  
AS OF THE DATE OF THIS AGREEMENT**

Dwelling Units 45

Public Buildings 11

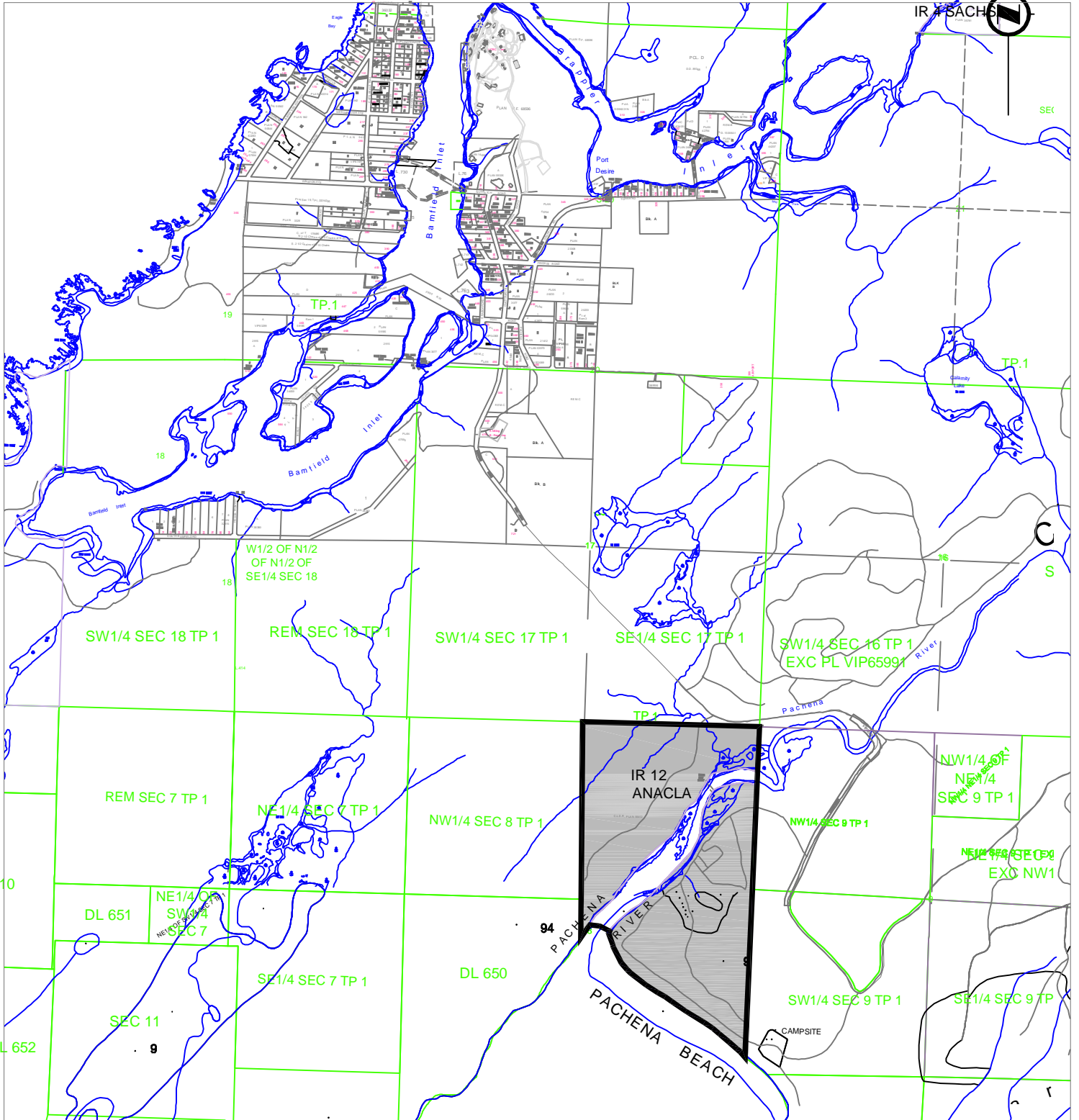
Maintenance Building  
Shower House  
Gate House  
House of HUU-ay-aht  
Soaring Eagle Community Center  
Paawts Day Care  
Carving Shed  
Old Administration Building  
New Administration Building  
Pump House  
Water Tower

Commercial Units 2

Campground Facilities (shower room, gatekeeper & includes campers, RV's)  
Gas Service Station

# Schedule 'A'

This schedule is attached to and forms part of Fire Protection Agreement between Alberni-Clayoquot Regional District and Huu-ay-aht First Nations



IR12 Anacla



ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT





## **REQUEST FOR DECISION**

**To:** Board of Directors

**From:** Andrew McGifford, Acting Manager of Finance

**Meeting Date:** July 22, 2015

**Subject:** Cherry Creek Waterworks District Infrastructure Planning Grant

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**Recommendation:**

*That the Alberni-Clayoquot Regional District (ACRD) Board of Directors re-apply for an Infrastructure Planning Grant on behalf of the Cherry Creek Waterworks District (CCWW) to develop an infrastructure improvement plan.*

**Desired Outcome:**

To help CCWW create a plan that would be used to assess the current state of their infrastructure and to assist them in budgeting for the future as well as communicating with the residents as to the state of their system.

**Summary:**

The Electoral Area Directors allocated \$385,000 of Gas Tax Funding to CCWW in the fall of 2013 and during the discussions with the Waterworks District it was determined by both parties that an infrastructure improvement plan would be of great benefit to their organization. CCWW cannot apply directly to the Province for the grant but the ACRD can apply on their behalf.

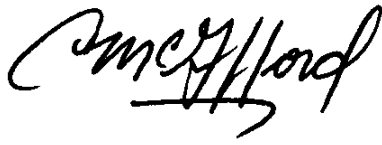
The original application for the grant was unsuccessful in 2014, staff requested advice from the ministry for improvements in the application and those changes were made. The application has been updated, CCWW has consented to reapply on their behalf and with board approval we will resubmit with the changes made before the July 31, 2015 deadline.

**Time Requirements – Staff & Elected Officials:**

There will be minimal staff time required to administer this grant as the work will be conducted by CCWW and the ACRD will only be responsible for the reporting.

**Financial:**

Grants up to \$10,000 are available to help develop long term comprehensive plans. There will be no costs to the ACRD besides staff time to submit reporting.



Submitted by: \_\_\_\_\_  
Andrew McGifford, Acting Manager of Finance



Approved by: \_\_\_\_\_  
Russell Dyson, Chief Administrative Officer



**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**BYLAW NO. P1330**

**OFFICIAL ZONING ATLAS AMENDMENT NO. 680**

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 890 and 894 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE  
This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw No. P1330.
2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning LOT 1, DISTRICT LOT 108, ALBERNI DISTRICT, PLAN 1439, EXCEPT THAT PART IN PLAN 17495 AND 51383 from Small Holdings (A1) District to Acreage Residential (RA2) District as shown on Schedule ‘A’ which is attached to and forms part of this bylaw.
3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 27<sup>th</sup> day of May, 2015  
Public Hearing held this 30<sup>th</sup> day of June, 2015  
Read a second time this 8<sup>th</sup> day of July, 2015  
Read a third time this 8<sup>th</sup> day of July, 2015

Adopted this        day of        , 2015

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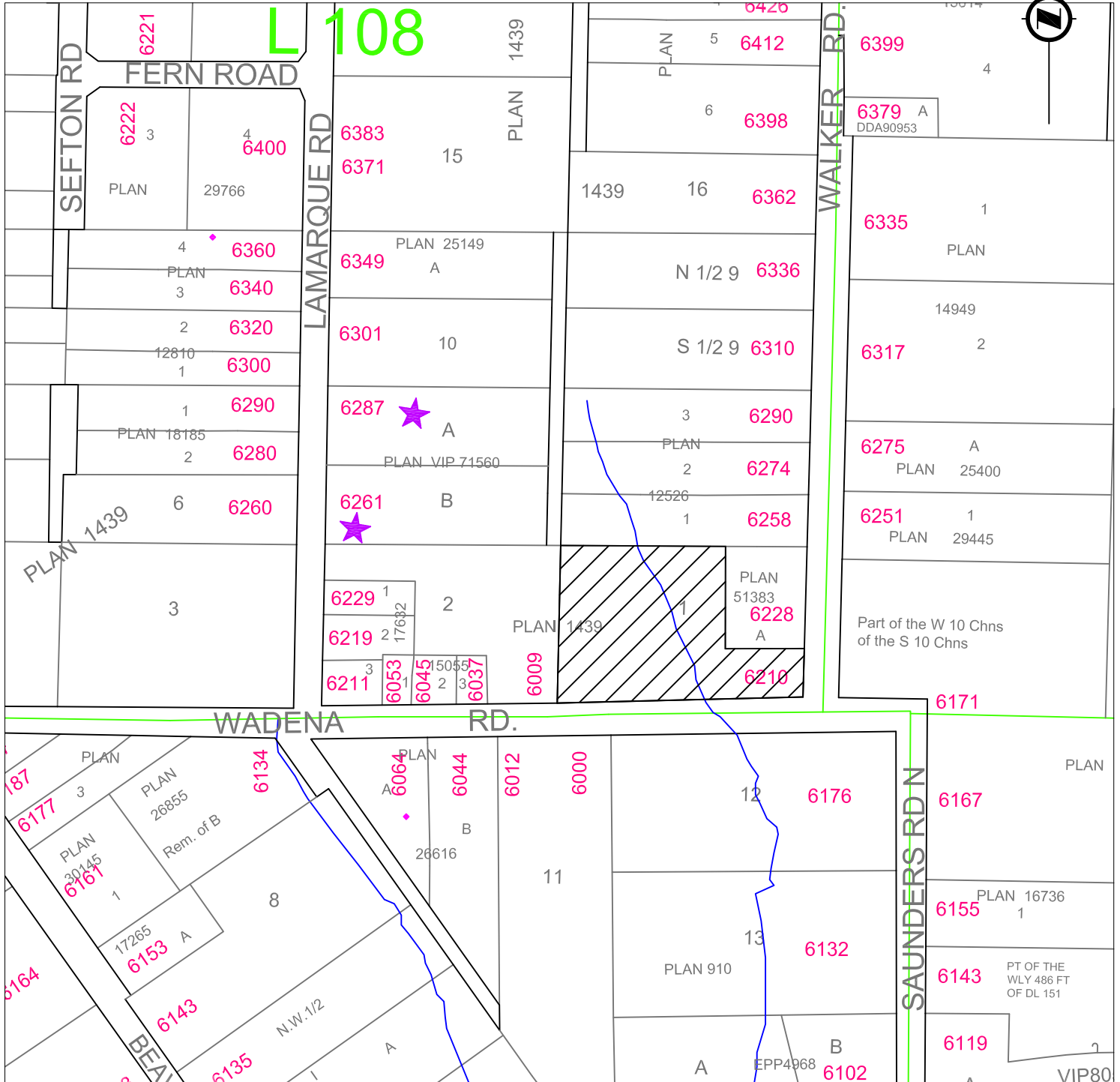
Russell Dyson, CAO

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Chair of the Regional Board

# Schedule 'A'

This schedule is attached to and forms part of Bylaw P1330



Legal Description: LOT 1, DISTRICT LOT 108, ALBERNI DISTRICT, PLAN 1439 EXCEPT PLAN 17495 & PLAN 51383



To be rezoned from Small Holdings (A1) District to Acreage Residential (RA2) District.



ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT



**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**BYLAW NO. P1327**

**OFFICIAL ZONING TEXT AMENDMENT**

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw upon the affirmative vote of the directors in accordance with the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1327.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended as follows:

a. Section 3 is hereby amended by adding the following definitions:

“Dwelling Unit, Accessory means a second dwelling unit:

- a) on a lot that already has a single-family dwelling on it or that will have a single-family dwelling constructed contemporaneously on it;
- b) that is an accessory use;
- c) that is occupied or intended to be occupied as a permanent home or residence of one family;
- d) that may be within or attached to the principal dwelling unit as a secondary suite;
- e) that may be a carriage house or granny flat within or attached to an accessory building such as a garage, barn or workshop;
- f) that may be a detached building such a cabin, cottage or garden suite.

Carriage House means a dwelling unit attached to or located on the second storey of an accessory building with its own external access, separate from that of the access to the accessory building.

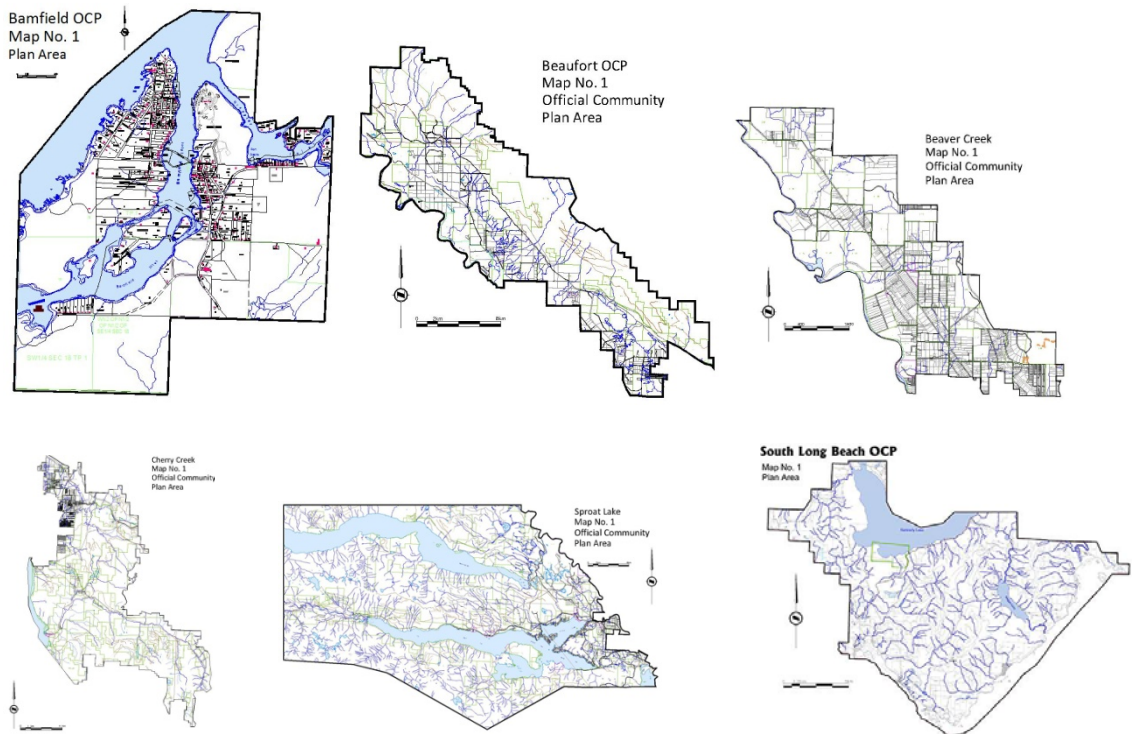
Granny Flat means carriage house or secondary suite.

Secondary Suite means a secondary suite as defined by the *British Columbia Building Code*.”

b. Section 6.5 Accessory Buildings and Uses is hereby amended by adding a new subsection 6.5 4. to read as follows:

“4. Accessory Building and Dwelling Units – Regulations for accessory dwelling units

- a) Accessory dwelling units may be permitted, provided the principal use of the lot is a single-family dwelling and the lot is located within the Official Community Plan area of Electoral Area “A”, Electoral Area “B”, Electoral Area “C”, Electoral Area “D”, Electoral Area “E”, of Electoral Area “F”, in the following districts:
  - i. R 1 and R2;
  - ii. RA 1, RA 2, and RA 3; and
  - iii. A 1, A 2, A 3, and A 4;



- b) the minimum lot area for an accessory dwelling unit is 0.404 hectares for properties located in Electoral Areas “A”, “B”, “D”, “E”, and “F”
- c) the minimum lot area for an accessory dwelling unit is 1 hectare for properties located in Electoral Area “C”.
- d) No more than one accessory dwelling unit is permitted per lot.
- e) No accessory dwelling unit shall be permitted to be erected on any lot unless:
  - i. such lot contains a principal dwelling unit; or
  - ii. the accessory dwelling unit is erected or constructed simultaneously with a proposed principal dwelling unit.
- f) An accessory dwelling unit shall have a total floor area of not more than 80 square

meters or, if located within or attached to the principal dwelling unit, not more than 40% of the habitable floor space of the building, whichever is less. Except an accessory dwelling unit in Electoral Area "C" shall have a total floor area of not more than 70 square meters or, if located within or attached to the principal dwelling unit, not more than 40% of the habitable floor space of the building, whichever is less.

- g) An accessory dwelling unit may only be one story.
- h) An accessory dwelling unit shall not be located, unless otherwise provided for in this Bylaw:
  - i. within a required front yard; and
  - ii. within 3 meters of a side or rear yard lot line.
- i) An accessory dwelling unit shall not exceed 3.7 meters in height except as otherwise provided for in this By-law.
- j) An accessory dwelling unit, if located within the principal dwelling unit or within a non-residential accessory building, shall have an entrance that is separate from that of the main building.
- k) An accessory dwelling unit shall include facilities for storing, preparing and cooking food, sanitary facilities and a bedroom.
- l) An accessory dwelling unit shall be provided with potable water and sewer disposal facilities approved by the local Health Authority.
- m) No person shall occupy an accessory dwelling unit unless an occupancy permit has been issued for it.
- n) One off-street parking space shall be provided for the exclusive use of the accessory dwelling unit.
- o) The registered owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit as his or her principal residence.
- p) An accessory dwelling unit may not be a separate strata unit."

For clarity, accessory dwelling units are for primary residents, not vacation rentals.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 27<sup>th</sup> day of May , 2015  
Public hearing held this 25<sup>th</sup> day of June, 2015  
Read a second time this 8<sup>th</sup> day of July, 2015  
Read a third time this 8<sup>th</sup> day of July, 2015

Adopted this    day of    , 2015

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Russell Dyson, CAO

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Chair of the Regional Board

**Alberni-Clayoquot Regional District**  
**Staff Action Items by Department and Date**  
**Update to the Board of Directors as of July 17, 2015**

#	Date	Action Item	Assigned to	Target Date/Update
<b>Administration Department</b>				
1.	Jan. 23/13 WC Comm	Explore with the Yuułuʔiłʔatḥ Government possible participation in the South Long Beach Multi Purpose Bike Path in the future	Russell	Yuułuʔiłʔatḥ to respond
2.	July 10 <sup>th</sup> Board	Contact and work with the Nuu-chah-nulth Tribal Council and the Port Alberni Friendship Centre to develop a long term plan for reconciliation	Reconcil. Committee	Committee to review status
3.	April 9 <sup>th</sup> Board	C2C recommend contacting the President NTC Deb Foxcroft and request an observer from the ACRD at the NTC meetings	Reconcil. Committee	Committee to review status
4.	Feb. 11 <sup>th</sup> Board	Consult with affected interests of the AVRA expansion including Greenmax, SD#70, Ministry of Forests Lands and Natural Resource Operations, Coulson Group of Companies, AV Drag Racing Assoc. and Hupacasath First Nation	Russell	Ongoing
5.	April 22 <sup>nd</sup> Board	Prepare a report to the Board the Municipal Insurance Association proposal for covering infrastructure in the event of a disaster as presented at the AVICC Convention	Russell	Inquiry made MIA project ongoing
6.	May 13 <sup>th</sup> Board	The Board directed staff to proceed with the hiring of a temporary part time West Coast Assistant to provide oversight of Salmon Beach services and contracts as well as support for the Airport Superintendent	Russell	Posted externally
7.	May 27 <sup>th</sup> Board	The Request Decision regarding proposal for engineering services – assessment of Tseshaht First Nation water system expansion to Bell & Stuart roads until further information from the Tseshaht First Nation	Russell	Pending more info. from TFN
8.	May 27 <sup>th</sup> EA Directors	Bring back a report with more information on possible uses for the gas tax funds and funds allocated on a per capita basis – prepare a report	Russell/ Andrew	In Progress – next Electoral Area Directors meeting
9.	June 24 <sup>th</sup> Board	Submit UBCM appointment request with the Ministers or Ministry staff as follows: <ul style="list-style-type: none"> <li>a. Community, Sport and Cultural Development</li> <li>b. Environment</li> <li>c. Education</li> <li>d. Health</li> <li>e. Transportation &amp; Infrastructure</li> <li>f. Aboriginal Relations and</li> </ul>	Wendy/ Shelli	Arranging

#	Date	Action Item	Assigned to	Target Date/Update
		Reconciliation Chair and staff liaise with relevant Board of Directors to develop messaging and background materials		
10.	June 24 <sup>th</sup> Board	Arrange an Open House regarding the proposed Port Alberni Airport Expansion Project as soon as practical within the timeline of the alternative approval process	Russell/ Wendy	Information Session held July 16 <sup>th</sup>
11.	June 24 <sup>th</sup> Board	The ACRD Board passed a resolution to consider adopting the Declaration of the Right to a Healthy Environment, based on the Blue Dot Declaration and modified as appropriate, and after sufficient review and discussion by the Board – Prepare report to the Board	Josie	
12.	July 8 <sup>th</sup> Board	The Board of Directors provided the following direction with regards to the wildfire at Dog Mountain, Sprout Lake for local fire departments:  a. Direction to respond out of district under authority of BC Wildfire Service; b. Discretion granted to fire chiefs to deploy resources out of district without BC Wildfire Service authority where the opinion of the fire chief that response is in the best interest of the community; c. Direction to enforce provincial burning restrictions within the District.	Russell	Fire Departments and other appropriate agencies advised – Done
13.	July 8 <sup>th</sup> Board	The Board of Directors provided the following direction for the management of Regional District parks and trails:  a. closure of all regional parks and trails; b. assign resources for promotion and education of the closures.	Alex	Done – Trails posted, volunteers to parole
14.	July 8 <sup>th</sup> Board	Send a response letter to Mr. McRuer regarding the proposed runway expansion at the Alberni Valley Regional Airport	Russell	
15.	July 8 <sup>th</sup> Board	The Board of Directors approved the terms of reference for the Fisheries Resource Committee as presented – Update terms of reference on x: drive etc.	Wendy/ Shelli	Done
16.	July 8 <sup>th</sup> Board	The Board of Directors extend the contract with George Rose, CertiTech IT Services to provide IT support services to the Regional District from July 1, 2015 to December 31, 2015 for a total cost of \$32,500.00 including expenses – Forward extension letter	Wendy	Done

#	Date	Action Item	Assigned to	Target Date/Update
<b>Finance Department</b>				
17.	July 8 <sup>th</sup> Board	The Board of Directors gave three readings to Bylaw cited as "Bylaw 766-2, Arvay Road Street Lighting Service Amendment, 2015 – Forward for approval by the Inspector of Municipalities	Andrew	Done
<b>Environmental Services Department</b>				
18.	Apr. 8/10 WC	Work with Parks Canada on the landfill road agreement	Russell	Letter sent January 12 <sup>th</sup>
19.	May 11/11 AV Comm.	Investigate with the Tseshaht First Nation possible resource recovery at the AV Landfill	Russell	In progress
20.	June 13/12 BD	Develop a plan for appropriate use of the funds on the Log Train Trail from the Arrowsmith Radical Runners	Rob G./ Janice	Design in progress – site visit June
21.	Oct. 10/12 Board	Work with the Air Quality council to develop a draft valley wide woodstove bylaw based on the City of Port Alberni's bylaw following receipt by the Board of Directors a joint APC meeting will be called to review the proposal	Russell	Drafting a bylaw for board review
22.	April 23 <sup>rd</sup> Board	The Board of Directors directed staff to: 1. Meet with the Tseshaht and Hupacasath First Nations and the City of Port Alberni with respect to their consideration on providing a connection to their water systems for the Bell Road/Stuart Avenue water supply; and following the consultation, 2. Provide the information to the Bell Road/Stuart Avenue residents on the water servicing options	Russell	Note item #11
23.	Nov. 13 <sup>th</sup> Board	The ACRD Board approved the replacement of 480 m or waterline on Grandview Road connecting through the Vaughn Chase subdivision to Drinkwater Road with the developer completing installation of the works and the Beaver Creek Water System contributing \$179,880 upon completion of the project – proceed with project and necessary agreements	Mike	Design complete
24.	Nov. 13 <sup>th</sup> Board	The ACRD Board adopted the ACRD Contractor Safety and Coordination Policy as presented – Implement the Policy & provide copies to all ACRD Contractors	Rob	In progress
25.	Nov. 26 <sup>th</sup> Board	Forward a letter to Earle Plain, Environmental Protection reiterating the discussion with Director Bennett and request they keep the Regional District up to date on any changes in policy with regards to industrial slash burning taking into account long term weather forecasts	Russell	In Progress



#	Date	Action Item	Assigned to	Target Date/Update
26.	May 13 <sup>th</sup> Board	The Re-Collect Software Service Agreement Report was deferred – Provide more information to the Board for the next meeting	Janice	On hold until 2016
27.	May 13 <sup>th</sup> Board	The Board directed staff to proceed with a Request for Proposals to secure contract services for the maintenance and operation of Salmon Beach infrastructure	Randy/ Janice	In progress
28.	June 10 <sup>th</sup> Board	The Board of Directors adopt the following implementation policy for penalties: at the Alberni Valley Landfill: <ul style="list-style-type: none"> <li>• Commencing January 1, 2016, a surcharge of 50% of the current tipping fee for loads containing more than 10% of corrugated cardboard;</li> <li>• Commencing July 1, 2016 a surcharge of 100% of the current tipping fee for loads containing more than 5% of corrugated cardboard</li> </ul> - Update ACRD policy book etc.	Janice/ Andrew	In progress -
29.	July 8 <sup>th</sup> Board	The Board of Directors passed a resolution directing staff to proceed with the three obstacle limitation surface projects on the Alberni Valley Regional Airport property and lands surrounding as outlined in the June 2015 request for proposals and the work be awarded as follows: <ul style="list-style-type: none"> <li>• Area 1 7.3ha requiring vegetation removal and landscaping to Berry and Vale Contracting for \$29,900.00.</li> <li>• Area 2 22.04ha requiring vegetation removal to Berry and Vale for \$37,000.00.</li> <li>• Area 3 40.7ha requiring timber harvesting and vegetation removal to Dynamite Logging for \$59,133.29</li> </ul>	Mark / Heather	Work in progress
30.	July 8 <sup>th</sup> Board	The Board of Directors awarded the bid for the roofing installation and repair for the West Side Fire Hall to K&F Roofing & Renovations in the amount of \$21,000 plus GST – proceed with project	Rob	In progress
<b>Planning Department</b>				
31.	May 13/10 WC	Planning Staff proceed with subdivision process on the Long Beach Airport lands for the WC Multiplex Society and Long Beach Golf Course following Airport rezoning	Mike	Letter sent to TFN Jan 16 – Will include in new zoning bylaw

#	Date	Action Item	Assigned to	Target Date/Update
32.	April 11/12 BD	Apply to the Ministry of Transportation for a permit to construct the dock at the west end of Nuthatch Road & to Ministry of Forests for foreshore tenure	Mike	Working with neighbor to move dock
33.	Nov. 14/12 Board	The Board referred the Bamfield Community Hall Society's request to approve & support their proposal to build a new hall to staff to review the request and provide a recommendation, following consultation with the Society, on the role of the ACRD	Mike	Contacted Hall Society – Society working on options
34.	July 24 <sup>th</sup> Board	The Board of Directors instructed staff to work with the Central West Coast Forest Society to investigate funding for the assessment and restoration of the Willowbrae Creek system	Mike	Will work with area Director
35.	May 27 <sup>th</sup> EA Directors	Zoning Bylaw Text Amendment for Riparian Setbacks within all Electoral Area Official Community Plan Areas - The EA Directors passed a resolution instructing planning staff to re-designate major and minor streams within all electoral area official community plan areas	Mike	Planning staff to review
36.	May 27 <sup>th</sup> EA Directors	Electoral Area Directors Committee instructed staff to bring a report to the Board on options for dealing with vacation rentals	Mike	Planning staff to review
37.	May 27 <sup>th</sup> Board	The Board approved the plan for a communal meeting place for Salmon Beach owners to be located on ACRD owned 10, Block 63, Section 49, Clayoquot District, Plan VIP510. This will be in accordance with: <ol style="list-style-type: none"> <li>1. All structures to meet BC Building Code</li> <li>2. "Use at own risk" signage is provided</li> <li>3. Material and construction costs are not from public funds</li> <li>4. Future Maintenance and Inspection to be performed by ACRD</li> </ol> As outlined in the staff report dated November 20, 2014 – Proceed with the project	Luc	In progress
38.	May 27 <sup>th</sup> Board	Work with West Coast Aquatic and bring back a recommendation to the Board on partnering with West Coast Aquatic in habitat restoration, protection and enhancement projects.	Mike	Planning staff to review
39.	June 24 <sup>th</sup> Board	Staff investigate Transport Canada's Ports Asset Transfer Program relating to the West Bamfield dock & report back to the Board	Mike	Planning staff to review
40.	June 24 <sup>th</sup> Board	Phase 2 – Agricultural Plan Implementation contract - the Board of Directors accepted the Agricultural Plan Implementation contract for the Alberni-	Mike	Contract being finalized

#	Date	Action Item	Assigned to	Target Date/Update
		Clayoquot Regional District submitted by Eden Tree Farm and Gardening to provide agricultural support services, with the cost of the contract not to exceed \$30,000 – proceed with the contract		
41.	June 24 <sup>th</sup> Board	The request from Telus for a Letter of Land Use Concurrence was deferred until a discussion is held between Telus and Rogers on the possibility of a shared tower is explored – Contact Telus & Rogers and report back to the Board	Mike/ Alex	Planning staff to review
42.	July 8 <sup>th</sup> RHD	Investigate options to restore use of the helipad at the Bamfield Health Centre.	Mike/ Alex	Ongoing

Issued: July 17, 2015



Alberni-Clayoquot Regional District

**Board of Directors Meeting Schedule  
August 2015**

<b>DATE</b>	<b>MEETING</b>	<b>TIME &amp; LOCATION</b>	<b>ATTENDEES</b>
Wednesday, August 12 <sup>th</sup>	Board of Directors Meeting	1:30 pm – Regional District Board Room	Staff, Directors
	Regional Hospital District Meeting	Immediately following above	Staff, Directors
Monday, August 17 <sup>th</sup>	Alberni Valley APC Meeting – Zoning Bylaw Review	6:00 pm - Regional District Board Room	Planning Staff, Directors, APC
Wednesday, August 19 <sup>th</sup>	Long Beach APC – Zoning Bylaw Review	5:30 pm – Ucluelet Community Centre	Planning, Staff, Director Bennett, APC
Thursday, August 20 <sup>th</sup>	Bamfield APC – Zoning Bylaw Review	5:30 pm – Bamfield Fire Hall	Planning Staff, Director Wyton, APC
Wednesday, August 26 <sup>th</sup>	Board of Directors Meeting	1:30 pm – Regional District Board Room	Staff, Directors

Issued: July 17, 2015

**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT BUILDING INSPECTOR'S REPORT  
JUNE, 2015**

BUILDING TYPE	BAMFIELD		BEAUFORT		LONG BEACH		SPROAT LAKE		BEAVER CREEK		CHERRY CREEK		TOTALS	
	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE
Single Family					3	348,483	1	225,000					4	573,483
Mobile Homes													0	0
Multi-Family													0	0
Adds&Rens					1	4,500							1	4,500
Commercial													0	0
Institutional													0	0
Industrial													0	0
Miscellenaous					1	65,000	1	30,000	2	40,500			4	135,500
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>417,983</b>	<b>2</b>	<b>255,000</b>	<b>2</b>	<b>40,500</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>713,483</b>

**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT BUILDING INSPECTOR'S REPORT  
JUNE, 2015 TO DATE**

BUILDING TYPE	BAMFIELD		BEAUFORT		LONG BEACH		SPROAT LAKE		BEAVER CREEK		CHERRY CREEK		TOTALS	
	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE	#	VALUE
Single Family	0	0	0	0	7	1,079,762	2	325,000	3	870,000	1	20,000	13	2,294,762
Mobile Homes	0	0	0	0	0	0	0	0	0	0	1	8,500	1	8,500
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Adds&Rens	0	0	0	0	1	4,500	1	25,000	0	0	1	3,000	3	32,500
Commercial	0	0	0	0	0	0	0	0	0	0	1	10,000	1	10,000
Institutional	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Miscellenaous	0	0	0	0	2	66,000	9	244,500	6	212,500	2	21,000	19	544,000
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>1,150,262</b>	<b>12</b>	<b>594,500</b>	<b>9</b>	<b>1,082,500</b>	<b>6</b>	<b>62,500</b>	<b>37</b>	<b>2,889,762</b>

	BAMFIELD	BEAUFORT/ BEAVER CREEK	LONG BEACH	SPROAT LAKE	CHERRY CREEK	TOTAL	YTD TOTAL
<b>WOODSTOVE INSPECTIONS</b>	<b>2</b>	<b>1</b>	<b>3</b>			<b>6</b>	<b>30</b>

	YEAR TO DATE		TOTAL YEAR			YEAR TO DATE		TOTAL YEAR	
2014	46	3,813,773	73	7,121,200					
2013	38	5,173,441	81	8,208,948					
2012	46	4,321,800	92	9,011,700					
2011	81	6,169,377	120	9,221,498					
2010	82	13,809,078	149	21,524,170					
2009	63	6,581,912	123	11,302,380	1999	37	1,805,788	80	3,348,092
2008	73	9,556,826	147	22,682,130	1998	41	1,650,426	75	3,320,890
2007	73	7,016,424	163	15,007,877	1997	48	2,779,466	104	10,025,166
2006	84	7,663,595	161	15,909,705	1996	69	5,542,700	128	9,050,554
2005	74	8,278,645	138	12,962,379	1995	61	5,910,000	116	9,641,300
2004	77	6,842,554	133	11,036,854	1994	92	6,327,000	151	7,915,500
2003	37	3,671,688	97	6,925,356	1993	82	5,774,000	167	10,864,000
2002	42	1,754,970	76	2,986,134	1992	87	5,660,000	173	11,192,500
2001	40	3,734,396	89	5,790,126	1991	57	3,115,520	126	7,155,120
2000	43	2,009,157	88	4,095,339	1990	53	5,240,500	118	6,323,900



	2015 YEAR TO DATE ACTUAL	2015 ANNUAL BUDGET	PERCENTAGE OF BUDGET
<b>REVENUE</b>			
Tax requisition	\$ 2,036	\$ 4,177,675	0.05%
Parcel taxes	-	845,276	0.00%
Grants in lieu of taxes	-	30,000	0.00%
Services provided to other governments	72,056	99,400	72.49%
Sale of services	1,598,587	3,237,141	49.38%
Other revenue	196,991	515,350	38.22%
Grants from other sources	127,239	1,425,543	8.93%
Surplus (deficit) from prior years	1,582,730	1,582,730	100.00%
Committed surplus from prior year	1,721,534	1,721,534	100.00%
Transfers between services	264,085	685,048	38.55%
	<hr/>		
<b>SUBTOTAL</b>	5,565,258	14,319,697	38.86%
 <i>Transfers from Municipalities for</i>			
Municipal Finance Authority	\$ 387,197	\$ 905,468	42.76%
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<b>TOTAL REVENUE</b>	<b>\$ 5,952,455</b>	<b>\$ 15,225,165</b>	<b>39.10%</b>
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<b>EXPENDITURES</b>	<b>2015 YEAR TO DATE ACTUAL</b>	<b>2015 ANNUAL BUDGET</b>	<b>PERCENTAGE OF BUDGET</b>
<b>All Members</b>			
E911 Telephone System	289,503	294,094	98.44%
General Government Services	688,075	1,177,000	58.46%
Alberni-Clayoquot Health Network	59,292	160,000	37.06%
Regional Parks	15,421	32,000	48.19%
Regional Planning	88,668	179,500	49.40%
<b>Electoral Area's</b>			
Building Inspection	104,173	250,000	41.67%
Electoral Area Administration	117,926	1,090,149	10.82%
Mgmt of Development - Rural Areas	139,210	358,000	38.89%
Vancouver Island Regional Library	212,304	424,607	50.00%
<b>Alberni Valley</b>			
Alberni Valley Emergency Planning	31,682	188,400	16.82%
Alberni Valley & Bamfield Waste Mgmt	739,711	2,401,500	30.80%
Alberni Valley Regional Airport	48,154	333,835	14.42%
Alberni Valley Regional Water - Proposed	12,174	60,000	20.29%
Custom Transit	188,841	546,000	34.59%
Sproat Lake Marine Patrol	7,198	47,456	15.17%
<b>West Coast</b>			
Long Beach Airport	111,510	1,058,640	10.53%
West Coast Emergency Planning	6,230	14,000	44.50%
West Coast Waste Mgmt	365,084	888,000	41.11%
<b>City of Port Alberni</b>			
Port Alberni Arena	500	194,811	0.26%
<b>Bamfield</b>			
Bamfield Community Park	1,250	10,500	11.90%
Bamfield Volunteer Fire Dept	33,331	120,198	27.73%
Bamfield Water System	65,027	615,114	10.57%
<b>Beaufort</b>			
Mountain Ranch Rd Fire Protection	50	2,832	1.77%
<b>Long Beach</b>			
Millstream Water System	11,449	33,228	34.46%
Salmon Beach Garbage	5,874	29,150	20.15%
Salmon Beach Power Distribution	50	81,400	0.06%
Salmon Beach Recreation	3,897	39,450	9.88%
Salmon Beach Security	14,350	53,050	27.05%
Salmon Beach Sewage	11,476	64,904	17.68%
Salmon Beach Transportation	27,912	147,600	18.91%
Salmon Beach Water	3,856	23,550	16.37%
South Long Beach Bike Path	50	7,200	0.69%
South Long Beach Community Park	-	7,500	0.00%
South Long Beach Fire Protection	50	14,000	0.36%
South Long Beach Street Lighting	434	900	48.21%
<b>Sproat Lake</b>			
Sproat Lake Animal Control	450	3,100	14.51%
Sproat Lake Arena	50	27,516	0.18%
Sproat Lake Community Park	14,699	150,064	9.79%
Sproat Lake Noise Control	1,487	8,100	18.36%
Sproat Lake Volunteer Fire Department	84,880	400,000	21.22%
<b>Beaver Creek</b>			
Arvay Rd Street Lighting	688	1,400	49.14%
Beaver Creek Animal Control	420	3,000	13.98%
Beaver Creek Community Park	5,646	10,000	56.46%
Beaver Creek Arena	50	20,343	0.25%
Beaver Creek Noise Control	1,086	2,100	51.71%
Beaver Creek Volunteer Fire Department	90,981	255,200	35.65%
Beaver Creek Water System	413,828	1,050,070	39.41%
Granville Rd Fire Protection	50	1,770	2.82%
<b>Cherry Creek</b>			
Cherry Creek Animal Control	233	2,436	9.55%
Cherry Creek Arena	50	17,211	0.29%
Cherry Creek Noise Control	551	2,100	26.24%
Franklin River Rd Fire Protection	50	10,100	0.50%
<b>Grants-in-Aid</b>			
Total Grants in Aid	24,961	382,442	6.53%
	2,799,738	13,295,520	21.06%
Transfers to Municipal Finance Authority on behalf of the Municipalities	387,197	905,468	42.76%
	<b>\$ 3,186,935</b>	<b>\$ 14,200,988</b>	<b>22.44%</b>