



Making a difference...together

File: 0470-35

**MINUTES OF THE MEETING OF THE CAPITAL REGIONAL DISTRICT BOARD,
held Wednesday, July 14, 2010 in the Board Room, 625 Fisgard Street, Victoria, BC**

PRESENT: **Directors:** G. Young (Chair), D. Blackwell, S. Brice, J. Brownoff, C. Causton, L. Cross, V. Derman, B. Desjardins, J. Evans, A. Finall, K. Hancock, G. Hendren, M. Hicks, G. Hill, F. Leonard, P. Lucas, J. Ranns, D. Saunders, C. Thornton-Joe and L. Wergeland.
Staff: L. Hutcheson, H. Kamphof, B. Lapham, D. Lokken, A. Orr, L. Rushton, R. Sharma and C. Thiel (Recorder)

REGRETS: **Director:** J. Mar

ABSENT: **Directors:** D. Fortin and J. Mendum.

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

1. APPROVAL OF THE AGENDA

MOVED by Director Evans, SECONDED by Director Cross,
that the agenda and supplementary agenda be approved.

CARRIED

2. ADOPTION OF MINUTES OF THE MEETING OF JUNE 9, 2010 AND THE SPECIAL MEETING OF JUNE 23, 2010

MOVED by Director Evans, SECONDED by Director Desjardins,
that the minutes of the meetings of June 9, 2010 and June 23, 2010 be adopted.

CARRIED

3. REPORT OF THE CHAIR – no report.

4. PRESENTATIONS/DELEGATIONS

4.1 Request to Address Board re: item 5.5 Planning, Transportation and Protective Services Committee Report – re: Bylaw 3711 – Tanning

With regard to the numerous speakers' requests re: Tanning Regulation Bylaw No. 3711, Chair Young proposed that the Board limit the number of speakers to two, one from each side of the debate, ie. Dr. Stanwick, Chief Medical Health Officer (VIHA) and Mr. McNabb (Joint Canadian Tanning Association).

Mr. Lapham spoke to the staff report which was prepared for the Planning, Transportation and Protective Services Committee meeting of June 23rd and provided background and history on the proposal to regulate tanning beds, including age restrictions and standards for safe operation of tanning facilities, due to the health risks identified by Dr. Stanwick, Chief Medical Health Officer for the CRD. He also reviewed the proposed public consultation plan which includes a CRD website to aid in communication and provide background information on the topic, a dedicated email site to receive public feedback and the plan to hold four public meetings between August and September for which pre-registration will be encouraged.

MOVED by Director Hill, SECONDED by Director Desjardins, that the Board hear Dr. Stanwick and Mr. McNabb and that agenda item 5.5(1) be brought forward after hearing the speakers.

CARRIED

Dr. Richard Stanwick, Chief Medical Health Officer, VIHA, passed around a disclosure statement on potential bias or conflict of interest. Using PowerPoint he made a presentation covering the history of ultra violet radiation use, the effects of ultra violet exposure and evidence which shows there is no such thing as a safe tan. He noted that the World Health Organization has classed UVA and UVB as class A carcinogens, which is supported by the International Agency for Cancer Research. The BC Provincial Health Officer and other medical health officers in the Province support the bylaw and the recommendation that youth under the age of 18 not be allowed to use tanning facilities and that the federal guidelines be used to address the operation of tanning machines.

Mr. Doug McNabb, President of the Joint Canadian Tanning Association (JCTA), stated that his association recognizes the need for regulations in this sector and has been working with governments in other parts of the country to enact them. He indicated that the JCTA has developed stringent standards internally and through a certification/training organization in the industry. With regard to protection of the public, JCTA is concerned that the focus on age will detract from the real risk which is related to skin type, specifically skin type 1, regardless of age. They would support an education component for tanning customers, on the risks to various skin types and health consequences to UV exposure for skin types most at risk. JCTA believes there must be more specific regulations on sanitation, remote timing, exposure times and a mandatory program for training operators. Mr. McNabb requested that the industry, as a stakeholder, be allowed to provide input to the bylaw that would help protect citizens.

A question period ensued and the following points were made:

- not all tanning facilities belong to the JCTA;
- industry could provide a detailed paper during the public hearing process to address their issues;
- certification applies to individual operators and not tanning companies;
- between three to seven percent of the population is affected with skin cancer, depending on skin type and exposure and a portion of one percent is attributed to tanning beds;
- Dr. Stanwick could meet with industry representatives to discuss skin types and enhancing informed consent of adult customers;
- information to Directors on UVA and UVB and how tanning beds work would be appreciated;
- would like to see a comprehensive piece of legislation including provincial or federal requirements; they should be outlined in a report with specific reference to those levels of government.

Director Saunders asked that a copy of Dr. Stanwick's report be sent to him.

Item brought forward:

- 5.5 Report of Planning, Transportation and Protective Services Committee – June 23, 2010
1. CRD Bylaw No. 3711, “Capital Regional District Tanning Facility Regulations Bylaw No. 1, 2010” a Bylaw Regulating Tanning Facilities Across the Capital Regional District

- 1) MOVED by Director Hill, SECONDED by Director Thornton Joe, that the CRD give first reading to the tanning use bylaw which restricts use of tanning beds by children and youth under the age of 18 and also introduces regulations and standards for the safe operation and use of these beds in general.

During debate the following issues were noted:

- don't support waiting for higher levels of government to act;
- look forward to public consultation;
- there is a need to protect vulnerable citizens;
- would like direction from staff in a report about how we can have an impact on senior levels of government with regard to this topic;
- damage that can be done at a young age is significant and we should work together on the bylaw to make it the best for children and adults;
- ideally there would be national regulation but we can't wait on behalf of citizens;
- concerned about giving first reading without public consultation happening first.

The motion was then put,

CARRIED

- 2) MOVED by Director Ranns, SECONDED by Director Brice, that CRD Bylaw No. 3711 "Capital Regional District Tanning Facility Regulations Bylaw No. 1, 2010" be introduced and read a first time.

CARRIED

Directors Evans and Lucas Opposed

- 3) MOVED by Director Hill, SECONDED by Director Evans, that staff be directed to proceed with public consultation on the proposed bylaw (Appendix 2 to attached staff report).

It was requested that public consultation include strong representation to the Province to come in at a higher level. It was clarified that the hearings will be held by CRD and attended by Directors.

The motion was then put,

CARRIED

Prior to the presentation on Ghana, several matters were brought up:

- Director Brownoff announced that Oak Bay has again won the Bike to Work Challenge;
- Director Causton suggested that the Board send a note of encouragement to Ryder Hesjedal in France.

MOVED by Director Causton, SECONDED by Director Cross, that the Chair send a note from the Board to Ryder Hesjedal wishing him very well on the last leg of the race.

CARRIED

4.2 Overview of Ghana Project – presentation by Diana Lokken

Ms. Lokken gave a presentation on the Ghana Project noting that nine staff and two politicians participated in the project done with the Municipality of Ho and funded by the Canadian International Development Agency which administers foreign aid programs in developing countries. The goal of the multi-year project was to increase revenue generation in Ho by 25% through property taxes and was done on a peer to peer basis with partners in Ho. The sustainability of the project was reviewed.

CRD staff who worked on the project were congratulated.

Directors Desjardins and Brice left the meeting at 2:51 pm and 2:55 pm respectively.

5. REPORTS OF COMMITTEES

5.1 ELECTORAL AREA SERVICES COMMITTEE – July 7, 2010

1. Salt Spring Island Parks and Recreation Commission Bylaw

MOVED by Director Hancock, SECONDED by Director Hendren, that Bylaw No. 3690, cited as "Salt Spring Island Parks and Recreation Commission Bylaw No.1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Hancock, SECONDED by Director Hendren, that Bylaw No. 3690 be read a second time.

CARRIED

MOVED by Director Hancock, SECONDED by Director Hendren, that Bylaw No. 3690 be read a third time.

CARRIED

MOVED by Director Hancock, SECONDED by Director Hendren, that Bylaw No. 3690 be adopted.

CARRIED

2. Grants-In-Aid

MOVED by Director Hancock, SECONDED by Director Hendren, that the following grants-in-aid applications be approved for payment:

1) Juan de Fuca Electoral Area Grants-in-Aid, as approved by Director Hicks:
East Sooke Community Association \$2,000.00

2) Salt Spring Island Electoral Area Grants-in-Aid, as approved by Director Hendren:
Salt Spring Island Water Council \$5,000.00

3) Southern Gulf Islands Electoral Area Grants-in-Aid, as approved by Director Hancock:
South Pender Community Mapping \$1,500.00
Galiano Lions Club \$5,000.00

CARRIED

5.2 FINANCE AND CORPORATE SERVICES COMMITTEE – July 7, 2010**1. Reserve Funds for Westshore Parks and Recreation Capital Project**

MOVED by Director Ranns, SECONDED by Director Blackwell, that the transfer of the total balance of the Juan de Fuca Recreation Pool capital reserve fund to the West Shore Parks and Recreation Society for the upgrade of the Centennial Pool Facility be supported.

CARRIED**2. Temporary Borrowing Bylaw No. 3713 for Regional Parks Land Acquisition**

MOVED by Director Ranns, SECONDED by Director Derman, that Bylaw No. 3713, cited as "Temporary Loan (Regional Parks Land Acquisition) Bylaw No. 1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Hill, that Bylaw No. 3713 be read a second time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Hill, that Bylaw No. 3713 be read a third time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Hill, that Bylaw No. 3713 be adopted.

CARRIED**3. CRD Recreation Facility Fees and Charges 2010/2011**

MOVED by Director Ranns, SECONDED by Director Evans, that Bylaw No. 3714, cited as "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Evans, that Bylaw No. 3714 be read a second time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Evans, that Bylaw No. 3714 be read a third time.

CARRIED

MOVED by Director Ranns, SECONDED by Director Evans, that Bylaw No. 3714 be adopted.

CARRIED**4. Budget Direction for the Year 2011**

MOVED by Director Ranns, SECONDED by Director Lucas, that the following guidelines for the 2011 budget be approved:
a) A 1% provision for contract wage settlements.

- b) A 1% increase to help offset the Victoria CPI in 2011.
- c) Well documented recommendations for changes in levels of service, new services or prior commitments providing justifications and impacts will be provided in the reporting.
- d) The budgets and business plans be reviewed by the Committee of the Whole rather than by standing committees.

CARRIED

5.3 JUAN DE FUCA LAND USE COMMITTEE- June 15, 2010

1. Development Variance Permit Applications – Board Voting Block A

a) VAR-03-10 – Jason Kozina, 5722 East Sooke Road

MOVED by Director Hicks, SECONDED by Director Evans, that Development Variance Permit VAR-03-10 for Lot 3, Sections 84 and 96, Sooke District to relax the requirement for one tenth perimeter frontage for the proposed two-lot subdivision as indicated on the attached subdivision plan be approved.

CARRIED

b) VAR-04-10 – Barbara and Ronald Ashmore, Seagirt Road

MOVED by Director Hicks, SECONDED by Director Saunders, that Development Variance Permit VAR-04-10 for Lot 1, Section 97, Sooke District, Plan 16277, to relax the northerly side yard setback from 6m to 5m for the purpose of constructing a single family dwelling, be approved.

CARRIED

5.4 JUAN DE FUCA LAND USE COMMITTEE – June 15, 2010

1. Rezoning Application – Board Voting Block B

a) Z-07-07 – Robert Hall, 1181A Aspen Road, Malahat

- 1) MOVED by Director Hicks, SECONDED by Director Blackwell, that Bylaw No. 3696, “Langford Zoning Bylaw, Amendment Bylaw No. 140, 2010” be introduced and read a first time.

CARRIED

MOVED by Director Hicks, SECONDED by Director Blackwell, that Bylaw No. 3696 be read a second time.

CARRIED

- 2) MOVED by Director Hicks, SECONDED by Director Blackwell, that in accordance with the provisions of Section 890 and 891 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 3696, “Langford Zoning Bylaw, Amendment Bylaw No. 140, 2010”.

CARRIED

- 3) MOVED by Director Hicks, SECONDED by Director Blackwell, that in accordance with Section 237.1(2) of the Local Government Act, the Board authorizes the public hearing for Bylaw No. 3696, "Langford Zoning Bylaw, Amendment Bylaw No. 140, 2010" to be held at the Malahat Fire Hall which is located outside of the Capital Regional District boundary.

CARRIED

5.5 Planning, Transportation and Protective Services Committee – June 23, 2010

2. Conversion of the Letters Patent Authority for Land Assembly, Housing and Land Banking to an Establishing Bylaw

- 1) MOVED by Director Hill, SECONDED by Director Lucas, that the conversion of the authority for Land Assembly, Housing and Land Banking to a service establishment bylaw for Land Assembly, Housing and Land Banking be approved, including adding borrowing authority for \$25 Million and increased loan guarantee for the Capital Region Housing Corporation to a maximum of \$25 Million.

CARRIED

- 2) MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3712, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3712 be read a second time.

CARRIED

MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3712 be read a third time.

CARRIED

- 3) MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3715, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3715 be read a second time.

CARRIED

MOVED by Director Hill, SECONDED by Director Derman, that Bylaw No. 3715 be read a third time.

CARRIED

5.6 Regional Parks Committee – June 16, 2010**1. Dedication of Land as Regional Park – CRD Bylaw No. 3710**

MOVED by Director Causton, SECONDED by Director Lucas, that Bylaw No. 3710, "Regional Parkland Dedication Bylaw No. 1, 2010", be introduced and read a first time.

CARRIED

MOVED by Director Causton, SECONDED by Director Cross, that Bylaw No. 3710 be read a second time.

CARRIED

MOVED by Director Causton, SECONDED by Director Cross, that Bylaw No. 3710 be read a third time.

CARRIED

MOVED by Director Causton, SECONDED by Director Cross, that Bylaw No. 3710 be adopted.

CARRIED

6. ADMINISTRATION REPORTS**6.1 E&N Rail Trail Project - Award of Contract 10-1682, Phase 4 – Esquimalt Road to Admirals/Colville**

MOVED by Director Causton, SECONDED by Director Hill, that the Capital Regional District Board award Contract 10-1682, E&N Rail Trail Phase 4 – Esquimalt Road to Admirals/Colville Road to Aggressive Excavating in the amount of \$1,831,804.41.

CARRIED

6.2 Result of Alternative Approval Process for an Agreement Relating to the North Saanich Middle School Neighbourhood of Learning Space Within the District of North Saanich

MOVED by Director Cross, SECONDED by Director Lucas, that the Board receive the attached Certificate of Results of Alternative Approval Process re: North Saanich Middle School Agreement.

CARRIED

Director Cross left the meeting at 3:30 pm.

6.3 Award of Consulting Services Contract 10-1671 – Buck Lake Dam Seismic Evaluation and Spillway Design/Construction

MOVED by Director Hancock, SECONDED by Director Wergeland, that Klohn Crippen Berger Ltd. be awarded Contract 10-1671 in the amount of \$188,589 plus applicable taxes, with funding provided from the Magic Lake Estates Water System Capital Upgrade Project.

CARRIED

6.4 Award of Consulting Contract 2010-421 – Engineering Design and Construction Services Assignment

MOVED by Director Hancock, SECONDED by Director Hendren, that AECOM Canada Ltd. be awarded Contract 2010-421 in the amount of \$679,208 plus applicable taxes, with funding provided from the Magic Lake Estates Water System Capital Upgrade Project.

CARRIED

6.5 Public Hearing Report on Bylaw No. 3684 Being Amendment Bylaw No. 1, 2010 to Amend Bylaw No. 3602, "Land Use Bylaw for the Rural Resource Lands, 2009"

- 1) MOVED by Director Hicks, SECONDED by Director Evans, that the attached minutes, certified as a fair and accurate summary of the representations that were made at the Public Hearing held on June 22, 2010 respecting Bylaw 3684, be received.

CARRIED

- 2) MOVED by Director Hicks, SECONDED by Director Evans, that Bylaw No. 3684, being "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 1, 2010" be read a third time.

CARRIED

6.6 Public Hearing Report on Bylaw No. 3583 Being Amendment Bylaw No. 95, 2010 to Amend Bylaw No. 2040 "Sooke Land Use Bylaw, 1992"

- 1) MOVED by Director Hicks, SECONDED by Director Evans, that the attached minutes, certified as a fair and accurate summary of the representations that were made at the Public Hearing held on June 22, 2010 respecting Bylaw 3583, be received.

CARRIED

- 2) MOVED by Director Hicks, SECONDED by Director Evans, that Bylaw No. 3583, being "Sooke Land Use Bylaw, 1992, Amendment Bylaw No. 95, 2010" be read a third time.

CARRIED

6.7 Tabled Item from June 9, 2010 Board Meeting re: CRD Procedures Bylaw No. 3708

- 1) MOVED by Director Evans, SECONDED by Director Brownoff, that the motion to read Bylaw No. 3708 a third time, as amended, be lifted from the table and rescinded.

CARRIED

- 2) MOVED by Director Derman, SECONDED by Director Brownoff, that Bylaw No. 3708 be amended in sections 21(8)(b) and 21(9) to read as follows:

"(8) (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time, makes a motion to do so and the motion is approved by at least two-thirds of the votes cast by the Board.

- (9) (a) a Member may not speak for longer than a total time of fifteen (15) minutes unless the Member has done so in accordance with sections 21(7) and (8); and
- (b) a Member speaking for a second time under section 21(8) shall speak for a maximum of five (5) minutes only."

There was discussion about whether a standing committee agenda item entitled *Business Arising* should be added to the procedures bylaw. Chair Young recommended that instead a committee could ask staff to keep and bring forward a task list.

MOVED by Director Lucas, SECONDED by Director Ranns,
that the wording of Section 21(8)(b) be further amended to read as follows:

- "(8) (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time may request to do so by making a motion that must be approved by at least two-thirds of the votes cast by the Board."

CARRIED

The main motion, as amended, was then put,

CARRIED

MOVED by Director Derman, SECONDED by Director Brownoff,
that Bylaw No. 3708 be read a third time, as amended.

CARRIED

MOVED by Director Derman, SECONDED by Director Brownoff,
that Bylaw No. 3708 be adopted.

CARRIED

Director Ranns left the meeting at 3:40 pm.

6.8 Regional Housing Trust Fund Applications – Capital Region Housing Corporation and Greater Victoria Housing Society/Greater Victoria Rental Development Society

1. MOVED by Director Hill, SECONDED by Director Brownoff,
that a grant of \$270,000 from the Regional Housing Trust Fund be awarded to Capital Region Housing Corporation to create 18 units of housing, subject to meeting the terms of the RHTF Grant Funding Agreement by October 1, 2010.

CARRIED

2. MOVED by Director Causton, SECONDED by Director Hill,
that a grant of \$370,000 from the Regional Housing Trust Fund be awarded to Greater Victoria Housing Society/Greater Victoria Rental Development Society to create 52 units of housing, subject to meeting the terms of the RHTF Grant Funding Agreement by October 1, 2010.

CARRIED

6.9 Approval of a Sub-Project Funding Agreement with the City of Victoria to Facilitate the Transfer of the Federal Homeless Partnership Strategy (HPS) funding

MOVED by Director Hill, SECONDED by Director Thornton Joe, that the Sub-Project Funding Agreements with the City of Victoria, which will provide \$600,000 toward the purchase of 710 Queens Avenue and \$600,000 toward the purchase of 120 Gorge Road for the purposes of creating additional affordable housing for the homeless as prescribed under the Federal HPS program be approved.

CARRIED

7. BYLAWS AND RESOLUTIONS

7.1 3702, "East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006, Amendment Bylaw No. 1, 2010"

MOVED by Director Hicks, SECONDED by Director Saunders, that Bylaw No. 3702 be adopted.

CARRIED

7.2 Appointments to Beddis Water Service Commission

MOVED by Director Hendren, SECONDED by Director Hancock, that Charles Belknap be appointed for a term to expire December 31, 2010, and Jim M. Sharp be appointed for a term to expire December 31, 2011.

CARRIED

8. MOTION TO MOVE IN CAMERA

MOVED by Director Brownoff, SECONDED by Director Thornton-Joe, that the Board close the meeting and move in camera in accordance with the Community Charter, Part 4, Division 3, 90(1)(e) acquisition or disposition of land or improvements.

CARRIED

9. ADJOURNMENT

MOVED by Director Derman, SECONDED by Director Brownoff, that the meeting adjourn at 3:48 pm.

CARRIED

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER