

AGENDA FOR THE SPECIAL "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE  
WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE  
BOARD ROOM, CITY HALL, ON THURSDAY, 2010-JAN-07 COMMENCING AT 3:00 P.M.

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. PRESENTATIONS:

4. STAFF REPORTS:

CORPORATE SERVICES:

(a) **Committee Review**

Pg. 4-7

Staff's Recommendations: That Council:

1. direct Staff to draft Terms of Reference for a Transportation Advisory Committee;

AND:

2. direct Staff to draft a bylaw to establish an Economic Development Commission;

AND:

3. provide direction with regard to any other new committees;

AND:

4. direct Staff to disband the Parking Advisory Committee upon completion of recommendations resulting from the Parking Study and that the current mandate of the Parking Advisory Committee be included within the Terms of Reference of the Transportation Advisory Committee;

AND:

5. direct Staff to amend the Terms of Reference for the Advisory Committee on the Environment to include "community related sustainability";

AND:

6. appoint non-Council members on Committees for a term to start April 1<sup>st</sup>;

AND:

7. *set the length of the Committee's mandates and the terms of non-Council members on Committees at:*
  - (a) *three years;*OR:
  - (b) *one year;*

AND:

8. *direct Staff to amend, as necessary, all Committee Terms of Reference to include at least one Council member;*

AND:

9. *review all appointments of Council members to Committees and Commissions on an annual basis;*

AND:

10. *direct Staff to amend all Committee Terms of Reference to provide that the Committee Chair be elected by the Committee from among its members;*

AND:

11. *direct Staff to draft amendments, if required, to all Commission bylaws to provide that the Commission Chair be appointed by the Mayor;*

AND:

12. *direct Staff to draft standardized Terms of Reference for all Committees;*

AND:

13. *extend the appointments for those Committee appointments expiring on 2010-FEB-08 to 2010-MAR-31:*
  - (a) *2012;*OR:
  - (b) *2011;*

AND:

14. *retain the membership on the existing Parking Advisory Committee until recommendations are delivered to Council regarding the Parking Study.*

AND:

15. *direct Staff to release from "in camera", the motions adopted on the above topics.*

5. **ADJOURNMENT:**

# IN CAMERA STAFF REPORT

REPORT TO: I. HOWAT, DIRECTOR OF LEGISLATIVE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: COMMITTEE REVIEW

## STAFF'S RECOMMENDATIONS:

That Council provide Staff with direction as per the Staff recommendations numbered 1 thru 15 included within the body of this report.

## EXECUTIVE SUMMARY:

At their 2009-FEB-09 In Camera meeting, Council chose to make the committee appointments for only one year in order to conduct a Committee Review. In November, Staff provided Council with information regarding the current committees and committee best practices. Staff now require direction from Council with regard to any new committees required, any changes to existing committees, and appointments for new and continuing committees. Staff also require direction with regard to Council membership on committees and the process for the selection of the Chair. A number of recommendations and requests for direction are included within the body of the report.

A separate staff report will be presented at a future meeting of Council with regard to the re-establishment of the joint-use committee with School District 68.

Staff suggest that each of the recommendations or requests for direction be dealt with separately.

## BACKGROUND:

The following resolution was adopted by Council at the In Camera meeting held 2009-FEB-09 regarding the various committee appointments made at that meeting:

"It was moved and seconded that appointments be for one year, with the exception of the Board of Variance, pending a review of the committee structure. The motion carried."

At a seminar session held 2009-NOV-24, Staff presented general information with regard to current City of Nanaimo Advisory Committees and committee best practices. Following the presentation, Council had some preliminary discussion regarding options for new and existing committees.

The following motion was adopted by Council at the Regular meeting held 2009-NOV-23:

Council  
 Committee *Committee of the whole*  
 Open Meeting  
 In-Camera Meeting *Special*  
 Meeting Date: 2010-JAN-07

"It was moved and seconded that Council re-establish a joint-use committee with School District 68 to discuss matters of mutual concern. The motion carried unanimously."

Staff will bring forward a separate report on this committee at a future meeting.

#### DISCUSSION:

##### New Committees / Commissions

Staff understand that further discussions have taken place since that time and there may be a desire to create a Transportation Advisory Committee and an Economic Development Commission. Staff will, upon direction of Council, prepare draft Terms of Reference for these committees for Council's consideration. Should Council wish to establish an Economic Development Commission, this would be established by bylaw.

As a reminder, select committees are established "to consider or inquire into any matter and to report its findings and opinion to the council." Commissions are established "to do one or more of the following: (a) operate services; (b) undertake operation and enforcement in relation to the council's exercise of its authority to regulate, prohibit and impose requirements; (c) manage property and licences held by the municipality." Currently, only the Athletic Commission has been delegated the authority to provide a service. An Economic Development Commission bylaw would not need to include such level of delegation but by establishing it as a commission now, the flexibility would exist for Council to amend the mandate if and when this is deemed appropriate.

1. *Staff recommend that Council direct Staff to draft Terms of Reference for a Transportation Advisory Committee.*
2. *Staff recommend that Council direct Staff to draft a bylaw to establish an Economic Development Commission.*
3. *Staff request direction with regard to any other new committees.*

##### Existing Committee Mandates

Staff require direction from Council with regard to any changes to the current Committees. It has been suggested that the Parking Advisory Committee (PAC) mandate could be included within the mandate of the Transportation Advisory Committee. If this is the wish of Council, a resolution of Council to disband the Parking Advisory Committee would be appropriate.

It has also been suggested that the Terms of Reference for the Advisory Committee on the Environment (ACE) be amended to include "community related sustainability".

4. *Staff recommend that the Parking Advisory Committee be disbanded upon completion of recommendations resulting from the Parking Study and that the current mandate of the Parking Advisory Committee be included within the Terms of Reference for the Transportation Advisory Committee*
5. *Staff recommend that the Terms of Reference for the Advisory Committee on the Environment be amended to include "community related sustainability".*

Committee Terms

At the 2009-NOV-24 seminar session, Staff provided comment with regard to the current timing of the terms of appointment of committee members. For committees other than Plan Nanaimo Advisory Committee (PNAC), which has a rotating schedule, Council may wish to delay the timing for committee appointments following an election, to become more familiar with the committees prior to making appointments. Changing the start date for committee appointments to April 1<sup>st</sup> would allow time after an election for Council to become more familiar with the committees, make any necessary changes to the committees and advertise for new members.

6. *Staff recommend that Council appoint non-Council members on Committees for a term to start April 1<sup>st</sup>.*
7. *Staff recommend that the length of the committee's mandates and the terms of non-Council members on Committees be set at*
  - (a) *three years, or*
  - (b) *one year.*

Council Members on Committees

At the 2009-NOV-24 seminar session, Staff provided information with regard to the requirement under the *Community Charter* for all select committees to include at least one Council member. Currently, the Design Advisory Committee (DAP) and Parking Advisory Committee (PAC) do not specify that a Council member must be appointed to these committees. The three sub-committees of the Parks, Recreation and Culture Commission (PRCC) also do not specify that one of the appointees must be a Council member. Staff believe that it is less of an issue with these sub-committees as their recommendations are vetted through the PRCC which does include Council members. As stated at the seminar session, should the recommendations of a committee be accepted by Council without further consideration, there is a danger that these decisions could be challenged if the Committee was not properly constituted under the *Community Charter*. For practical reasons the terms of appointments of Council members should reflect the Council term. Council may wish to make these appointments on an annual basis to allow for rotation.

8. *Staff recommend that Council direct Staff to amend, as necessary, all Committee Terms of Reference to include at least one Council member.*
9. *Staff recommend that Council review all appointments of Council members to Committees and Commissions on an annual basis.*

Committee Chairs

Staff are aware of Council discussions with regard to whether or not the Chair of a Committee should be a Council member. At the 2009-NOV-24 seminar session, Staff provided pros and cons to this and seek Council's direction with regard to any changes that may be required to Terms of Reference. The process for the appointment or election of the Chair, if not a Council member, should also be part of this discussion.

10. *Staff recommend that Council direct Staff to amend all Committee Terms of Reference to provide that the Committee Chair be elected by the Committee from among its members.*

11. *Staff recommend that Council direct Staff to draft amendments, if required, to all Commission bylaws to provide that the Commission Chair be appointed by the Mayor.*

Standardizing Terms of Reference

At the 2009-NOV-24 seminar session, Staff pointed out that the City's Terms of Reference for Committees vary greatly in content and format. Staff seek direction as to whether Council wishes a standardized format for all Committee Terms of Reference.

12. *Staff recommend that Council direct Staff to draft standardized Terms of Reference for all Committees.*

Current Committee Members

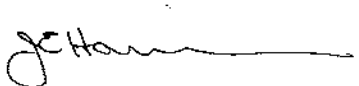


At the 2009-DEC-07 Special Council meeting, Council extended the Committee appointments that were due to expire in December to 2010-FEB-08. Staff seek direction from Council as to whether existing members should be offered the opportunity to continue until a date following the next election or whether advertising should take place for appointments starting 2010-FEB-09 until a date following the next election, ie 2012-MAR-31. Note that the term of these appointments will depend on the decision of Council with regard to length and timing of Committee appointments as has been previously discussed in this report under Committee Terms.

13. *Staff recommend that the appointments for those Committee appointments expiring 2010-FEB-08 be extended to March 31<sup>st</sup> (a) 2012, or (b) 2011.*
14. *Staff recommend that the existing Parking Advisory Committee membership be retained until recommendations are delivered to Council regarding the Parking Study.*

Staff also request that the motions made with regard to the above items be brought out of in camera.

15. *Staff recommend that Council direct Staff to release from in camera, the motions adopted on the above topics.*

Respectfully submitted,

		
Joan E. Harrison Manager, Legislative Services	Fran Howat Director, Legislative Services	Douglas Holmes GM, Corporate Services

MINUTES OF THE SPECIAL "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE  
WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS, HELD IN THE BOARD ROOM,  
CITY HALL, ON MONDAY, 2010-JAN-07, COMMENCING AT 3:00 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick (Arrived 3:03 p.m.)  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
(Arrived 3:08 p.m.)  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 3:02p.m.

2. ADOPTION OF AGENDA:

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

3. STAFF REPORTS:

CORPORATE SERVICES:

(a) Committee Review

It was moved and seconded that Council:

1. direct Staff to draft Terms of Reference for a Transportation Advisory Committee;  
and,



2. direct Staff to disband the Parking Advisory Committee upon completion of recommendations resulting from the Parking Study and that the current mandate of the Parking Advisory Committee be included within the Terms of Reference of the Transportation Advisory Committee.

The motion carried unanimously.

It was moved and seconded that Council direct Staff to draft Terms of Reference and a Bylaw to establish an Economic Development Commission. The motion carried unanimously.

The meeting recessed at 3:44 p.m.

The meeting resumed at 3:50 p.m.

Councillors Bestwick, Pattje, and Sherry advised that they would be willing to serve on a City / School Board Liaison Committee.

Councillor Sherry requested a report updating Council on the Downtown Nanaimo Partnership Society.

It was moved and seconded that Council direct Staff to amend the Terms of Reference for the Advisory Committee on the Environment to include “community related sustainability”. The motion carried unanimously.

Councillor Bestwick vacated the Board Room at 4:11 p.m.

It was moved and seconded that Council appoint non-Council members on Committees for a three-year term to commence April 1<sup>st</sup> following the municipal election. The motion carried unanimously.

Councillor Bestwick returned to the Board Room at 4:13 p.m.

It was moved and seconded that Council direct Staff to amend, as necessary, all Committee Terms of Reference to include at least one Council member. The motion carried unanimously.

It was moved and seconded that Council review all appointments of Council members to Committees and Commissions on an annual basis. The motion carried.

Opposed: Councillor McNabb

It was moved and seconded that Council:

1. direct Staff to amend all Committee Terms of Reference to provide that the Committee Chair be elected by the Committee from among its members; and,
2. direct Staff to draft amendments, if required, to all commission bylaws to provide that the Commission Chair be appointed by the Mayor.

The motion carried.

Opposed: Councillor McNabb

It was moved and seconded that Council direct Staff to draft standardized Terms of Reference for all Committees. The motion carried unanimously.

It was moved and seconded that Council extend the appointments for those Committee appointments expiring on 2010-FEB-08 to 2012-MAR-31. The motion carried unanimously.

It was moved and seconded that the membership on the existing Parking Advisory Committee be retained until recommendations are delivered to Council regarding the Parking Study, with the Parking Advisory Committee recommendations to be delivered on or before 2010-FEB-15. The motion carried unanimously.

It was moved and seconded that the Plan Nanaimo Advisory Committee (PNAC) be excluded from the resolution that Council appoint non-Council members on Committees for a three-year term to commence on April 1<sup>st</sup> following the municipal election. The motion carried unanimously.

It was moved and seconded that Staff prepare a report to Council regarding the establishment of a Planning Commission to replace the Plan Nanaimo Advisory Committee. The motion carried unanimously.

It was moved and seconded that Council direct Staff to release from “in camera”, the motions adopted on the above topics. The motion carried unanimously

Councillor McNabb vacated the Board Room at 4:39 p.m.

4. ADJOURNMENT:

It was moved and seconded at 4:43 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 4:43 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-JAN-18, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2009-NOV-16 at 3:30 p.m. in the Board Room, City Hall. Pg. 3-5
- (b) Minutes of the Special "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2009-NOV-30 at 6:00 p.m. in the Board Room, City Hall. Pg. 6-7
- (c) Minutes of the Special "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JAN-07 at 3:00 p.m. in the Board Room, City Hall. Pg. 8-10

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

8. STAFF REPORTS:

CORPORATE SERVICES:

- (1) **Lantzville Water Update** Pg. 11-16

*Staff's Recommendation: That Council endorse the following principles for supplying water to the District of Lantzville:*

- 1. *Emergency water will be supplied in accordance with the agreement already in place;*

9. **INFORMATION ONLY ITEMS:**

10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

1. Verbal update re: Personnel Matter.

12. **ADJOURNMENT:**

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-JAN-18, COMMENCING AT 7:05 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: Councillor J. A. Kipp

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
S. Graham, Manager of Financial Planning and Payroll  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary  
L. Dennis, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:05 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item (11) (b) – Other Business – Councillor Sherry advised that he would be bringing forward a late item regarding two reports regarding Economic Development and the conference centre hotel.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2009-NOV-16 at 3:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the Special "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2009-NOV-30 at 6:00 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the Special "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JAN-07 at 3:00 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

CORPORATE SERVICES:

Mayor Ruttan vacated the Board Room on a perceived conflict of interest as he is a resident of Lantzville.

Mayor Ruttan vacated the Chair.

Councillor McNabb assumed the Chair.

Mr. D. W. Holmes vacated the Board Room on a perceived conflict of interest as his wife is an employee of the District of Lantzville.

(a) Lantzville Water Update

It was moved and seconded that Council endorse the following principles for supplying water to the District of Lantzville:

1. Emergency water will be supplied in accordance with the agreement already in place;

6. OTHER BUSINESS:

(a) Update Municipal Issues

1. Mr. A. C. Kenning, City Manager, provided an update regarding outstanding items from the City Manager Evaluation.

Mr. D. W. Holmes returned to the Board Room.

Mayor Ruttan returned to the Board Room.

Mayor Ruttan resumed the Chair.

Councillor McNabb vacated the Board Room.

2. Conference Centre Hotel

It was moved and seconded that Staff provide a copy of the PowerPoint presentation, if still available, by Economic Development from the "In Camera" Meeting of Council held 2001-FEB-05, and the report regarding the Arizona conference "If You Build It, They Will Come", held 2001-JAN-17 to 2001-JAN-20. The motion carried unanimously.

3. Ms. Terry Hartley, Director of Human Resources, provided an update on a Personnel Matter.

7. ADJOURNMENT:

It was moved and seconded at 8:00 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 8:00 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES



AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-MAR-01, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JAN-18 at 7:05 p.m. in the Board Room, City Hall. *Pg. 2-5*

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **COMMISSION REPORTS:**

7. **COMMITTEE REPORTS:**

8. **STAFF REPORTS:**

9. **INFORMATION ONLY ITEMS:**

10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

- (a) Update Regional Issues  
(b) Update Municipal Issues  
(1) Discussion re: Personnel Issues

12. **ADJOURNMENT:**

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-MAR-01, COMMENCING AT 5:30 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
T. L. Hartley, Director of Human Resources

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 5:30 p.m.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JAN-18 at 7:05 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

4. OTHER BUSINESS:

(a) Update Municipal Issues

It was moved and seconded that Council hear Vancouver Island Health Authority representatives at an "In Camera" Council Meeting followed by a presentation at an Open Council session. The motion carried unanimously.

It was moved and seconded that Council direct Staff to prepare a report on the following:

1. the potential implications of implementing a one to two year exempt employee salary freeze;
2. options for amending transportation allowances paid to employees that would address budgetary concerns; and,
3. the differences in costs and benefits of health insurance benefit programs between exempt and unionized employees.

The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 6:20 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

MINUTES OF THE SPECIAL "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE  
MEETING TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON THURSDAY, 2010-MAR-25, COMMENCING AT 2:30 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
T. L. Hartley, Director of Human Resources

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 2:30 p.m.

2. ADOPTION OF AGENDA:

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

3. STAFF REPORTS:

ADMINISTRATION:

CORPORATE SERVICES:

(b) Exempt Compensation

This report was referred to the Special "In Camera" Finance / Policy Committee of the Whole Meeting to be held on Monday, 2010-MAR-29.

(c) Transportation Allowance

This report was referred to the Special "In Camera" Finance / Policy Committee of the Whole Meeting to be held on Monday, 2010-MAR-29.

4. INFORMATION ONLY ITEMS:

(a) Report from Ms. T. L. Hartley, Director of Human Resources, re: Health Care Benefits.

This report was referred to the Special "In Camera" Finance / Policy Committee of the Whole Meeting to be held on Monday, 2010-MAR-29.

5. ADJOURNMENT:

It was moved and seconded at 4:45 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 4:45 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

MINUTES OF THE SPECIAL "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE  
MEETING TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-MAR-29, COMMENCING AT 2:30 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
T. L. Hartley, Director of Human Resources

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 2:30 p.m.

2. ADOPTION OF AGENDA:

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

3. STAFF REPORTS:

ADMINISTRATION:

(a) Management Structure Review Interim Report

It was moved and seconded that Council maintain current and committed levels of service including the City's existing capacity to respond to community driven service requests. The motion carried.

Opposed: Councillor Sherry

CORPORATE SERVICES:

(b) Exempt Compensation

It was moved and seconded that Council approve Option No. 3 (Status Quo) for 2010, and Option No. 4 (Review Annual Salary Adjustment System) for 2011. The motion carried.

Opposed: *Councillor Sherry*

(c) Transportation Allowance

It was moved and seconded that Council approve Option No. 2, in relation to Group 1 Employees, (adopt a City Council Policy on Transportation Allowances and amend the method of administration). The motion carried.

Opposed: *Councillor Sherry*

It was moved and seconded that Council approve Option No. 3, in relation to Group 2 Employees, (retain Transportation Allowances for current Group 2 Employees, but eliminate transportation allowances for future Group 2 Employees unless approved by Council). The motion carried unanimously.

4. INFORMATION ONLY ITEMS:

- (a) Report from Ms. T. L. Hartley, Director of Human Resources, re: Health Care Benefits.

5. ADJOURNMENT:

It was moved and seconded at 5:00 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 5:00 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY, 2010-APR-19, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAR-01 at 5:30 p.m. in the Board Room, City Hall. Pg. 3-4
- (b) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Thursday, 2010-MAR-25 at 2:30 p.m. in the Board Room, City Hall. Pg. 5-6
- (c) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAR-29 at 2:30 p.m. in the Board Room, City Hall. Pg. 7-8

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

- (a) Minutes of the Grants Advisory Committee Meeting held 2010-MAR-31 Pg. 9-12

*Commission's Recommendation: That Council receive the Minutes of the Grants Advisory Committee meeting held 2010-MAR-31.*

8. STAFF REPORTS:

9. INFORMATION ONLY ITEMS:

- (a) Review of severance agreement for former City Manager.



10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

12. **ADJOURNMENT:**

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-APR-19, COMMENCING AT 6:55 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: D. W. Holmes, General Manager of Corporate Services

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
J. E. Harrison, Manager of Legislative Services

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:55 p.m.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAR-01 at 5:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Thursday, 2010-MAR-25 at 2:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAR-29 at 2:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

4. COMMITTEE REPORTS:

(a) Minutes of the Grants Advisory Committee Meeting held 2010-MAR-31

It was moved and seconded that Council receive the Minutes of the Grants Advisory Committee meeting held 2010-MAR-31. The motion carried unanimously.

5. INFORMATION ONLY ITEMS:

6. ADJOURNMENT:

It was moved and seconded at 7:12 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-MAY-03, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-APR-19 at 6:55 p.m. in the Board Room, City Hall. Pg. 3-4

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

8. STAFF REPORTS:

CORPORATE SERVICES:

- (a) **Roles & Responsibilities and Teambuilding** Pg. 5-16

*Staff's Recommendation: That Council provide direction on how to proceed with the roles and responsibilities review and the team building exercise. If Council wishes to proceed with the roles and responsibilities and team building initiatives, it is recommended that a consultant with background and experience in municipal issues be retained (Option #3).*

9. INFORMATION ONLY ITEMS:

10. CORRESPONDENCE:

11. **OTHER BUSINESS:**

(a) Update Regional Issues

- Verbal Report.

(b) Update Municipal Issues

12. **ADJOURNMENT:**

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-MAY-03, COMMENCING AT 6:20 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members:

Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff:

A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
T. L. Hartley, Director of Human Resources and Organizational Planning  
K. Felker, Manager of Purchasing and Stores  
S. Graham, Manager of Financial Planning and Payroll  
J. E. Harrison, Manager of Legislative Services

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:20 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Request for Proposal #1003 Primary Waterworks Supplier.
- (b) Regional District of Nanaimo (RDN) – Building Inspection.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-APR-19 at 6:55 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. OTHER BUSINESS:

(a) Update Regional Issues

It was moved and seconded that Council support Building Inspection throughout the Regional District of Nanaimo (RDN) when the matter comes before the RDN Board. The motion carried.

*Opposed: Councillor Kipp*

6. STAFF REPORTS:

CORPORATE SERVICES:

(a) Request for Proposal #1003 Primary Waterworks Supplier

It was moved and seconded that Council refer the Request For Proposal #1003 Primary Waterworks Supplier report to the Regular Meeting of Council to be held on Monday, 2010-MAY-10. The motion carried unanimously.

Mr. K. Felker, Mr. B. Clemens, and Ms. S. Graham vacated the Board Room at 7:07 p.m.

(b) Roles and Responsibilities and Teambuilding

It was moved and seconded that Council proceed with the roles and responsibilities and teambuilding initiatives, and direct Staff to retain a consultant with background and experience in municipal issues (Option 3). The motion carried unanimously.

7. OTHER BUSINESS:

(a) Update Municipal Issues

- Mr. A. J. Tucker spoke about the Lynburn Estates neighbourhood building scheme.

8. ADJOURNMENT:

It was moved and seconded at 7:28 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES



AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-JUN-28, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAY-03 at 6:20 p.m. in the Board Room, City Hall. *Pg. 2-4*

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **COMMISSION REPORTS:**

- (a) Verbal report from Councillor McNabb regarding road naming.

7. **COMMITTEE REPORTS:**

8. **STAFF REPORTS:**

9. **INFORMATION ONLY ITEMS:**

10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

- (a) Update Regional Issues  
(b) Update Municipal Issues

12. **ADJOURNMENT:**

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-JUN-28, COMMENCING AT 6:04 P.M.

---

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: Councillor W. L. Bestwick  
Councillor J. A. Kipp

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
B. E. Clemens, Director of Finance  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:04 p.m.

2. ADOPTION OF AGENDA:

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

3. COMMISSION REPORTS:

(a) Verbal report from Councillor McNabb regarding road naming.

It was moved and seconded that Council name the access road at Neck Point *Deane Finlayson Way*, and that Mr. Tom Harris be involved in the public announcement. The motion carried.

Opposed: *Councillor Holdom*

4. ADJOURNMENT:

It was moved and seconded at 6:10 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

## AMENDED

### AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY, 2010-JUL-19, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. **INTRODUCTION OF LATE ITEMS:**

- Correct Item 9 (a) – Information Only Items – Report from Mr. R. Kroeker, Manager of Occupational Health and Safety.
- Add Item 8 (c) – Staff Reports – Rotary Bowl.

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAY-03 at 6:20 p.m. in the Board Room, City Hall. *Pg. 3-5*
- (b) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JUN-28 at 6:04 p.m. in the Board Room, City Hall. *Pg. 6-7*

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **COMMISSION REPORTS:**

7. **COMMITTEE REPORTS:**

8. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Licence and Temporary Use Permit for the Use of 2103 Bowen Road by Twelve Cubed Homes** *Pg. 8-12*

Staff's Recommendations: *That Council:*

1. *approve in principle the temporary use of 2103 Bowen Road by Twelve Cubed Homes for an affordable housing demonstration project;*

*AND:*

2. *direct Staff to prepare a licence with Twelve Cubed Homes which sets rent at market value, and is for a maximum of two years;*

AND:

3. *direct Staff to prepare a Temporary Use Permit and undertake the necessary notification prior to the permit being considered at the 2010-AUG-09 Council Meeting.*

CORPORATE SERVICES:

(b) **Nanaimo Dive Association Account Receivable**

Pg. 13-14

Staff's Recommendation: *That Council approve the write off of the outstanding loan amount of \$48,666.64 owed by the Nanaimo Dive Association.*

COMMUNITY SERVICES:

(c) **Rotary Bowl**

Pg. 14.1-  
14.13

Staff's Recommendations: *That Council:*

1. *support the School District in its application for grant funding under the Community Connections Program to resurface the track at Rotary Bowl;*

AND:

2. *reconfirm its position that funding for Rotary Bowl will be considered by the City of Nanaimo when the School District commits to multi-use at this facility as defined in the 2010-MAR-05 Memorandum to the School District.*

9. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. R. Kroeker, Manager of Occupational Health and Safety,

Pg. 15-17

10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

- (a) Update Regional Issues

(b) Update Municipal Issues

- (1) Verbal update from Mr. D. W. Holmes, Assistant City Manager  
and General Manager of Corporate Services, |

12. **ADJOURNMENT:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: LICENCE AND TEMPORARY USE PERMIT FOR THE USE OF 2103 BOWEN ROAD BY  
TWELVE CUBED HOMES

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### STAFF'S RECOMMENDATIONS:

That Council:

1. approve in principle the temporary use of 2103 Bowen Road by Twelve Cubed Homes for an affordable housing demonstration project;
2. direct Staff to prepare a licence with Twelve Cubed Homes which sets rent at market value, and is for a maximum of two years; and,
3. direct Staff to prepare a Temporary Use Permit and undertake the necessary notification prior to the permit being considered at the 2010-AUG-09 Council meeting.

### EXECUTIVE SUMMARY:

Twelve Cubed Homes is a Nanaimo based home builder who has identified a market opportunity to produce small manufactured homes which can serve as accessory dwelling units, studios or guest accommodation. The homes measure 12 ft by 12 ft by 12 ft, hence the Twelve Cubed name. The firm has received international and national attention for its concept.

Twelve Cubed Homes would like to set up a demonstration project within the City of Nanaimo to showcase its approach to affordable housing.

The firm has written a letter to staff asking for the City's assistance in identifying a potential City-owned site for the showhome (Schedule A). Staff has identified a City-owned parcel of land at 2103 Bowen Road as a suitable site (Schedule B).

Staff is seeking Council's approval for an agreement in principle and has set out the next steps in the process.

Council  
 Committee *E/Flow*  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-JUL-19

BACKGROUND:

Twelve Cubed Homes is a Nanaimo based home builder who has identified a market opportunity to produce small manufactured homes which can serve as accessory dwelling units, studios or guest accommodation. The homes measure 12 ft by 12 ft by 12 ft, hence the Twelve Cubed name. The firm has received international and national attention for its concept.

Twelve Cubed Homes approached the City asking for assistance in identifying a site suitable for a demonstration project (Schedule B). Twelve Cubed Homes initially preferred a site on Bradley Street which was later deemed unsuitable. Following a visit to the manufacturing facility, the City Manager and General Manager of Community Safety and Development recommended two alternative City-owned locations: Bowen/Meredith Road or a portion of the lands recently assembled between 1402 to 1590 Bowen Road.

Twelve Cubed Homes has selected the Bowen and Meredith location (2103 Bowen Road). The site is currently vacant and overgrown. The parcel is approximately 0.23 acres in size and is outlined in Schedule A.

Upon direction from Council, staff will prepare a licence agreement with Twelve Cubed Homes. The agreement will be for a maximum of 2 years. Staff will engage the services of a professional appraiser to determine the market rent for the property to ensure the City is not aiding business. The licence agreement will contain specific direction on maintenance of the property and expectations around operation of the showhome.

From a planning perspective, the property is designated 'corridor' in the Official Community Plan ("OCP"). It is currently zoned RS-1. Twelve Cubed Homes will apply for a Temporary Use Permit, allowed under the OCP for a commercial use. Staff will prepare a public notice and prepare a report for the 2010-AUG-09 Council meeting.

Respectfully submitted,



B. Corsan, Manager  
Real Estate



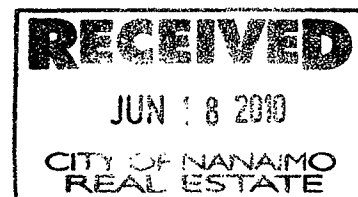
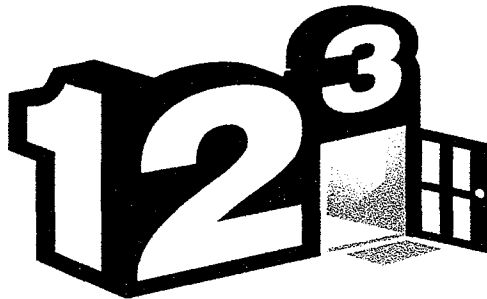
A. Tucker, Director  
Planning



T. Seward, Acting General Manager  
Community Safety & Development



# SCHEDULE A



City of Nanaimo  
238 Franklin Street  
Nanaimo, B. C.  
Attention: Ted Swabey, Director of Development

Re: Affordable Housing Demonstration Project

Dear Ted:

I believe you are aware of our interest in erecting a temporary demonstration home for Twelve Cubed on city-owned property at 503 Bradley Street. We have met with Gary Noble, Dave Stewart, Bill Corsan, Jeremy Holm, and Ralph Topliffe to work out details as to how we might move forward with this project.

We envision this as a great opportunity for us to demonstrate great steps forward in sustainably built affordable housing. This concept has been both conceived and developed right here in Nanaimo. We have secured a manufacturing facility in Nanaimo and are hiring now to begin production of housing units in July. We will be able to market the homes for under \$30,000 including appliances. (Site costs will be extra.)

We are encouraged that the City of Nanaimo might embrace this opportunity to demonstrate these principles of affordable housing which show leadership in sustainable construction. Our show home will be solar powered and, if you agree, we would like to demonstrate storm water retention on site, as well as grey water recycling. (Geoflow, Inc. from Corte Madera, CA has agreed to sponsor a grey water recycling demonstration system.)

We expect significant media coverage and, in fact, interest in what we are doing from across Canada and other countries. (Last month Twelve Cubed was nominated for consideration as "Shed Home of the Year" in the UK. In addition to that we have auditioned and been selected to appear on the Dragons Den television show. We have already had coverage in the Globe and Mail, Vancouver Sun, The Province, the Times Colonist, The Huffington Post, local papers, and been featured on CHEK TV.) CBC French television has asked to do a feature on us but we need to construct our demonstration home before moving ahead with that.

#1-5765 Turner Road, Suite 512  
Nanaimo, BC V9T 6M4  
Tel: 250 797-3958 E-mail [ken@twelve3.ca](mailto:ken@twelve3.ca)  
[www.twelve3.ca](http://www.twelve3.ca)

The Twelve3 "inventor", James Stuart, has had meetings with the City of Victoria and attended an Affordable Housing Forum in Vernon, where he was a key presenter. Both communities are eager to see us provide our homes there, but we are most interested in starting right here in Nanaimo.

It has been suggested that the "show home" might be allowed on City property under the following conditions:

- 1) A temporary license or permit of some sort is issued for a period of one year
- 2) Market rent is paid to the City of Nanaimo
- 3) No permanent foundations are constructed on site
- 4) The site is returned to its original condition when the home is removed

In short, Ted, we see this as an idea whose time has come. As a builder I am concerned about the rising costs of housing. We all know that we need to increase density if we are going to keep those costs down, both in terms of building and in terms of municipal infrastructure. All of this is set against a backdrop of the environmental challenges we face. Twelve Cubed is a progressive answer to each and every one of these concerns, and we are eager to move ahead.

I am writing to you as I understand that your approval of this project would be required prior to the temporary permit being issued. Perhaps you could suggest what kind of permitting or licensing procedure might be acceptable, and how we could proceed. I have enclosed a site plan and rendering of the Cube sited at 503 Bradley Street for your review. I would be pleased to answer any questions you may have.

Sincerely:



Ken Connolly

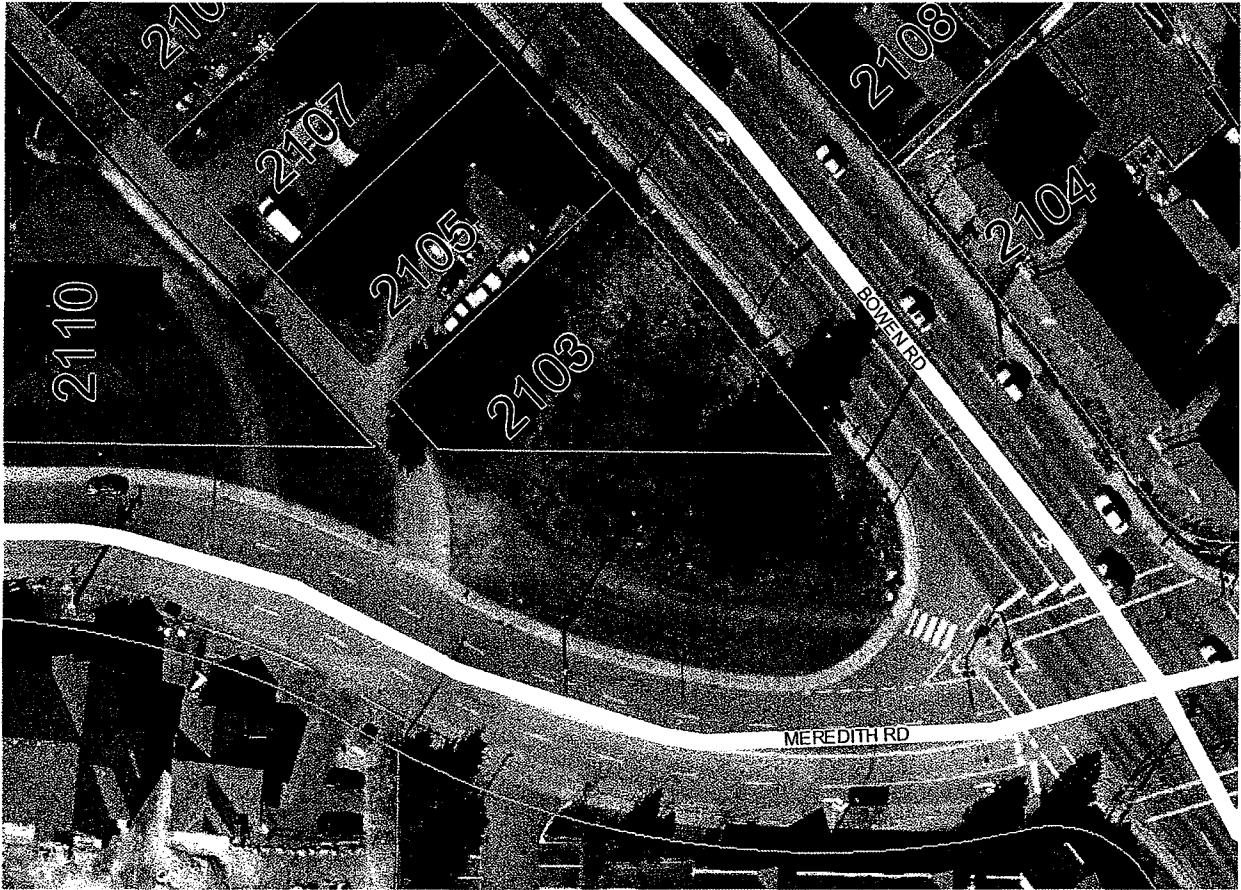
Encl.

Cc: Gary Noble, Bill Corsan

#1-5765 Turner Road, Suite 512  
Nanaimo, BC V9T 6M4  
Tel: 250 797-3958 E-mail [ken@twelve3.ca](mailto:ken@twelve3.ca)  
[www.twelve3.ca](http://www.twelve3.ca)

SCHEDULE B

2103 Bowen Road



# "IN CAMERA" STAFF REPORT

REPORT TO: TOM HICKEY, ACTING GENERAL MANAGER OF COMMUNITY SERVICES

FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE

RE: ROTARY BOWL

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## STAFF'S RECOMMENDATIONS:

That Council:

1. support the School District in its application for grant funding under the Community Connections Program to resurface the track at Rotary Bowl; and,
2. reconfirm its position that funding for Rotary Bowl will be considered by the City of Nanaimo when the School District commits to multi-use at this facility as defined in the 2010-MAR-05 Memorandum to the School District.

## EXECUTIVE SUMMARY:

At their meeting of 2010-FEB-24, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation, ***"that Council consider funding for Rotary Bowl when the School District commits to multi-use at this facility"***.

Over the last number of years, the School District and/or the Nanaimo and District Track & Field Club have requested either funding or letters of support to apply to other levels of government for funding of resurfacing of Rotary Bowl Track. In all situations, Commission and Council have supported applications for renewal of the track subject to School District 68 designating Rotary Bowl as a multi-use facility.

## BACKGROUND:

On 2010-JUL-12, Mr. David Green, School District 68 Secretary Treasurer, and member of the SD 68/CON Joint Use Committee, requested an update to the actions that have occurred since his letter of 2010-FEB-04 to Mr. Al Kenning, City Manager, requesting that the School District's motion #410/01/27-38 to make a formal request to the City of Nanaimo to "contribute financially to the track resurfacing project at Rotary Bowl and commit to continue discussions on the future potential conversion of the facility to a multi-use facility in and joint-use opportunities", and his request in that letter that Mr. Kenning take this matter forward to the next Council meeting.

In chronological order dating from 2007, this issue has been addressed as follows:

- At their 2007-MAR-28 meeting, the Parks, Recreation and Culture Commission carried a motion that, ***“Council support the Nanaimo and District Track and Field Club application for an Olympic/Paralympic Live Sites Grant provided that the Nanaimo and District Track and Field Club work with the City of Nanaimo and School District No. 68 on enhancing the multi-purpose use of the Rotary Bowl.”***
- At the 2008-FEB-25 Council meeting, a letter was received from the Nanaimo and District Track & Field Club, and the Chair, Board of Education, requesting Council's written support for the “Help Us Stay on Track” campaign to accumulate the necessary funds to resurface Rotary Bowl Track and Field Complex. Council referred this request to the Parks, Recreation and Culture Commission for consideration. The Commission, at its 2008-MAR-26 meeting, carried a motion that, ***“the City support in principal the fundraising campaign “Help Us Stay on Track” providing that Rotary Bowl becomes a multi-purpose facility”***.
- School District 68 convened a committee of interested stakeholders under the Community Connections program to discuss Rotary Bowl improvement options. Members of this Committee included representatives from School District 68 Board and Staff, the Nanaimo and District Track & Field Club, Vancouver Island University, and the City of Nanaimo, Parks, Recreation and Culture Department. Although this Committee has met on a number of occasions over the past two years on this project, the School District has not formally committed to making this a multi-use facility.
- At the 2009-NOV-25 regular meeting of the Parks, Recreation and Culture Commission a delegation from Nanaimo and District Track & Field Club was received by the Commission. Again, the Nanaimo and District Track & Field Club requested financial support, as well as support for an application to the Western Economic Diversification Canada Recreation Infrastructure Fund. Commission passed a motion that, ***“until the Community Connections program is completed and a joint-use agreement is established, no funds be allocated”***.
- On 2010-FEB-24, the Parks, Recreation and Culture Commission reviewed Mr. Green's letter of 2010-FEB-04 to Mr. Al Kenning, City Manager, advising of the School District's motion #410/01/27-38:

*“That the board of Education of School District 68 (Nanaimo-Ladysmith) write to the City of Nanaimo and make a formal request to contribute financially to the track resurfacing project at Rotary Bowl and commit to continue discussions on the future potential conversion of the facility to a multi-use facility in and joint-use opportunities.”*

The Commission carried a motion that, ***“the Parks, Recreation and Culture Commission recommend that Council consider funding for Rotary Bowl when the School District commits to multi-use at this facility”***.

- On 2010-MAR-01, Council approved Commission's recommendation that, "**Council consider funding for Rotary Bowl when the School District commits to multi-use at this facility**".
- On 2010-MAR-04, the matter was raised at the City of Nanaimo/School District 68 Joint Use Committee meeting, and Council's official position that funding for Rotary Bowl be contingent upon a commitment to multi-use at this facility. It was at this meeting that Trustee Allen formally requested a general written rationale of City's vision of multi-use for Rotary Bowl.
- On 2010-MAR-05, Mr. Andy Laidlaw, General Manager, Community Services, responded to this request by way of a written Memorandum (attached) to Trustee Allen, School 68 Board of Education.
- On 2010-JUN-25, a joint meeting was held with the SD68/CON Joint Use Committee as well as representatives from Vancouver Island University, and the Nanaimo & District Track and Field Club, to discuss the Rotary Bowl Multi-Use issue, at which time the City of Nanaimo detailed its position on the issue. At the conclusion of this meeting, School District representatives requested that the City come back with design and field surface options. Attached is a draft document "Conversion of Stadiums to Synthetic Turf (Rationale and Trends)" as developed by City of Nanaimo Parks, Recreation and Culture staff, which has been reviewed by City representatives on the Committee on 2010-JUL-12.

Respectfully submitted,



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Richard Harding, Director  
Parks, Recreation and Culture



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Tom Hickey, Acting General Manager  
Community Services

Attachments - 2

2010-JUL-16  
File: C7-3  
G:\Admin\IC\ReportToCouncil\icRPT100719RotaryBowl.doc

MEMORANDUM



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<b>TO:</b>	Nelson Allen, Trustee, School District 68 Board of Education
<b>FROM:</b>	City of Nanaimo Joint Use Committee
<b>DATE:</b>	2010-Mar-05
<b>RE:</b>	Rotary Bowl

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You have requested that the City provide a synopsis and clarification of its position with respect to joint funding opportunities for the Rotary Bowl facilities. The City's Parks, Recreation and Culture Commission has reviewed this issue on two separate occasions and recognizes the partnership opportunities available with the School District.

The City shares the view identified in the RFP developed for the Rotary Bowl Redevelopment Study in conjunction with School District staff. These objectives include:

1. That the facility continue to be a premier track and field facility.
2. That the infield provides multiple use for other activities for School District athletics, Vancouver Island University (VIU) athletics as well as community athletics. This could include, but not be limited to, soccer, football (high school and community), field lacrosse, field hockey and special event categories.
3. That the facility be examined for opportunities for expanding its capacity of seated venues as well as providing night time lighting events.

The City continues to believe that Rotary Bowl provides an excellent opportunity for the School District, City and VIU to work in partnership to develop this facility to its full potential. It is situated adjacent to other excellent sport venues and ancillary facilities.

The City's Sports Field Development Projects Plan provides for development and improvement of Nanaimo's sports fields. Specifically, the City will be reviewing its options at Caledonia Park as it will require capital expenditures in order to maintain and improve this facility to expected community standards. There may be opportunities to reassess this plan and integrate financial contributions to Rotary Bowl as an alternative to the current Plan. The location of Rotary Bowl and the quality of the existing facility make it ideal for the City, School District, and VIU to consider significant upgrades which may include additional bleacher seating, artificial turf, night lighting and improvements to other participant and spectator amenities.

There are several governance options available for the policy and management of the facility, however, an arrangement would be looked at favourably which included the City, School District and VIU as partners. We see opportunities to bring other partners into this arrangement who may wish to make financial contributions to the facility upgrades.

The City understands the history and the contribution of the track club in the development and operation of this facility and recognize a requirement for keeping this as an excellent track and field facility.

However, as a condition precedent of the City's financial participation in the deployment of the facility, it must be a true multi-use community facility in which allocation policies and development meet community-wide objectives. It is for this reason that we see partnership

opportunities with the School District and VIU as most conducive to fulfilling that objective. Clearly, the reluctance of the City to consider contributing to the facility at this time is based on a perception that it does not currently have policies that meet this threshold.

We would look forward to undertaking the RFP for the facility at the earliest and at the outcome of this study, review partnership and development opportunities.

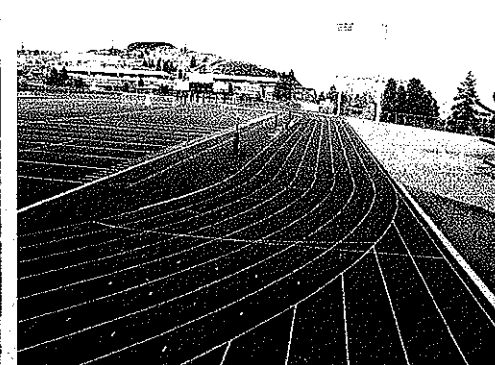
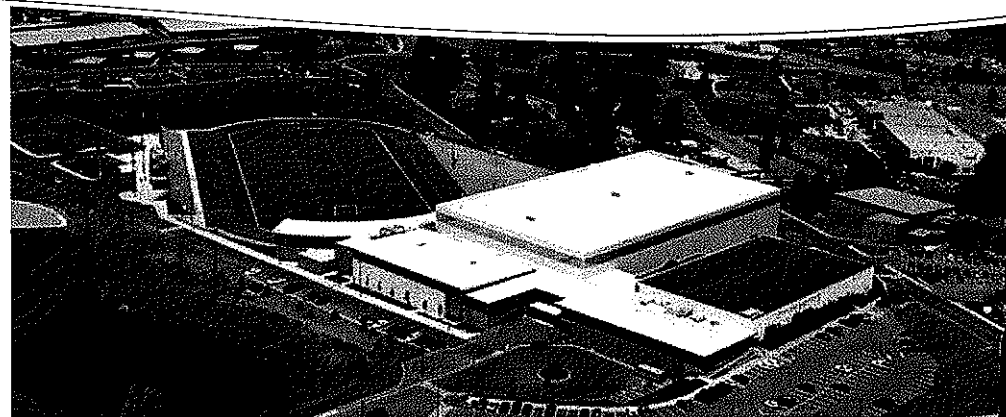
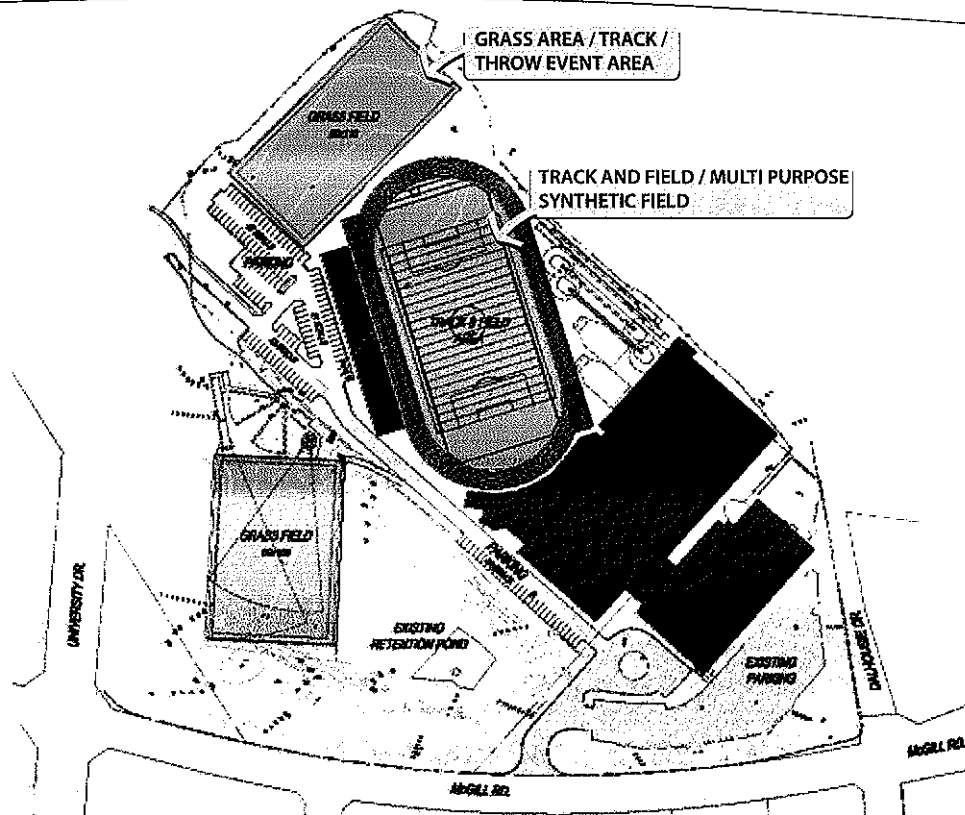
Andy Laidlaw,  
General Manager  
Community Services

PC: Councilor Loyd Sherry  
Councillor Fred Pattje  
Councillor Bill Bestwick,  
Al Kenning, City Manager  
Richard Harding, Director, Parks, Recreation and Culture

AL/fg

g:\comm services\general\memo-Allen-SD68-RotaryBowl





The City of Kamloops, in partnership with a number of local non-profit sports user groups and interested citizens, has undertaken to develop a Conceptual Plan for the renovation, restructuring and development of Tournament Capital quality facilities—such as the Hillside Stadium in Kamloops.

The results of these initiatives, Hillside Stadium features a 400-metre, all-weather running track and an artificial, fully-lit field for football, soccer, and field hockey. Additionally, there are two large soccer fields and track and field facilities. 2008 saw the completion of a the brand new field house that includes an international-scale indoor track, dedicated gymnastics space, multi-function gym, classroom and retail space. These facilities were the track and field site for the BC Summer Games and have hosted BC Lions training camps.

Hillside Stadium is a full-quality centre complete with great bleachers for spectators and plenty of parking. Located next to Thompson Rivers University, the entire area has a great view of the city.

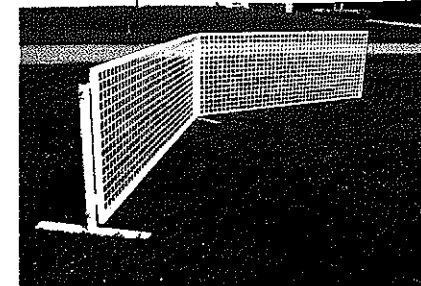
Hillside Stadium, Kamloops British Columbia



- Most facilities with grandstands are multi-purpose and, Canada-wide, these large venues are redeveloping with synthetic infields. Single purpose track facilities are very rare in Canada—especially with seating.
- When making a facility multipurpose, the constraint for track and field events is getting viewing to the throw sites. These throw sites are best on natural turf and are generally on the perimeter of the synthetic field.
- The proposed throw site near Rotary Bowl would be visible from the stands, but could also have additional seating added to enhance viewing at the site.

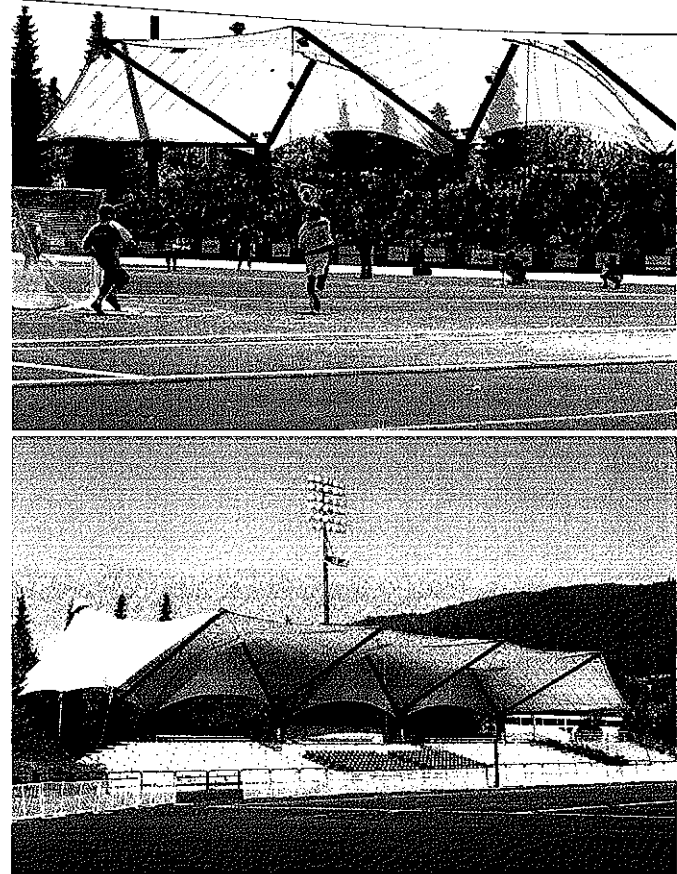
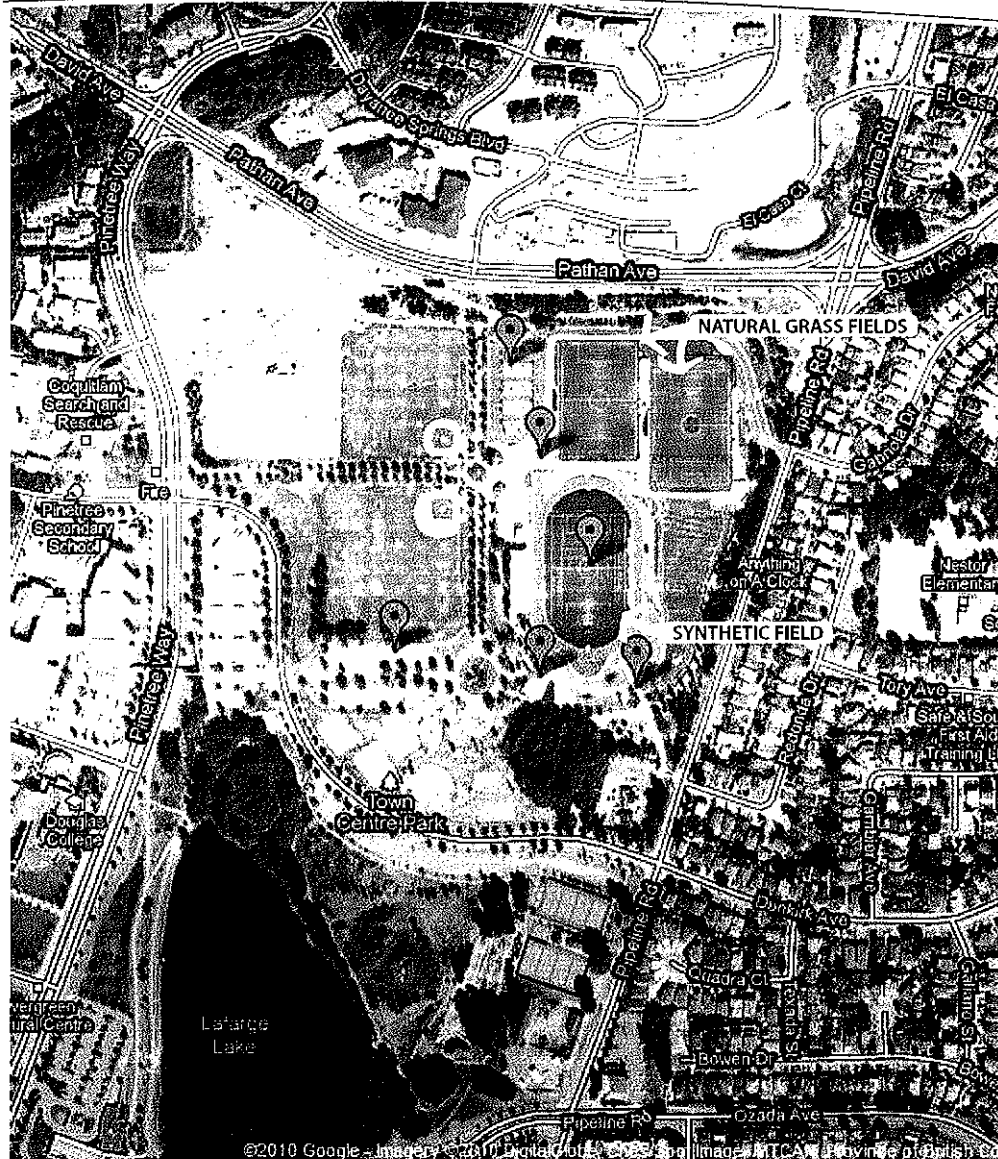


- Currently, the Rotary Bowl facility is adequate for track events, but is not designed really well. For instance, only a small high jump, single landed jump events or throw event can happen at once. This slows events down. Improvements could enhance this situation. Overall, improvements to this site could bring the standard up to an Olympic level such as the examples below.
- Athletica Sport and Recreation Design has recently worked with several communities to develop high caliber stadiums with synthetic infields combined with track and field events such as :
  1. **Hillside Stadium—Kamloops**—hosted the 2009 summer games including track and field events and BC Lions summer camps
  2. **University of Windsor—TD Price Waterhouse Stadium**—has held Canadian Olympic track and field trials, 2001 Canada Games, the PanAm Field Hockey Championships, the World Transplant Games, the Ontario Paralympic Championships, the World Field Lacrosse Championships
  3. **Percy Perry—Coquitlam**—track facilities are still under development and renovation there



- Typically, all of these facilities use the multi-purpose space creatively. For instance, 4 foot portable fencing is brought in during soccer season to separate the infield from the track. This helps protect the track events from balls and keeps parents watching in the stands and off the tracks. All uses can be accommodated with creative thinking.
- Doug from Athletica was on the Canadian National Track and Field team and understands field sports. He would be happy to work with user groups and stakeholders on a design that accommodates all sport needs.

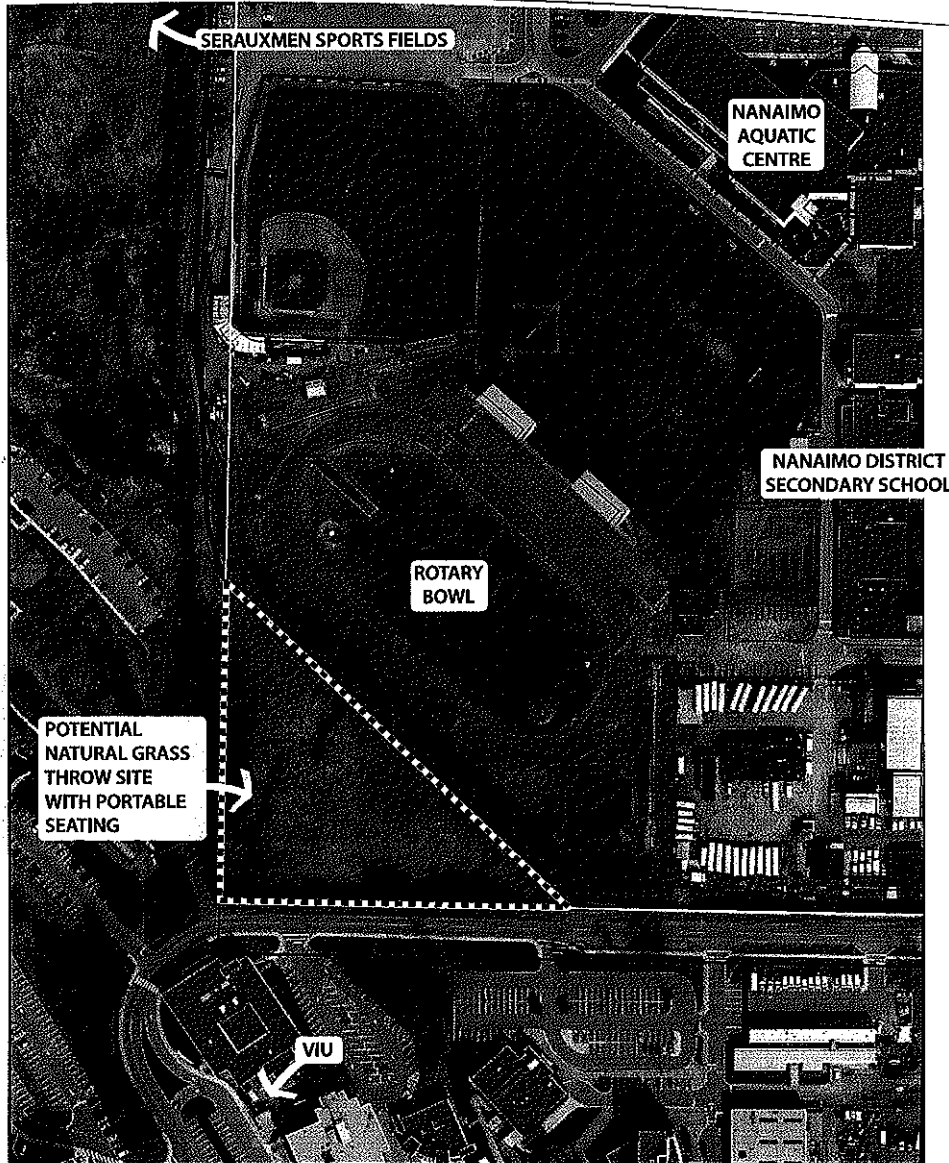
14.7



This park development has just completed phase 2 of its master plan and features three Class A fields in addition to a state of the art lit artificial turf field. The centerpiece of this park is the award winning stadium featuring a first class soccer/football field, rubberized eight lane running track, and track and field facilities. Children can enjoy the tot lot year round, while the water spray park is open during the summer to keep everyone cool. If rollerblading, jogging, or walking are more to one's liking, then the asphalt walkways around Lafarge Lake and the east arboretum/meadow are the perfect facility for you. Tennis players can enjoy the use of eight lit courts year round. With the continued development of this park, it is sure to become one of the best park facilities in the Lower Mainland.

14.8

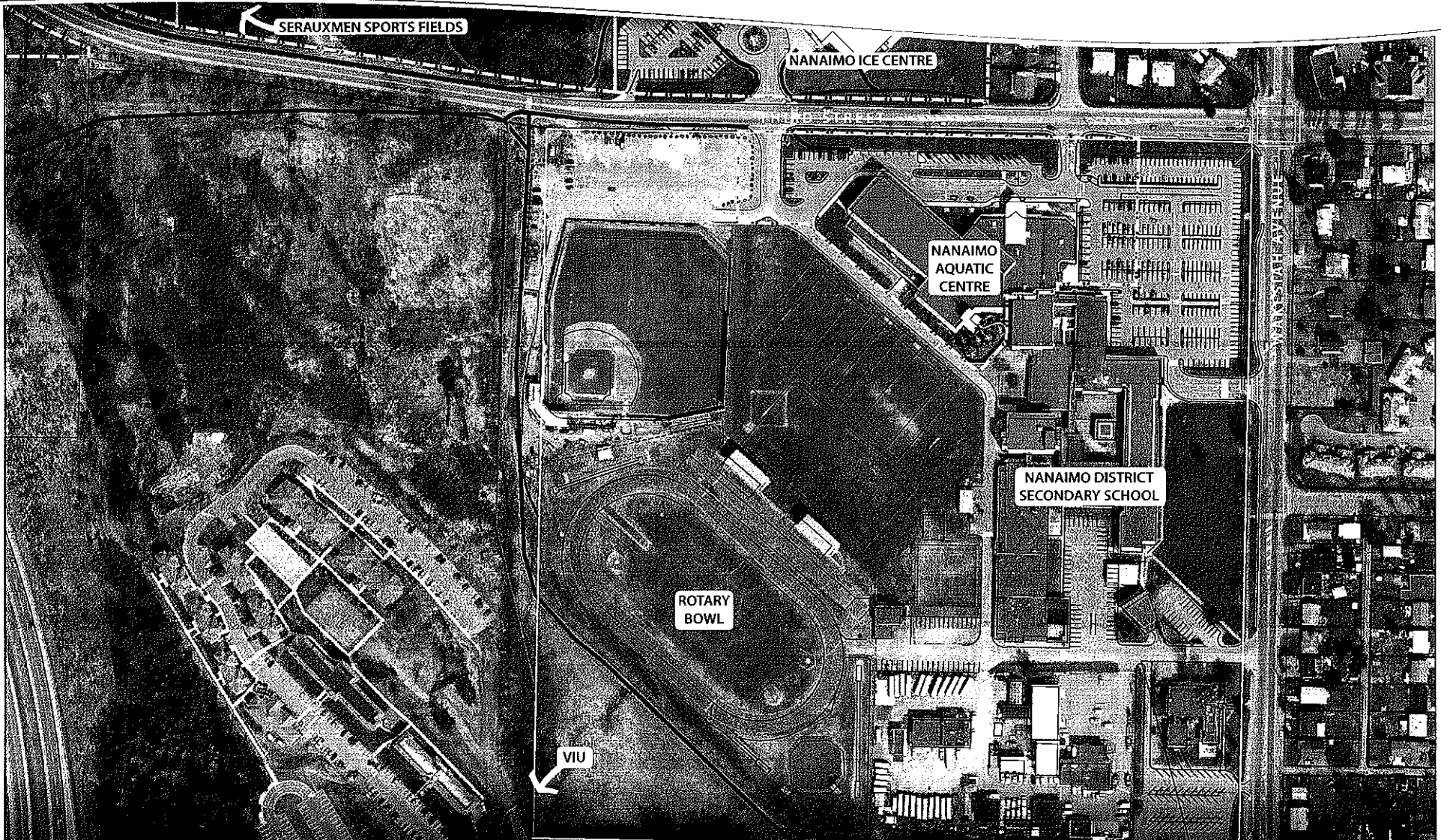
**Percy Stadium and adjacent Park Facilities**  
Coquitlam, British Columbia



**Conversion of Rotary Bowl to Synthetic Turf (approx. 110,000 sq feet)**

Cost to install	<b>\$2 million</b> (includes removal of existing natural turf, lights, underlay pad, drainage, and earth works, consulting fees, contingency)
Annual maintenance costs	<b>\$10,000</b>
Hours of use field would allow	Play does not have to be restricted. Could even be 24 hours a day.
Hours that field could be lit	<b>No limits</b> (The city turns lights off by 10pm in residential areas so residents are not disturbed)
Uses that facility could accommodate	Soccer, Field Lacrosse, Football, Field Hockey, Ultimate, Internurals, Tournaments, Special Events.  Field sports would likely be on the perimeter of the synthetic field
# teams and events that facility could accommodate	A multi-purpose field could accommodate a majority of the events. Tents and nets could not be pegged down. Dog agility events might be limited.
Rental cost per hour (based on the City of Nanaimo 2012 fees)	Adult - \$28 per hour / Youth - \$12.00 per hour  Lights - \$16 per hour, this fee is on top of rental fees (lights are revenue neutral) *City of Nanaimo synthetic turf fees are lower than other communities
Possible Revenues* *Based on adult fees	84 hrs x 52 weeks x 75% occupancy = \$91,728  (money needs to be saved for upgrading carpet and lights every ten years or so)
Other Comments	<ul style="list-style-type: none"> <li>This could be used for games and practices</li> <li>Artificial facilities can be used in West Coast winter weather conditions. Play in not recommended if snow is on the ground.</li> <li>Well linked to the Third Street Sport Zone, VIU, and School District 68 students with parking options</li> </ul>

14.9



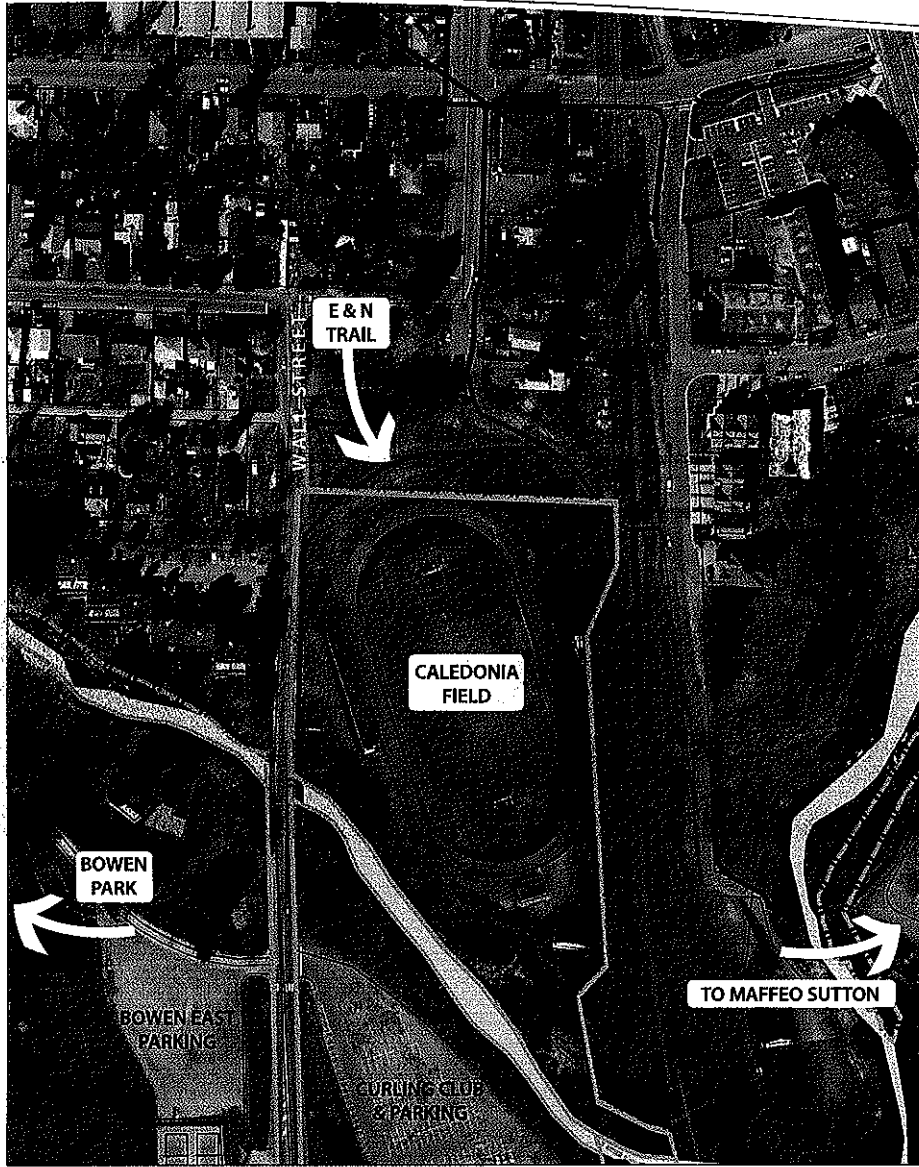
14.10



Explore our Parks and Trails  
DEPARTMENT OF PARKS, RECREATION & CULTURE

Third Street Sport Zone

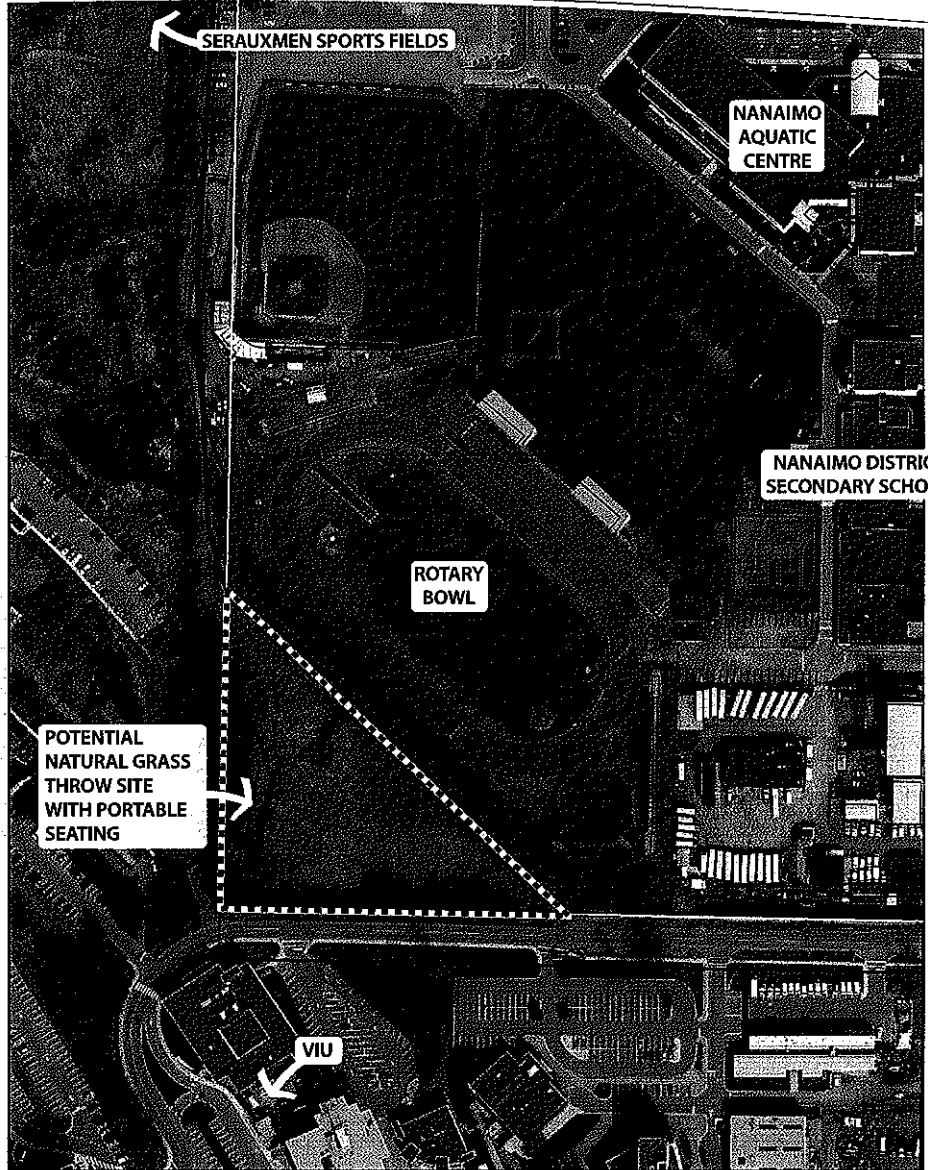




**Conversion of Caledonia to Synthetic Turf**

Cost	<b>\$2 million</b> (includes removal of existing natural turf, lights, underlay pad, drainage, and earth works, consulting fees, contingency)
Annual maintenance costs	<b>\$10,000</b>
Hours of use field would allow	Play does not have to be restricted. Could even be <b>24 hours a day.</b>
Hours that field could be lit	<b>No limits</b> (The city turns lights off by 10pm in residential areas so residents are not disturbed)
Uses that facility could accommodate	Soccer, Field Lacrosse, Football, Field Hockey, Ultimate, Inter-murals, Tournaments, Special Events.  Field sports would likely be on the perimeter of the synthetic field
# teams and events that facility could accommodate	A multi-purpose field could accommodate a majority of the events. Tents and nets could not be pegged down. Dog agility events might be limited.
Rental cost per hour	Adult - \$28 per hour / Youth - \$12.00 per hour  Lights - \$16 per hour, this fee is on top of rental fees (lights are revenue neutral) *City of Nanaimo synthetic turf fees are lower than other communities
Possible Revenues* *Based on adult fees	84 hrs x 52 weeks x 75% occupancy = \$91,728  (money needs to be saved for upgrading carpet and lights every ten years or so)
Other Comments	<ul style="list-style-type: none"> <li>This could be used for games and practices</li> <li>Artificial facilities can be used in winter weather conditions</li> <li>This facility is not linked to the Third Street Sport Zone, but is closely linked to the downtown.</li> <li>Parking and pedestrian improvements could be made to the Bowen East area and Curling Club in conjunction with this project</li> </ul>

14.11



**Natural Turf Improvements to Rotary Bowl (approx. 110,000 sq feet)**

Cost to install	<b>\$900,000</b> (includes sand field upgrades, seeding or sod, lights, drainage, and earth works, consulting fees, contingency)
Annual maintenance costs	<b>\$40,000</b> ( this fee would vary depending on the amount of use)
Hours of use field would allow	This would be dependant/limited to field conditions and the type of use permitted on the field.  New field – maximum of 20 hrs. per week*  Established field – maximum of 35 hrs. per week* *weather dependant
Hours that field could be lit	20 hours/week first year 35 hours/week following that  Grass – Would recommend lighting a game field only, a lighted grass field would likely not withstand practices and games. Over use of lights and play affects grass growth and would close the field.
Uses that facility could accommodate	Same as Synthetic with the addition of field sports
# teams and events that facility could accommodate	Same as Synthetic with the addition of field sports
Rental cost per hour	Adult – \$23.00 per hour, Youth – \$4.50 per hour
Possible Revenues* *Based on adult fees	20 hrs x 52 weeks x 75% occupancy = \$17,940 35 hrs x 52 weeks x 75% occupancy = \$31,395
Other comments	<ul style="list-style-type: none"> <li>This would probably be a "game only" field with no practice use</li> <li>Natural turf facilities are closed in winter weather conditions. Standing water, snow, and frozen ground require closures.</li> <li>Well linked to the Third Street Sport Zone, VIU, and School District 68 students with parking options</li> </ul>

14.12

# STAFF REPORT

REPORT TO: TOM HICKEY, ACTING GENERAL MANAGER OF COMMUNITY SERVICES

FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE

RE: ROTARY BOWL

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## STAFF'S RECOMMENDATIONS:

That Council:

1. support the School District in its application for grant funding under the Community Connections Program to resurface the track at Rotary Bowl; and,
2. reconfirm its position that funding for Rotary Bowl will be considered by the City of Nanaimo when the School District commits to multi-use at this facility as defined in the 2010-MAR-05 Memorandum to the School District.

## EXECUTIVE SUMMARY:

At their meeting of 2010-FEB-24, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation, ***"that Council consider funding for Rotary Bowl when the School District commits to multi-use at this facility"***.

Over the last number of years, the School District and/or the Nanaimo and District Track & Field Club have requested either funding or letters of support to apply to other levels of government for funding of resurfacing of Rotary Bowl Track. In all situations, Commission and Council have supported applications for renewal of the track subject to School District 68 designating Rotary Bowl as a multi-use facility.

## BACKGROUND:

Although there has been considerable dialogue between the City of Nanaimo, School District 68, and various stakeholders over the last three years regarding the use of and funding for Rotary Bowl, to date no formal commitment from the School District has been received.

Respectfully submitted,



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Richard Harding, Director  
Parks, Recreation and Culture



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Tom Hickey, Acting General Manager  
Community Services

2010-JUL-19

File: C7-3

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MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-JUL-19, COMMENCING AT 6:00 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: Councillor W. L. Bestwick

Staff: D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
R. Kroeker, Manager, Occupational Health and Safety  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Correct Agenda Item 9 (a) – Information Only Items – Report from  
Mr. R. Kroeker, Manager of Occupational Health and Safety.

(b) Add Agenda Item 8 (c) – Staff Reports – Rotary Bowl.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-MAY-03 at 6:20 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JUN-28 at 6:04 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Licence and Temporary Use Permit for the Use of 2103 Bowen Road by Twelve Cubed Homes

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It was moved and seconded that Council:

1. approve in principle the temporary use of 2103 Bowen Road by Twelve Cubed Homes for an affordable housing demonstration project;
2. direct Staff to prepare a licence with Twelve Cubed Homes which sets rent at market value, and is for a maximum of two years; and,
3. direct Staff to prepare a Temporary Use Permit and undertake the necessary notification prior to the permit being considered at the 2010-AUG-09 Council Meeting.

The motion carried unanimously.

CORPORATE SERVICES:

(b) Nanaimo Dive Association Account Receivable

It was moved and seconded that Council approve the write off of the outstanding loan amount of \$48,666.64 owed by the Nanaimo Dive Association. The motion carried unanimously.

COMMUNITY SERVICES:

(c) Rotary Bowl

It was moved and seconded that Council:

1. support the School District in its application for grant funding under the Community Connections Program to resurface the track at Rotary Bowl; and,

2. reconfirm its position that funding for Rotary Bowl will be considered by the City of Nanaimo when the School District commits to multi-use at this facility as defined in the 2010-MAR-05 Memorandum to the School District.

The motion carried unanimously.

6. INFORMATION ONLY ITEMS:

- (a) Report from Mr. R. Kroeker, Manager of Occupational Health and Safety,

7. OTHER BUSINESS:

- (a) Update Municipal Issues

- (1) Mr. D. W. Holmes, Assistant City Manager and General Manager of Corporate Services, gave a verbal update regarding discussions on issues relating to the City's next agreement with Terasen Gas to take effect in 2012, including franchise fees and the possible equalization of rates in BC.

Councillor McNabb vacated the Board Room at 6:42 p.m.

- (2) Council discussed possible processes for reviewing the sign bylaw.

8. ADJOURNMENT:

It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-AUG-16, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JUL-19 at 6:00 p.m. in the Board Room, City Hall. Pg. 3-5

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

8. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Beban Park Pitch & Putt and Driving Range Lease Agreement** Pg. 6-23

Staff's Recommendation: That Council:

1. *approve in principle, the draft Lease to Double H Holdings Ltd. for the Beban Park Pitch & Putt and Driving Range;*

**AND:**

2. *direct Staff to bring forward a report to the open Council meeting on 2010-SEP-13 for approval of the Lease Agreement and to obtain direction on the Alternative Approval Process.*

9. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate,

*Pg. 24-25*

10. **CORRESPONDENCE:**

11. **OTHER BUSINESS:**

- (a) Update Regional Issues

- (b) Update Municipal Issues

12. **ADJOURNMENT:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: BEBAN PARK PITCH & PUTT AND DRIVING RANGE LEASE AGREEMENT

## STAFF'S RECOMMENDATION:

That Council:

1. approve in principle the draft Lease to Double H Holdings Ltd. for the Beban Park Pitch & Putt and Driving Range; and
2. direct Staff to bring forward a report to the Open Council Meeting on 2010-SEP-13 for approval of the Lease Agreement and to obtain direction on the Alternative Approval Process.

## EXECUTIVE SUMMARY:

In 1998 Double H Holdings Ltd. developed the Beban Park Pitch & Putt facility at no cost to the City. The golf course has been managed and maintained since that time by Double H Holdings Ltd. through a Management Agreement.

Double H Holdings Ltd. has approached the City with a proposal to develop a training facility that would include a 35-stall driving range and nine holes of golf within the footprint of the existing 18-hole Pitch & Putt course. The proposed new golf training facility will be developed in the winter of 2010, with a target to open in the spring of 2011.

Staff recommends that Council approve the negotiated draft Lease Agreement which has been agreed upon by both parties. The Agreement is for a term of thirteen years, with rent set at the market rate of \$35,200.00 base plus 10% of gross revenue over \$352,000.00. A copy of the draft Lease is included in this report as Attachment A. The survey work for the Lease Area is still being finalized.

A motion of support was passed at the "In Camera" Parks, Recreation and Culture Commission Meeting of 2010-JUN-23 and subsequently approved in principle at the "In Camera" Council Meeting of 2010-JUL-12.

The disposition of the land in Beban Park will require a bylaw adopted with the approval of the electors.

Council  
 Committee of the Whole  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-Aug-16

Should Council approve the draft Lease, Staff will bring forward to the 2010-SEP-13 Open Council Meeting a report regarding the Alternative Approval Process (AAP) and a bylaw for consideration of the first three readings.

BACKGROUND:

Double H Holdings Ltd. is currently in the final five-year term of the original fifteen-year Agreement whereby the City collects a guaranteed base rent of \$20,000.00 plus 27.5% of the gross revenue over \$200,000.00 per annum. Revenue is generated by green fees, lessons and rentals. Double H Holdings Ltd. revenues have averaged \$211,000.00 over the past ten years resulting in \$23,000.00 net revenue per annum to the City.

Although the Pitch & Putt is currently open year round, 78% of annual revenue is generated in just five months of the year. Double H Holdings Ltd. believes that a training facility with a driving range would encourage more people to take up golf and create a more even revenue stream throughout the year. Double H Holdings Ltd. has approached the City with a proposal to develop a training facility that would include a 35-stall driving range and nine holes of golf within the footprint of the existing 18-hole golf course.

To develop the training facility, Double H Holdings Ltd. will need to invest approximately \$300,000.00 which will be secured from a lender. The current Management Agreement does not provide an interest in land and cannot be used to secure funding. Double H Holdings Ltd. has requested a Lease Agreement which will provide the necessary certainty. The current Agreement has 3 years remaining. Double H Holdings Ltd. has requested an additional 10 years to amortize the costs. The new Agreement will run for 13 years, commencing 2010-NOV-15 and terminating on 2023-NOV-14. A copy of the draft Lease is included in this report as Attachment A.


Cunningham and Rivard Appraisals Ltd. were commissioned by Staff to determine the market value of the rent to assist in negotiating the new Lease. The market rent was determined to be \$35,200.00 per annum. Staff recommends an additional 10% of gross revenue in excess of \$352,000.00 per annum should also form part of this rent. Rent reviews will occur every three years to ensure rent remains at market value.


The training facility concept was presented to the "In Camera" Parks, Recreation and Culture Commission and approved at its meeting of 2010-JUN-23.

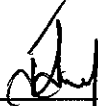
The disposition of the land in Beban Park will require a bylaw adopted with the approval of the electors.

Should Council approve the draft Lease, Staff will bring forward to the 2010-SEP-13 Open Council Meeting a report regarding the Alternative Approval Process (AAP) and a bylaw for consideration of the first three readings.

Respectfully submitted,

  
B. Corsan, Manager  
Real Estate

*for*   
A. Tucker, Director  
Planning

*for*   
T. Swabey, General Manager  
Community Safety & Development

Prospero: LD000171  
"IC" Committee: 2010-AUG-16  
BC/tl







TERMS OF INSTRUMENT, PART 2

THIS LEASE AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BETWEEN: CITY OF NANAIMO**  
455 Wallace Street,  
Nanaimo, British Columbia  
V9R 5J6

(the "City")

OF THE FIRST PART

**AND: DOUBLE H HOLDINGS LTD (INC. NO. BC0519137)**  
Box 339  
7505 Forest Turn  
Lantzville, BC  
V0R 2H0

(the "Lessee")

OF THE SECOND PART

**WHEREAS:**

- A. The Lessee has requested permission from the City to lease a part of certain lands owned by the City, commonly known as Beban Park, and legally described as:

P.I.D. 000-289-078

Lot 1, Sections 18, 19 and 20, Range 7, Mountain District, Plan 27441, Except Those Parts in Plans 40622 and 44255 (the "Lands").

- B. The City has obtained the approval of the electors to dispose of the Lease Area as required by the provisions of the Community Charter.

NOW THEREFORE this agreement witnesses that in consideration of the Lease Area and the mutual covenants contained in this agreement (the "Agreement"), the parties agree as follows:

1. GRANT OF LEASE

The City grants to the Lessee the right to occupy that part of the Lands comprising \_\_\_\_\_ hectares, more or less, shown as "Lease Area" on Plan EPP \_\_\_\_\_, a reduced copy of which is attached to this Agreement as Schedule "A" (the "Lease Area").

2. LEASE AREA AND STRUCTURES

The City grants the right to the Lessee to use and occupy the Lease Area. The City acknowledges and agrees that the clubhouse building presently situate on the Lease Area (the "**Lessee's Structures**") is owned solely by the Lessee and may be removed by the Lessee on termination of this Agreement in the manner described herein.

All other buildings, structures and improvements presently situate on the Lease Area, and any buildings, structures and improvements that the City may permit the Lessee to construct during the term of this Agreement, are and shall remain the property of the City.

3. TERM

For the term of thirteen (13) years commencing on the 15<sup>th</sup> day of November, 2010 and ending on the 31<sup>st</sup> day of October, 2023 (the "**Term**").

4. USE

(a) the Lessee shall use the Lease Area for the purposes of a nine-hole pitch and putt golf course and driving range facility, and for no other purposes unless otherwise approved by the City in writing.

(b) the use of the Lease Area by the Lessee as permitted under section 4(a) must be in accordance with the standards and specifications set out in Schedule "B" attached to this Agreement.

5. RENT

The Lessee shall pay to the City rent in accordance with Schedule "C" attached to this Agreement.

6. LESSEE'S COVENANTS

The Lessee covenants with the City:

Rent

(a) to pay rent;

Rates

(b) to pay all taxes, rates, duties and assessments whatsoever, whether federal, provincial, municipal or otherwise, including Harmonized Sales Tax, charged upon the Lessee or the City as a result of the Lessee's occupation or use of the Lease Area;

Utilities

(c) to pay as they become due all utility rates in respect of the Lease Area, including water, sewer and garbage rates and charges for all gas, oil, telephone and electric light and power used on the Lease Area;

Construction

- (d) that it will not construct any buildings, structures or improvements on the Lease Area or alter any buildings, structures or improvements on the Lease Area, unless, prior to any construction or alteration, having obtained:
  - (i) the City's approval in writing to the site plan, working drawings, plans, specifications, and elevations;
  - (ii) a building permit from the City authorizing the construction of the buildings and structures set out in the permit and the plans and specifications attached to it; and
  - (iii) all required inspections.

Repair

- (g) that it is the Lessee's sole responsibility to maintain and repair the Lease Area, including all buildings, structures and improvements situate thereon (**collectively, the "Facility"**) and to keep the whole of the Facility in a safe state of repair and not to permit the same to become unsightly or unsafe in any material respect;
- (h) that the City, at any reasonable time, may enter and view the Facility for purposes of determining the Lessee's compliance with fire and safety standards established by the City of Nanaimo from time to time;
- (i) that the Lessee will keep the grounds comprising the Facility maintained and repaired where necessary, in as good a condition as presently exists at the commencement of this Agreement;

Assign or Sublet

- (j) that it will not assign nor sublet without prior written consent of the City;
- (k) that the City's consent to assignment or subletting shall not release or relieve the Lessee from its obligations to perform all the terms, covenants and conditions that this Agreement requires the Lessee to perform, and the Lessee shall pay the City's reasonable costs incurred in connection with the Lessee's request for consent;

Nuisance

- (l) that it will not carry on or do or allow to be carried on or done on the Lease Area anything that:
  - (i) may be or become a nuisance to the City or the public;
  - (ii) increases the hazard of fire or liability of any kind;
  - (iii) increases the premium rate of insurance against loss by fire or liability upon the Lease Area; or
  - (iv) invalidates any policy of insurance for the Lease Area;

Regulations

- (m) that it will:
- (i) construct and operate the Facility only in compliance with all applicable laws, and comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the City or the Lessee; and
  - (ii) indemnify and save harmless the City from all lawsuits, damages, losses, costs or expenses that the City may incur by reason of non-compliance by the Lessee with legal requirements or by reason of any defect in the Lease Area or any injury to any person or to any personal property contained on the Lease Area unless the damages, losses, costs, expenses or injuries are the result of the negligence of the City;

Insurance

- (n) that it will take out and maintain during the Term, a policy of comprehensive general liability insurance against claims for bodily injury, death or property damage arising out of the use and occupancy of the Lease Area by the Lessee in an amount of not less than **FIVE MILLION (\$5,000,000.00) DOLLARS** per single occurrence or such greater amount as the City may from time to time designate, naming the City as an insured party thereto and shall provide the City with a certified copy of such policy or policies;
- (o) that all policies of insurance shall contain a waiver of subrogation clause in favor of the City and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the City thirty (30) days prior written notice;
- (p) that if the Lessee does not provide or maintain in force the insurance required by this Agreement, the City may take out the necessary insurance and pay the premium for periods of one year at a time, and the Lessee shall pay to the City as additional rent the amount of the premium immediately on demand;
- (q) that if both the City and the Lessee have claims to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Lessee;

Indemnification

- (r) that it will indemnify the City from and against all lawsuits, damages, losses, costs or expenses which the City may incur by reason of the use and occupation of the Lease Area by the Lessee or the carrying on upon the Lease Area of any activity in relation to the Lessee's use of the Lease Area and in respect of any loss, damage or injury sustained by any person while on the Lease Area for the purpose of doing business with the Lessee or otherwise dealing with the Lessee;

Builders Liens

- (s) that it will indemnify the City from and against all claims for liens for wages or materials or for damage to persons or property caused during the making of or in connection with any excavation, construction, repairs, alterations, installations and additions which the Lessee may make or cause to be made on, in or to the Lease Area.

Possession

- (t) that it will at the expiration or sooner determination of this Agreement peaceably surrender and give up possession of the Lease Area without notice from the City;

Maintenance

- (u) that it will maintain the Facility at its cost, including the landscaping, at all times to the standards required by the City;

Signs

- (v) that it shall not display any sign, picture, advertisement, notice, lettering or direction on any part of the outside of the Facility without the prior written approval of the City.

7. MISCELLANEOUS COVENANTS

And it is hereby mutually agreed:

Re-Entry

- (a) that the City may re-enter and repossess the Lease Area on non-payment of rent, or non-performance of covenants;

Forfeiture

- (b) that the City by waiving or neglecting to enforce the right to forfeiture of this Agreement or the right of re-entry upon breach of any covenant, condition or agreement in it does not waive its rights upon any subsequent breach of the same or any other covenant, condition or agreement in this Agreement;

Distress

- (c) that if the City is entitled to levy distress against the goods and chattels of the Lessee, the City may use enough force necessary for that purpose and for gaining admittance to the Lease Area and the Lessee releases the City from liability for any loss or damage sustained by the Lessee as a result;

Destruction

- (d) that if the Facility or any part of it is at any time during the Term burned down or damaged by fire, lightning, explosion, tempest, or earthquake, so as to render it unfit for the purpose of the Lessee;

- (i) the Lessee shall, within ninety (90) days after the fire, flood or other casualty advise the City in writing whether the Lessee intends to restore, repair or replace the Facility or the portion damaged. If the Lessee intends to undertake and complete restoration, repair or replacement the Lessee shall do so within one hundred eighty (180) days after the damage occurred; and
- (ii) if the Lessee elects not to undertake restoration, repair or replacement or if the Lessee, having so elected fails to commence to undertake the restoration, repair or replacement within one hundred eighty (180) days after the damage occurred, or fails to diligently carry out such restoration, repair or replacement, this Agreement shall terminate and, for the purpose of this subsection (d), if the Lessee does not advise the City concerning the Lessee's intention within ninety (90) days, the Lessee shall be deemed to have elected not to undertake restoration, repair and replacement and shall vacate the Lease Area forthwith;

#### Fixtures and Chattels

- (e) (i) that the Lessee may, at or prior to the expiration of the Term, take, remove and carry away from the Lease Area, the Lessee's Structure and movable business and trade fixtures and furniture and appliances provided that the Lessee shall, at its own expense, repair any damage to the Lease Area caused by such removal or by the original installation;
- (ii) that the City may require the Lessee to remove all or any part of the Lessee's Structures and chattels at the expiration of this Agreement but only upon giving to the Lessee a minimum of ninety (90) days prior written notice to remove. Such removal shall be done at the Lessee's expense and the Lessee shall at its own expense repair any damage to the Lease Area caused by such removal. If the Lessee does not remove its property forthwith after expiry of this Agreement such property shall, if the City elects, be deemed to become the City's property or if proper Notice to remove was given to the Lessee by the City, the City may remove the same at the expense of the Lessee and the cost of such removal and any necessary storage charges shall be paid by the Lessee forthwith to the City on written demand. The City shall not be responsible for any loss to such property because of such removal;

#### Holding Over

- (f) that if the Lessee holds over following the Term and the City accepts rent, this Agreement becomes a tenancy from month to month subject to those conditions in this Agreement applicable to a tenancy from month to month;

#### City's Payments

- (g) that if the City incurs any damage, loss or expense or makes any payment for which the Lessee is liable under this Agreement, then the City may add the cost or amount of the damage, loss, expense or payment to the rent and may recover it as if it were rent in arrears;



City's Repairs

(h) that:

- (i) if the Lessee fails to repair or maintain the Facility in accordance with this Agreement, the City, its agents, employees or contractors may, upon ninety-six (96) hours notice, enter the Facility and make the required repairs or do the required maintenance and recover the cost from the Lessee; and
- (ii) in making the repairs or doing the maintenance the City may bring and leave upon the Lease Area all necessary materials, tools and equipment; and
- (iii) the City will not be liable to the Lessee for any inconvenience, annoyance, loss of business or injury suffered by the Lessee by reason of the City effecting the repairs or maintenance;

Insolvency

(i) that if:

- (i) any of the goods or chattels on the Lease Area are at any time seized or taken in execution or attachment by any creditor of the Lessee or under bill of sale or conditional sale or chattel mortgage; or
- (ii) if a writ of execution issues against the goods or chattels of the Lessee; or
- (iii) if the Lessee makes any assignment for the benefit of creditors; or
- (iv) if the Lessee becomes insolvent or bankrupt; or
- (v) being an incorporated company or society if proceedings are begun to wind up the company or society; or
- (vi) if the Lease Area or any part of them becomes vacant and unoccupied for a period of one hundred eighty days (180) days or is used by any other person or persons or for any other purpose than permitted in this Agreement without the written consent of the City,

the Term shall, at the option of the City, immediately become forfeited and the City may re-enter and repossess the Lease Area;

Time

(j) that time shall be of the essence of this Agreement;

Notices

- (l) that any notice required to be given under this Agreement shall 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 City:

**City of Nanaimo**  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

If to the Lessee:

**Double H Holdings Ltd**  
Box 339  
7505 Forest Turn  
Lantzville, BC  
V0R 2H0

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of mailing the notice the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labor dispute, then the notice may only be given by actual delivery of it;

#### Fitness of Lease Area

- (m) that the City has made no representations or warranties as to the condition, fitness or nature of the Lease Area and by executing this Agreement, the Lessee releases the City from any and all claims which the Lessee now has or may in future have in that respect;
- (n) that the Lessee admits that it has inspected the Lease Area in its present state and that it is suitable for the Lessee's purposes;

#### Environmental

- (o) In this Agreement "**Contaminants**" means any materials or structures of any kind the storage, manufacture, disposal, treatment, generation, use, transportation, remediation or release into the environment of which is prohibited, controlled, or regulated under environmental laws;
- (p) The Lessee is familiar with the Lease Area and has leased the Lease Area after examining it and the Lessee takes possession of the Land on an "as is" basis and agrees that the City has not made any representations, warranties, covenants and agreements with respect to the condition of the Lease Area, the suitability of the Lease Area for the Lessee's intended use or any use whatsoever, and in particular and without limiting the generality of the foregoing, as to the environmental condition of the Lease Area;
- (q) If the Lessee shall bring or create upon the Lease Area any Contaminants then, notwithstanding any rule of law to the contrary, such Contaminants shall be and

remain the sole and exclusive property of the Lessee and shall not become the property of the City, notwithstanding the degree of affixation of the Contaminants or the goods containing the Contaminants to the Lands and notwithstanding the expiry or earlier termination of this Agreement;

- (r) The Lessee shall indemnify and save harmless the City, its officers, employees, agents, successors and assigns from any and all liabilities, actions, damages, claims, losses, charges and expenses and the costs of removal, treatment, storage and disposal of Contaminants and remediation of the property which may be paid by, incurred by or asserted against the City, its officers, employees, agents, successors or assigns as a direct or indirect result of the presence of any Contaminants, in or under, or the escape, seepage, leakage, spillage, discharge, emission or other release of any Contaminants from any part of the Lease Area and to the extent caused by any act or omission of the Lessee its employees, agent, contractors, invitees, Lessees, or sub-Lessees from any part of the Lease Area into the environment including, without limitation, into or upon any real property, the atmosphere or any water course or body or water;

#### Net Agreement

- (s) that this Agreement shall be a completely carefree net lease to the City as applicable to the Lease Area and the City shall not be responsible during the Term for any cost, charges, expenses, or outlays of any nature whatsoever in respect of the Lease Area or its contents except those mentioned in this Agreement;

#### Interpretation

- (t) that when the singular or neuter are used in this Agreement, they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;
- (u) that the headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it;
- (v) all provisions of this Agreement are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;
- (w) that nothing in this Agreement shall be construed as constituting the City and the Lessee as a partnership or joint venture, or as constituting either party as the agent of the other;

#### Binding Effect

- (x) that this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees;

Law Applicable

(y) that this Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

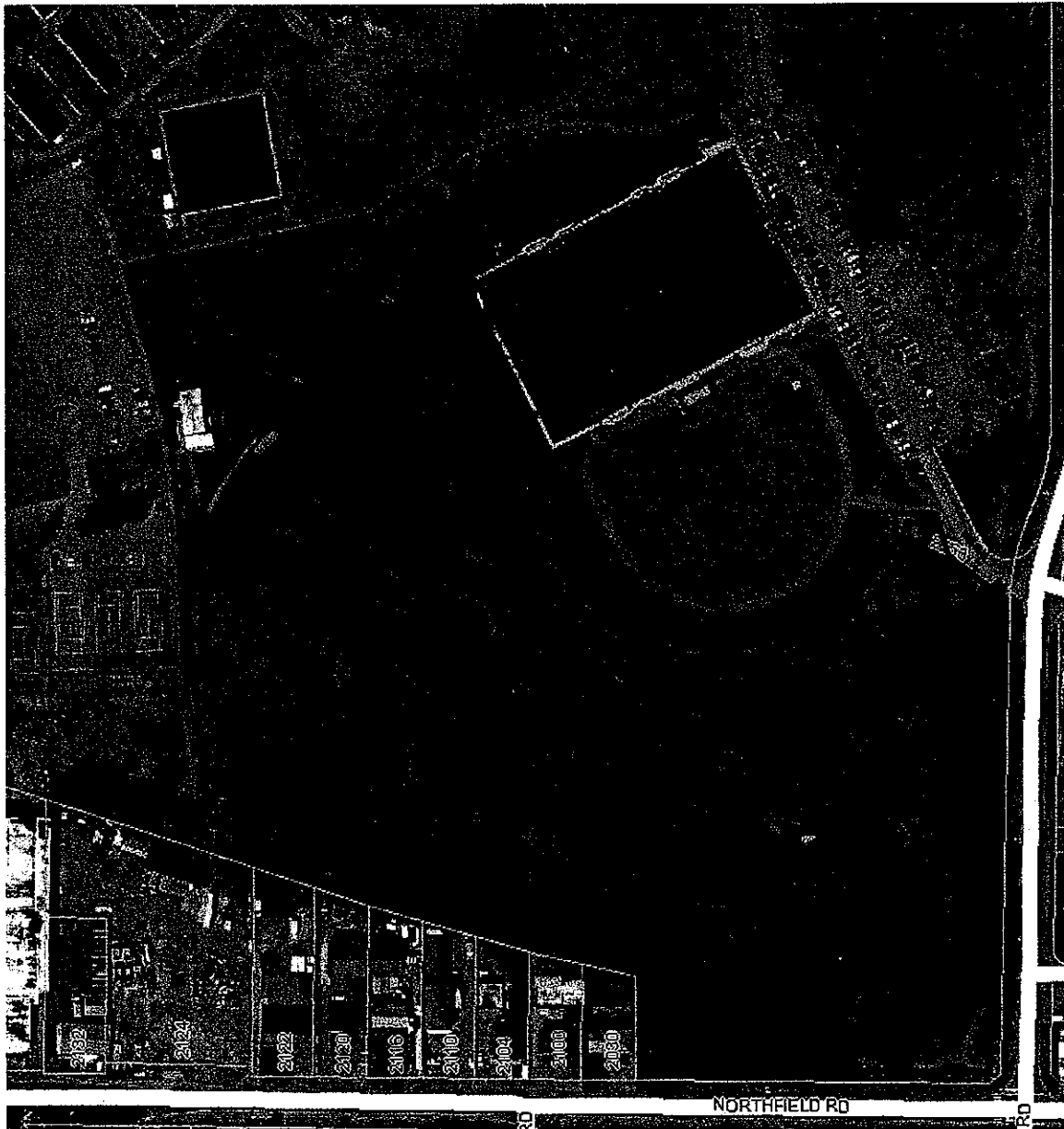
IN WITNESS the parties have signed and sealed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF NANAIMO** )  
 by its authorized signatory(ies): )  
 )  
 )  
 \_\_\_\_\_ )  
 General Manager, Community Safety and Development )  
 Ted Swabey )  
 )  
 )  
 \_\_\_\_\_ )  
 Director of Legislative Services, )  
 Name: )

**DOUBLE H HOLDINGS LTD.** )  
 by its authorized signatory(ies): )  
 )  
 )  
 \_\_\_\_\_ )  
 )  
 )  
 \_\_\_\_\_ )  
 )

**SCHEDULE "A"**

**LEASE AREA PLAN (to be superseded by legal survey)**



**SCHEDULE "B"**

**STANDARDS AND SPECIFICATIONS**

1. The Facility shall consist of:
  - (a) A nine hole pitch and putt golf course, driving range and practice facility;
  - (b) An underground sprinkler system for all fairways and greens, and the driving range;
  - (c) A driving range with a minimum of twenty (20) stalls, and safety netting surrounding the driving range satisfactory to the City; and
  - (d) Public washroom facilities.
2. The Facility must be open from 8:00 am to dusk, seven (7) days per week, year-round, with the exception of Christmas Day, unless weather conditions otherwise necessitate closure.
3. The Facility must be maintained to the standard of a well-groomed public golf course and driving range. Such maintenance includes watering and irrigation of the golf course, maintaining the height of the grass within the greens at a level of one-quarter inch (1/4") and the fairways at a level of five-eighths inches (5/8"). The driving range safety netting must be maintained in good repair.

**SCHEDULE "C"**

**RENT**

1. Base Rent shall be Thirty-Five Thousand Two Hundred Dollars (\$35,200.00) per year, payable in monthly installments of Two Thousand Nine Hundred Thirty-Three Dollars and Thirty-Three Cents (\$2,933.33), in advance on the first day of each month during the Term.
2. The Lessee shall pay additional rent equal to ten (10%) percent of the Lessee's gross revenue in excess of Three Hundred Fifty-Two Thousand Dollars (\$352,000.00) from the Facility for each lease year during the Term. A "lease year" is defined as the period commencing November 1 in one calendar year, and ending on October 31 in the next. Such additional rent shall be paid to the City within ninety (90) days of the end of each lease year.
3. Along with additional rent payable under section 2, the Lessee shall provide to the City within ninety (90) days of the end of each lease year a statement of reconciliation setting out the Lessee's gross revenue for the lease year. "Gross revenue" is defined as all revenue collected by the Lessee in connection with the operation of the Facility including, without limitation, revenues from green fees, passes, club rentals, and range ball rentals.
4. The City may, at its own expense, audit the financial records of the Lessee for the purposes of verifying the reconciliation statement referred to in section 3, and the Lessee shall provide the City with complete access to the Lessee's financial records upon request.
5. The City will conduct a review of the Base Rent every three (3) lease years during the Term. Base Rent for the three (3) lease years following each such rent review shall be equal to the current market rental value of the Lease Area as determined through the rent review. Any dispute as to the market value established during a rent review shall be submitted for determination in accordance with the Commercial Arbitration Act (British Columbia).

# "IN CAMERA" FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
FROM: BILL CORSAN, MANAGER, REAL ESTATE  
RE: UPDATE ON CECO/MADILL LEASE

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

At the 2010-May-10 "In Camera" Council meeting, Staff informed Council that Ceco Properties Ltd. had informally terminated their lease with the City and was not interested in acquiring the City-owned land as part of a larger lot consolidation.

At the 2010-Jun-21 "In Camera" Council meeting, Staff informed Council that the City's lawyers recommended filing a Writ of Summons against Ceco Properites Ltd. The purpose of the Writ was to ensure that Ceco could not undertake a corporate dissolution until the outstanding lease matters were dealt with.

Ceco Properties Ltd. paid their outstanding rent for the current year on 2010-Jul-12. Staff will continue to work with Ceco Properties Ltd. to address the termination provisions of the lease should Ceco wish to terminate the lease at the end of the year.

BACKGROUND:

At the 2010-May-10 "In Camera" Council meeting, Staff informed Council that Ceco Properties Ltd. does not wish to complete an acquisition of the lands on Labieux Road that it currently leases from the City. Ceco has also indicated that it wishes to cancel its lease with the City and stopped making rent payments as of 2009-Dec-31.

Staff was of the position that Ceco is obligated under the lease to meet certain conditions upon termination. Staff consulted with the City's lawyers who advised that the City should file a Writ of Summons in the Supreme Court of British Columbia to protect its rights. Following Council's direction from the 2010-Jun-21 "In Camera" Council meeting, the City's lawyers filed a Writ of Summons in the Supreme Court. The laywers also sent a letter to Ceco outlining the City's expectations.

Council  
 Committee of the Whole  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-AUG-16



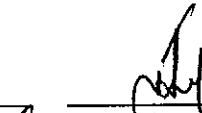
Upon filing the Writ of Summons Ceco Properties paid their outstanding rent for 2010 which was \$36,492.75. The rent was received on 2010-Jul-12.

Staff will work with the tenant to ensure the termination provisions of the lease are followed, should Ceco wish to terminate their lease at the end of 2010.

Respectfully submitted,



B. Corsan, Manager  
Real Estate



*for* A. Tucker, Director  
Planning



*for* T. Swabey, General Manager  
Community Safety & Development

BC/tl  
Prospero: LD000122  
"IC" Committee: 2010-Aug-16

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-AUG-16, COMMENCING AT 6:43 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
Deputy Chief C. Richardson, Nanaimo Fire Rescue  
S. Samborski, Senior Manager of Recreation and Culture Services  
J. Ritchie, Senior Manager of Parks  
B. Corsan, Manager of Real Estate  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:43 p.m.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-JUL-19 at 6:00 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

4. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Beban Park Pitch & Putt and Driving Range Lease Agreement

It was moved and seconded that Council:

1. approve in principle, the draft Lease to Double H Holdings Ltd. for the Beban Park Pitch & Putt and Driving Range; and,
2. direct Staff to bring forward a report to the open Council meeting on 2010-SEP-13 for approval of the Lease Agreement and to obtain direction on the Alternative Approval Process.

The motion carried unanimously.

5. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate,

6. OTHER BUSINESS:

(a) Update Regional Issues

Mr. A. C. Kenning, City Manager, provided a verbal report regarding the Regional District of Nanaimo and the Regional Growth Strategy.

(b) Update Municipal Issues

- (1) Mr. A. C. Kenning, City Manager, provided a verbal report regarding the drowning of a 7 year old girl at Westwood Lake on 2010-AUG-13.
- (2) Mr. A. C. Kenning, City Manager, advised that Staff may be bringing forward a report to Council regarding feeding deer in residential neighbourhoods.

7. ADJOURNMENT:

It was moved and seconded at 7:15 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-NOV-15, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-OCT-18 at 5:30 p.m. in the Board Room, City Hall. *Pg. 2-4*

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

8. STAFF REPORTS:

9. INFORMATION ONLY ITEMS:

10. CORRESPONDENCE:

11. OTHER BUSINESS:

(a) Update Regional Issues

(b) Update Municipal Issues

- (1) Council to consider options for naming a City of Nanaimo facility, street or landmark in honour of Councillor Larry McNabb.

12. ADJOURNMENT:

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-NOV-15, COMMENCING AT 6:41 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance (Vacated at 6:45 p.m.)  
T. P. Seward, Director of Development (Vacated at 6:45 p.m.)  
A. J. Tucker, Director of Planning (Vacated at 6:45 p.m.)  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 6:41 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 11 (b) (2) –

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-OCT-18 at 5:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. OTHER BUSINESS:

(a) Update Municipal Issues

(1) Tribute to Councillor McNabb

It was moved and seconded that the issue of naming a facility, street or landmark in honour of Councillor McNabb, be delayed to a more appropriate time as determined by Council. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 7:25 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 7:25 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-DEC-06, COMMENCING IMMEDIATELY FOLLOWING THE REGULAR  
FINANCE / POLICY COMMITTEE OF THE WHOLE

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-NOV-15 at 6:41 p.m. in the Board Room, City Hall. Pg. 4-5

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. COMMISSION REPORTS:

7. COMMITTEE REPORTS:

8. STAFF REPORTS:

ADMINISTRATION:

- (a) Lantzville Water Pg. 6-8

*Staff's Recommendation:* That Council *not* change its position of the terms under which it would supply water to Lantzville. (See attached terms.)

- (b) **Indemnification of Legal Fees Relating to Opinion Regarding Conflict of Interest** Pg. 9-12

Staff's Recommendations: That:

1.

AND:

2. *Staff be directed to prepare a policy for Council's consideration for the purpose of funding legal opinions for members of Council in advance of votes in which a member of Council may have a conflict of interest.*

**COMMUNITY SAFETY AND DEVELOPMENT:**

- (c) Pg. 13-18

**CORPORATE SERVICES:**

- (d) **Appointments to the Regional District of Nanaimo** Pg. 19-20

Staff's Recommendations: That Council:

1. *provide direction with regard to the appointments to the Regional District of Nanaimo Board for the 2011 calendar year;*

AND:

2. *formalize the decision of Council at the Regular Council meeting of 2010-DEC-13.*

9. **INFORMATION ONLY ITEMS:**

10. **CORRESPONDENCE:**

- (a) Letter dated 2010-DEC-02 from Mr. Guy McDannold, Staples, Pg. 21-22  
McDannold, Stewart,



11. **OTHER BUSINESS:**

- (a) At the "In Camera" Meeting of Council held Monday, 2010-NOV-22, Councilor Bestwick put forward the following motion:

"That the time for holding "In Camera" Meetings of Council be rescheduled to 5:00 p.m. or immediately following the Regular Meeting of Council."

12. **ADJOURNMENT:**

## IN CAMERA STAFF REPORT

REPORT TO: D.W. HOLMES, ASSISTANT CITY MANAGER /  
GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS TO THE REGIONAL DISTRICT OF NANAIMO

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### STAFF'S RECOMMENDATION:

That Council:

1. provide direction with regard to the appointments to the Regional District of Nanaimo Board for the 2011 calendar year; and
2. formalize the decision of Council at the Regular Council meeting of 2010-DEC-13;

### EXECUTIVE SUMMARY:

The Regional District of Nanaimo (RDN) has requested the names of the City of Nanaimo Directors and Alternate Directors for the 2011 calendar year.

As per Section 784 of the *Local Government Act*, the term of office of a municipal director continues until another director is appointed to take their place. It is therefore an option for Council to choose to continue with the appointments as they currently stand.

Staff seek direction in this regard.

### BACKGROUND:

At the Special Council Meeting of 2009-DEC-07 the following motion was adopted:

59909           It was moved and seconded that Council:

1. confirm the appointments to the Regional District of Nanaimo Board to continue for 2010 as follows: Mayor Ruttan, Councillor Bestwick, Councillor Kipp, Councillor Johnstone, Councillor Holdom, Councillor Sherry and Councillor McNabb;
2. assign five votes to each of the following four Directors: Mayor Ruttan, Councillor Bestwick, Councillor Kipp and Councillor Johnstone;
3. assign four votes to each of the following three Directors: Councillor Holdom, Councillor Sherry and Councillor McNabb

Council  
 Committee *FLPCOW*  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: *2010-DEC-06*

4. appoint and establish a schedule for Primary and Secondary Alternate Directors to alternate monthly as follows: Councillor Unger as Primary Alternate Director starting December 1, 2009, and Councillor Pattje as Secondary Alternate Director.

The motion carried unanimously.

Staff have been contacted by the Regional District of Nanaimo (RDN) requesting confirmation of appointments of Directors and Alternate Directors to the RDN for the 2011 calendar year.

You will note that Section 784 of the *Local Government Act* provides for the appointment of municipal directors to a regional district as follows:

- (1) After the first appointment under section 777 (1) (e), each municipal director is to be appointed at pleasure by the council from among its members.
- (2) The term of office of a municipal director
  - (a) begins when the person takes office in accordance with section 210 (3) [oath of office], and
  - (b) continues until the earliest of
    - (i) another director taking office in the original director's place,
    - (ii) the director ceasing to be a member of the council before the next general local election, and
    - (iii) December 31 in the year of a general local election.

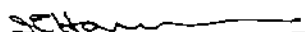
Council may wish to continue with the appointments to the Regional District with no changes at this time.

As a reminder, in April of 2008, Council established a system that "upon the absence of any City of Nanaimo Municipal Director to the Regional District of Nanaimo from any Regional District meeting of the Board, the Primary Alternate Director for the month in which the absence occurs will attend on behalf of the absent Director. In the absence of the Primary Alternate Director, the Secondary Alternate Director will attend. Should more than one Municipal Director be absent from any Regional District meeting, both Alternate Directors will attend."

For the purpose of the above-noted system, the two Councillors alternate between Primary and Secondary Alternate Director on a monthly basis.

Staff seek direction with regard to the appointments to the RDN.

Respectfully submitted,

  
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Joan E. Harrison  
Manager of Legislative Services

  
\_\_\_\_\_  
Douglas Holmes, Assistant City Manager /  
GM of Corporate Services

MINUTES OF THE "IN CAMERA" FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2010-DEC-06, COMMENCING AT 7:20 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
Chief R. Lambert, Nanaimo Fire Rescue  
Deputy Fire Chief C. Richardson, Nanaimo Fire Rescue  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:20 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item (11) (b) – Other Business –

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Finance / Policy Committee of the Whole Meeting held Monday, 2010-NOV-15 at 6:41 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

ADMINISTRATION:

Mayor Ruttan vacated the Board Room on a perceived conflict of interest as he is a resident of Lantzville.

Mayor Ruttan vacated the Chair.

Councillor Unger assumed the Chair.

Mr. D. W. Holmes vacated the Board Room on a perceived conflict of interest as his wife is an employee of the District of Lantzville.

(a) Lantzville Water

It was moved and seconded that Council reaffirm its position of the terms under which it would supply water to Lantzville. The motion carried unanimously.

Mayor Ruttan resumed the Chair.

Mr. D. W. Holmes returned to the Board Room.

(b) Indemnification of Legal Fees Relating to Opinion Regarding Conflict of Interest

It was moved and seconded that:

2. Staff be directed to prepare a policy for Council's consideration for the purpose of funding legal opinions for members of Council in advance of votes in which a member of Council may have a conflict of interest.

Councillor Pattje requested that the recommendations be dealt with separately.

It was moved and seconded that Staff be directed to prepare a policy for Council's consideration for the purpose of funding legal opinions for members of Council in advance of votes in which a member of Council may have a conflict of interest. The motion carried.

Opposed: *Councillors Pattje and Sherry*

COMMUNITY SAFETY AND DEVELOPMENT:

CORPORATE SERVICES:

(d) Appointments to the Regional District of Nanaimo

It was moved and seconded that Council:

1. confirm the appointments to the Regional District of Nanaimo Board to continue for 2011 as follows: Mayor Ruttan, Councillor Bestwick, Councillor Kipp, Councillor Johnstone, Councillor Holdom, Councillor Sherry and Councillor McNabb;
2. assign five votes to each of the following four Directors: Mayor Ruttan, Councillor Bestwick, Councillor Kipp and Councillor Johnstone;
3. assign four votes to each of the following three Directors: Councillor Holdom, Councillor Sherry and Councillor McNabb;
4. appoint and establish a schedule for Primary and Secondary Alternate Directors to alternate monthly as follows: Councillor Unger as Primary Alternate Director starting 2010-DEC-01, and Councillor Pattje as Secondary Alternate Director; and,
5. formalize the decision of Council at the Regular Council Meeting of 2010-DEC-13.

The motion carried unanimously.

6. CORRESPONDENCE:

7. OTHER BUSINESS:

- (a) At the "In Camera" Meeting of Council held Monday, 2010-NOV-22, Councillor Bestwick put forward the following motion:

"That the time for holding "In Camera" Meetings of Council be rescheduled to 5:00 p.m. or immediately following the Regular Meeting of Council."

This issue was referred to the next Open Meeting of Council to be held on Monday, 2010-DEC-13.

It was moved and seconded that Council advise the Regional District of Nanaimo (RDN) regarding the appointments to the RDN Board. The motion carried unanimously.

It was moved and seconded that once Staff prepares a policy for Council's consideration for the purpose of funding legal opinions for members of Council in advance of votes in which a member of Council may have a conflict of interest, that the policy be forwarded to an Open Meeting of Council for discussion. The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 8:32 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

It was moved and seconded at 8:32 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES