



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE: 250-557-4295
Public Works: 250-557-4295
FAX: 250-557-4568
Email: office@portclements.ca
Web: www.portclements.ca

7:00 p.m. Regular Meeting of Council Monday, June 4th, 2018

AGENDA

1. ADOPT AGENDA

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS

P-1 – Petition for Outdoor Swimming Pool – Linda Berston – Report by CAO Decock

3. MINUTES

M-1 – May 22nd, 2018 Regular Council Meeting Minutes.

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS

Progress Report for BA-1 – BA-5 & UB-1 – CAO Decock

BA-1—(WHARF) Progress report on getting Wharf in good serviceable conditions and getting the second set of figures for the lower load limits based on the previous engine report – CAO Ruby Decock

BA-2—(PRIORITIES) Progress report on the Council's Public Works priorities and confirmed timelines - CAO Ruby Decock

BA-3—(ALL-ISLAND MEETING) Progress report on request for meeting with all other communities on Island to attend an All-Community Meeting in Port Clements – CAO Ruby Decock

BA-4-- (RTC CLINIC) Progress report for further information regarding the Clinic Addition -- CAO Ruby Decock

BA-5—(Office) Progress report on the reduction of Office service hours – CAO Ruby Decock

Progress Report for BA6 – BA-11 – Verbal Report from Public Works Superintendent Sean O'Donoghue

BA-6 – Outsourcing of Green Sand Testing

BA-7 – Water Reservoir Contract

BA-8 – RFP for Swabbing Water Lines

BA-9 – Written Report from Northern Health on all the requirements for swabbing lines.

BA-10 – Quotes from other contractors regarding the ditching and brushing.

BA-11 – RFP for Brushing & Ditching.

BA-12 – Letter to soccer association – CAO Decock – letter written.

BA-13 – Internet Reimbursement & Coffee/Tea Supplies Reconsideration – Request by Councillor Stewart as per Procedural Bylaw No. 422.

BA-14 – Tourism Committee Terms of Reference

Recommended motion: THAT this item be tabled to the June 18, 2018 Council Meeting.

UB-2 – Update on Revocation of Councillor Cumming’s Agreement to Resign June 1, 2018 – CAO Decock

5. ORIGINAL CORRESPONDENCE

C-1 – Response Re: Request for Cellular Service in Port Clements – Minister Jinny Sims

C-2 – Response Re: Letter regarding Community Forests and Timber Sale Licences – Minister Doug Donaldson

6. FINANCE

7. GOVERNMENT

G-1 – Request for Council Resolution to permit staff to purchase public works equipment beyond purchasing policy.

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

R-1 – Report on Town Clean Up – Councillor Daugert

10. ACTION ITEMS

A-1 – see Action Items list.

11. QUESTIONS FROM THE PUBLIC & PRESS

12. IN-CAMERA

AS PER SECTION 90(1)(a & c)

13. ADJOURNMENT



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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: June 1, 2018
Re: Petition for Swimming Pool

BACKGROUND:

Community resident, Linda Berston, posted a petition to determine the interest in an outdoor swimming pool being constructed in Port Clements. Her intent was to gather the information on who in the community supported the idea. Ms. Berston received 123 community members, both young and old, that have signed the petition.

DISCUSSION:

CAO Decock met with Ms. Berston on May 29th, 2018 to discuss the petition for the above ground swimming pool. Ms. Berston identified that the costs of constructing, operating, and maintaining such a facility would be more feasible than constructing an indoor pool. She further added that the facility would not only benefit the local community, but it would be a stimulus to local economy as other island communities would be travelling to Port Clements to use the facilities, purchase items at local businesses, draw tourists and is attraction that will draw families to move to Port Clements. The CAO informed Ms. Berston that the information would be brought forward to Council; however, as this is not a strategic priority for 2018 and Council has directed staff to complete several projects for 2018. It was also pointed out that Council would need to possibly redirect this for the new Council to consider. However, the CAO informed Ms. Berston that the item would be brought forward to Council to consider. During the discussion, the CAO pointed out that she was aware of other smaller communities which had outdoor pools (ie. Bella Coola and Hagensborg), from which the CAO is from. The CAO informed Ms. Berston that feasibility study would need to be completed to determine if Council would pursue such a project as well.

CONCLUSION

The community of Port Clements has identified a need for a public service: an outdoor swimming pool. Ms. Berston would like Council to work on acquiring the swimming pool; however, the CAO cannot investigate this issue without direction of Council. A feasibility study could be sought out for an outdoor swimming pool to be constructed within Port Clements.

IMPLICATIONS:

STRATEGIC

(Guiding Documents Relevancy – Strategic Plan, Official Community Plan)

This is not a strategic priority in 2018 and is not identified with the Official Community Plan.

FINANCIAL

(Corporate Budget Impact)

This would impact the budget as it would require payment for a consultant to complete a feasibility study for an outdoor pool. The only feasible option would have a 100% grant coverage for the feasibility study. Advertising costs will come out of the existing budget.

ADMINISTRATIVE

(Policy/Procedure Relevancy, Workload Impact and Consequence)

This would impact staffs time in putting out a Request for Proposal (RFP) for an Outdoor Feasibility Study. Staff would have to advertise and write a contract for deliverables for the RFP.

Respectfully submitted:





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Minutes of the regular meeting of the Port Clements Council held Monday, May 22, 2018 in Council Chambers.

Present:

Mayor Thomas
Councillor O'Brien Anderson
Councillor Daugert
Councillor Cumming
Councillor Stewart

CAO Ruby Decock

Members of the Public and Press Present:

Mayor Thomas called the meeting to order at 7:00 p.m.

1. ADOPT AGENDA.

2018-150— Moved by Councillor Daugert, seconded by Councillor Stewart
THAT Council adopts the agenda as presented.
CARRIED

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS.

3. MINUTES.

M-1—May 7, 2018 Regular Council Meeting minutes

2018-151 – Moved by Councillor Daugert, seconded by Councillor O'Brien Anderson
THAT Council adopts the May 7, 2018 Regular Council Meeting Minutes as presented.
CARRIED

M-2—May 9, 2018 Special Council Meeting minutes

2018-151 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council adopts the May 9, 2018 Special Council Meeting Minutes as presented.
CARRIED

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS.

BA-1—(WHARF) Progress report on getting Wharf in good serviceable conditions and getting the second set of figures for the lower load limits based on the previous engine report – CAO Ruby Decock

BA-2—(PRIORITIES) Progress report on the Council's Public Works priorities and confirmed timelines - CAO Ruby Decock

M-1

- BA-3—(ALL-ISLAND MEETING) Progress report on request for meeting with all other communities on Island to attend an All-Community Meeting in Port Clements – CAO Ruby Decock
- BA-4-- (RTC CLINIC) Progress report for further information regarding the Clinic Addition -- CAO Ruby Decock
- BA-5—(Grant Application) Progress report on Application to the Gwaii Trust Vibrant Communities for \$10,000 to put towards the removal of the water tower – CAO Ruby Decock
- BA-6—(Office) Progress report on the reduction of Office service hours – CAO Ruby Decock
- BA-7—(Support letter) Progress report on the support letter for PCES’s application to Gwaii Trust and to other grants for playground equipment – CAO Ruby Decock
- BA-8—(WATER RESERVOIRS) Progress Report on cleaning water storage reservoirs or hiring someone to clean them – PW Supervisor O’Donoghue.
- BA-9—(SWABBING) Progress Report on installing a new swabbing station at the 4” water line on Well 2 and the Water Treatment Plant and swab the line with the help of the PCVFD as recommended in the McElhanney report #6 - PW Supervisor O’Donoghue.
- BA-10—(SWABBING) Progress Report on presenting a plan, including a timeline, to Council on what would be required for swabbing the entire water distribution system in Port Clements -- PW Supervisor O’Donoghue
- BA-11—(MOWER) Progress Report on researching price for a tractor attachment to mow ditches and/or look into options to outsource the work to a contractor – PW Supervisor O’Donoghue
- BA-12 — (SOCCER FIELD) Progress report on investigating proper equipment for the soccer field maintenance. Extend research to Prince Rupert area and at possible cost-sharing options with other communities – PW Supervisor O’Donoghue
- BA-13 – Clinic Flooring & Heat Return Ventilation System – Council requested that this item be placed on agenda to reconsider past motions affecting the Clinic Flooring and Heat Return Ventilation System.

UB-1—Request for Land Transfer – email from Randy & Gloria O’Brien

BA-1-7 & UB-1

2018-152 – Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart
 THAT public works outsource the green sand testing as soon as possible.
CARRIED **OPPOSED COUNCILLOR CUMMING**

2018-153 – Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart
 THAT the water storage cleaning be contracted out.
CARRIED **OPPOSED COUNCILLOR CUMMING**

2018-154 – Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart
 THAT an RFP for the swabbing of the lines be put out as soon as possible , unless the Public Works Superintendent is opposed to this idea.
CARRIED **OPPOSED COUNCILLOR CUMMING**

2018-155 – Moved by Mayor Thomas, seconded by Councillor Daugert
 THAT a written report be received by Northern Health all the requirements for swabbing for the next Council meeting.
CARRIED

2018-156 – Moved by Mayor Thomas, seconded by Councillor Stewart
 THAT Council receives a quote from other contractors regarding the ditching and brushing.
CARRIED

2018-157 – Moved by Mayor Thomas, seconded by Councillor Stewart
That we put an RFP out for the brushing and ditching.

CARRIED

2018-157 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council sends letter be sent to the soccer association asking why they are no longer hosting soccer day in Port Clements anymore and expressing that it is something that we miss/value their presence in Port Clements.

CARRIED

5. ORIGINAL CORRESPONDENCE

C-1 – Request to Apply for Funding through the Gwaii Trust Community Event Program – Tlell Fall Fair Committee.

2018-158 – Moved by Councillor Daugert, seconded by Councillor Cumming

THAT the Village of Port Clements applies to the Gwaii Trust Community Event Program to fund the Port Clements Canada Days for \$2000, the Tlell Fall Fair for \$1500 and The Edge of the World Music Festival for \$1500.

CARRIED

C-2 –Request for Reimbursement from Tourism Budget – Joan Hein

2018-159– Moved by Councillor Daugert, seconded by Councillor Cumming

THAT Council reimburses the amounts spent for internet hookup and the complimentary coffee and tea supplies for the St. Mark's Gift Shop.

CARRIED

OPPOSED COUNCILLOR STEWART

2018-160 – Moved by Mayor Thomas, seconded by Councillor Daugert

THAT the terms of reference for the Tourism Committee be brought forward to the next Council Meeting.

CARRIED

6. FINANCE

7. GOVERNMENT

G-1 – Revocation of Conflict of Interest Agreement

2018-161– Moved by Councillor O'Brien Anderson, seconded by Councillor Daugert

THAT Council tables this item until we receive legal advice.

CARRIED

G-2 – Request for Award of Contract – CAO Decock

2018-162 – Moved by Councillor Cumming, seconded by Councillor Daugert

THAT Council awards the Asset Management and Inventory Project to Urban Systems and permits that Council provides permission to staff to ignore Purchasing Policy No. 3 due to the circumstances of the Federation of Canadian Municipalities Asset Management grant application and time lines to complete the project.

CARRIED

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

Councillor O'Brien Anderson: Attending VIRL meeting on this weekend and attended the All Island Protocol Meeting.

Councillor Cumming: Attended all the meetings that Councillor Daugert wrote on the report.

Councillor Daugert: Nothing to report in addition. Will participate in the town clean up.

Councillor Stewart: Will attend the All Island Animal Welfare meeting in June; weeded out the golden spruce in Millennium Park and additional brushing.

Mayor Thomas: Attended the All Island Protocol Meeting- Port Clements the first community to sign Clean Energy Agreement, attended housing meeting/presentation, will be attending the Regional District meeting and Resource Benefit Alliance Meeting, will look at visiting a housing project, attended a webinar on internet for local government will present information to

CAO Ruby Decock: completed LGDE reporting, working to get property tax statements out this week, working on hiring a Public Works Assistant, will be off on Friday to go to Terrace.

10. ACTION ITEMS

11. QUESTIONS FROM THE PUBLIC & PRESS

Question:

B-1 for the wharf – what is Council is going to do?

Answer: Council will be hiring the existing contractor. We need to contact the company to determine if they have someone else who would be able to do the contract.

Question: Why has UB-1 being tabled so long?

Question: There were other priorities and it's on the agenda so that it will not be forgotten. It will be dealt with at the next Council meeting. The last meeting there was a recommendation that Port Clements donate the land to have the SPCA business here, what is going on with that idea?

Answer : This needs to discuss this with the All Island Committee – also would require a process of public consultation and decision from Council.

Question about the wharf about whether it is safe?

Answer: Yes, it is safe to the load limits.

Question about the bids for the water tower and their potential for interruption with Canada Days?

Answer: The contractor informed that the removal will only take a week.

Question: How do you decide who gets the water tower contract when an RFP is put out?

Answer: A confidential report is written up and presented to Council.

Comment: We have a very small group of Volunteers in Port Clements, they need kindness and support. It's great that there is going to be another place with internet other than my business and the Village of Port Clements.

ADJOURNMENT

2018-164– Moved by Councilor Stewart
THAT the meeting be adjourned at 9:03 PM.

CARRIED

Urs Thomas
Mayor

Ruby Decock
CAO



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PROGRESS REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: June 1, 2018
Re: Business Arising Progress Report

Background: This is the progress report on how Administration has been working on passed Council resolutions that were directed to the CAO to attend to.

(2018-013) THAT Council agrees to spend the amount as quoted in the Report to Council to get the Wharf in good serviceable conditions and in order to get the second set of figures for the lower load limits based on the same considerations in the way it is written in the original report on the Rainbow Wharf.

The CAO sent an email to the Engineer on February 6th, 2018. The Engineer was out of the office until February 23rd. The CAO contacted the Engineer on March 1st and March 27th for an update. No new information was received until March 28th when an email was received. The Engineering Firm does not have time to look at the work and does not know when they will. They suggest that if we wish to use another engineering firm we can.

On May 30th, 2018, the CAO was informed by the Engineer that he is not available for the report. He mentioned that the time frame from the inspection in 2015 is quite a while ago and is concerned about the liability of signing off on a report with old inspection data. He mentioned that there is a possibility of changes to the infrastructure and no longer wishes to write the report. He further mentioned that he doubts that another engineer will be willing to sign off on a report because of the age of the data provided by field crew.

(2018-037) THAT the CAO look at the above priorities and confirmed timelines back to the Public Works' Committee and to Council at the next Public Works' Committee Meeting and the next Council Meeting. (In regards to Feb 5th meeting with the motions made directing public works).

This is subject to Strategic Planning and commitments and is still in progress.

(2018-052) THAT Council requests a meeting with all the other communities on Island to attend an All-Community Meeting in Port Clements, as soon as it can be arranged by the CAO. The CAO requires more specific information from Council that she can present to the other communities: agenda, intent, what outcomes/expectations are to come out of this meeting.

BAI-54UB-1

(RTC Clinic) Progress Report for Further Information Regarding the Clinic Addition

The CAO met with the Lease Manager and BCHES is to prepare and present a report. As of April 12, 2018 this item is still outstanding as the CAO has not received this report. On April 30, 2018, the BC Housing and an engineer visited the Port Clements ambulance site. They anticipate having a plan for Council to review for May 22nd, 2018 meeting.

As of May 17th, 2018 there is the update that they will not have the report completed for May 22nd. They will likely send the report near the end of June after the civil design has been completed and the site related costs have been internally confirmed.

UB-1 Request for Land Transfer

This is still outstanding. CAO Decock did identify that this item would be scheduled to be addressed this council meeting; unfortunately, timing did not work out due to other priorities in the office and deadlines.

(2018-05-137) THAT The Village Office reduces its current services hours of 5 days per week to 4 days per week, Tuesday – Friday inclusive, and remain open those days from 9:30 AM to 1:00 PM and that staff report back to Council on the effectiveness of this measure.

Evaluation is still ongoing as there has only been 2 office days closed.

Respectfully submitted:

A handwritten signature in black ink that reads "Ruby Decock". The signature is written in a cursive style with a long horizontal flourish extending to the right.

CAO Ruby Decock

May 9, 2018

Hi Ruby,

After the last tourism meeting Lorette, Dale, Julia, and myself were very dissatisfied and decided to have a meeting on our own to decide how to proceed, and also wanted to discuss the amalgamation of tourism and economic development.

Last night we met and discussed many issues but the most important I think are;

- The general consensus is not to amalgamate tourism with economic development, feeling the tourism will get lost in economic development therefore needs to stand along. We could be a commission answering to the Economic committee but they were quite insistent that we stand alone.
- Can we continue to meet on our own without council representation if we take our own minutes and hand them into the village office. No minutes were taken last night as it was more of an "where do we head from here" meet.

We had considerable discussion on St Mark's and what support was needed. They want the bill for the internet hook up to be paid from tourism budget. I have already paid this personally so we can work out how to reimburse this. We also want to purchase coffee/tea room supplies that will probably be paid on my credit card but they want this also reimbursed. All the re-stock items will be purchased by me or Museum with reimbursement through sales.

We also proofed the brochure but Julia is still searching for a cover photo.

Let us know your thoughts and how we should proceed.

Joan

BA - 13

Joan Hein

From: Mary Lou <marylou@gwaiicomm.com>
Sent: May 8, 2018 1:06 PM
To: Joan Hein
Subject: Re: Internet for St Mark's Gift & Gallery

Hi Joan,

I have created the acct and added the equipment (see below). The account number is S11960. Gwaii Communications accepts bill payments by e-transfer (billing@gwaiicomm.com), chq and via NSCU Memberlink bill payment (online).

--
Best Regards,

Mary Lou Von Niessen
Executive Assistant
250.559.7777
marylou@gwaiicomm.com



23.235.69.249

S11960 St. Mark's Gift & Gallery
pkg: NONE street: 54 Bayview St Port Clements
postal: Box 417 Port Clements
email: pcmuseum@qdslands.ca
phone: 250.557.6809

account balance 336.00

transaction details:

tran date	message	amount	running balance
2018-05-08	wireless radio Nano-M3 ??	225.00	225.00
2018-05-08	GST (on \$225.00)	11.25	236.25
2018-05-08	PST (on \$225.00)	15.75	252.00
2018-05-08	router - wireless	75.00	327.00
2018-05-08	GST (on \$75.00)	3.75	330.75
2018-05-08	PST (on \$75.00)	5.25	336.00
account balance			336.00

On 2018-05-04 8:00 AM, Joan Hein wrote:

Sounds good. I will need a router also, and May 17th works for me. Although we are operated by the Port Clements Historical Society, I would like this set up as a separate account to make it easier for tracking. I can e-transfer the money as soon as you get me an account number.

Thanks!

Joan

BA-13

VILLAGE OF PORT CLEMENTS

BYLAW NO: 406, 2013

**A Bylaw to replace Bylaw #366, 2008 in regards to a Tourism
Advisory Committee**

WHEREAS section 142 of the Community Charter empowers the Council to establish a select committee to consider or inquire into any matter and to report its findings and opinions to Council;

AND WHEREAS the Council for the Village of Port Clements desires to promote, expand and enhance Tourism development of the Village of Port Clements.

NOW THEREFORE the Council for the Village of Port Clements in open meeting assembled enacts as follows:

INTERPRETATION:

1. **"Committee"** shall mean and include the Port Clements Tourism Advisory Committee.
"Council" shall mean the Village of Port Clements.
"Village" shall mean the Corporation of the Village of Port Clements;
"Province" shall mean the Province of British Columbia.
"Committee member" shall mean a person who has been appointed by the Tourism Committee Chair and has voting privileges on the Committee.
2. There is hereby established a select committee to be known as the Port Clements Tourism Advisory Committee whose purpose is to research and make recommendations to Council on all matters which relate to tourism development.
3. Council hereby delegates the authority to appoint members to the committee to the chair of the Tourism Committee, upon recommendation from existing committee members.
4. The committee shall be comprised of at least one member of Council and shall have a minimum of 5 members and a maximum of 8 members.
5. If, without good reason, any member of the Committee is absent from three (3) consecutive regular meetings the Chair may, upon a recommendation of the Committee, remove the member from the Committee.

6. The Chair may remove any member of the Committee for malfeasance or any breach of legal trust.
7. Annually, during the month of January, the Committee shall hold a meeting at which a chair shall be selected from the appointed members.
8. Regular meetings of the Committee shall be held once a month, at a time set by resolution of the Committee, and special or workshop meetings will be held when necessary.
9. A quorum for regular, special or workshop meetings of the Committee shall be three (3) members, one of whom shall act as chair. If the appointed chair is not in attendance but 3 other committee members are they shall appoint a temporary chair for that meeting.
10. Regular monthly meeting procedures shall be conducted in accordance with the Village of Port Clements Procedures Bylaw No. 336, 2004.
11. Proceedings of the regular monthly meetings shall be recorded and a copy of the Minutes forwarded to Council for their information. Recommendations of the Committee on a matter for adoption by Council are not to be made public until approved by Council.
12. Neither the Committee nor any member thereof, shall have the power to pledge the credit of the Village in connection with any matters whatsoever, nor shall the Committee nor any member thereof have any power to authorize any expenditure to be charged against the Village.
13. This Bylaw may be cited as the "Port Clements Tourism Advisory Committee Bylaw No 406, 2013.

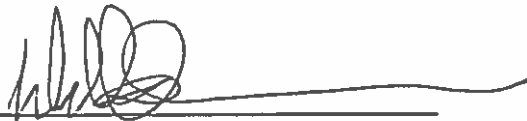
14. Bylaw 366, 2008 is hereby rescinded.

Read a first time this 21st day of November, 2013.

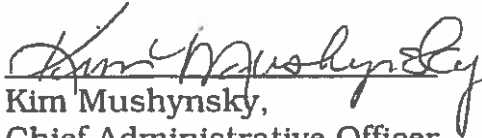
Read a second time, this 2nd day of December, 2013.

Read a third time, this 2nd day of December, 2013.

Reconsidered and finally adopted this 16th day of December, 2013.



Wally Cheer,
Mayor



Kim Mushynsky,
Chief Administrative Officer

Certified to be a true copy of Bylaw 406
Tourism Advisory Committee



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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: May 31, 2018
Re: Update on Conflict of Interest Agreement

BACKGROUND:

In the spring of 2017 the Village of Port Clements held a Council By-Election in which Councillor Brigid Cumming was elected by acclamation. At the same time as the election, CAO Kim Mushynsky was actively pursuing hiring a Local Government Intern to fill the yearlong internship with the Village of Port Clements, the Village of Masset and the Misty Isles Economic Development Society (MIEDS). Councillor Cumming's daughter, Elizabeth Cumming, had applied for the internship and was the successful applicant. At that time, CAO Mushynsky made a report to council on April 27, 2017 informing Council that there was the potential for a perception for a Conflict of Interest for Councillor Cumming if Intern Cumming was to be hired as the Deputy Clerk in 2018. There was no legal advice obtained regarding this matter and at the May 1, 2017 Council Meeting, Council made the following motion:

2017-104 – Moved by Councilor Daugert, seconded by Councilor Stewart
THAT Council recommends that Councilor Cumming step down from Council in June of 2018 if her daughter, Elizabeth Cumming, who is the successful applicant for the Intern position with Port Clements, is promoted to a full-time position in May of 2018, due the perception of Conflict of Interest. Further, that Councilor Cumming not run in the 2018 General Municipal Election if this chain of events comes to pass.
CARRIED

On May 5, 2018 Councillor Cumming signed an agreement to resign from Council effective June 1, 2018 as per the above motion.

On April 16, 2018, Councillor Cumming emailed the CAO to provide notice of the revocation of her agreement with the Village of Port Clements dated May 2, 2017. Councillor Cumming had provided copies of the agreement and a report to Council dated April, 27, 2018. Her revocation was based on her correspondence with the Ministry of Municipal Affairs and Housing. The advice she received from the Ministry representative was that Council does not have the authority to order a member of Council to step down due to a conflict of interest unless it meets the requirements stated in section 110 & 111 of the *Community Charter*.

UB-2

At the May 22, 2018 Regular Council Meeting, CAO Decock presented a report explaining the situation around Councillor Cummings revocation and identified that the CAO had requested legal counsel to provide a legal opinion on this matter. At this meeting Council was given a recommendation to possibly rescind the motion or wait to rescind the motion made to

DISCUSSION:

Upon reviewing the facts surrounding the circumstances of the signed agreement and the perceived and potential conflict of interest, legal counsel provided a legal opinion on May 29, 2018. The legal opinion identifies that there is no automatic conflict of interest that arises for Councillor Cumming as a consequence of her daughter being an employee of the Village. Also, since Councillor Cumming declared a conflict of interest in the matters affecting her daughter and did not participate in the discussion or vote on the question in respect of the matter then no conflict of interest is present that would disqualify Councillor Cumming from being a Councillor. Furthermore, with the duties carried out by the Deputy Clerk's position, Council or staff have not identified that Councillor Cumming has partaken in a non-pecuniary matter which resulted in a conflict of interest.

CONCLUSION

To date, Councillor Cumming has declared her conflict of interest when matters are discussed regarding her daughter Elizabeth Cumming. She has not participated nor has discussed with Council any items that involved the hiring or issues where discussions about Elizabeth Cumming were brought up. Therefore, Council has no authority to prevent Councillor Cumming from partaking in governing the Village of Port Clements unless Council brings forward instances where Councillor Cumming has failed to comply with section 110 of the *Community Charter*.

IMPLICATIONS:

STRATEGIC (Guiding Documents Relevancy – Strategic Plan, Official Community Plan)

N/A – this has no impact.

FINANCIAL (Corporate Budget Impact)

N/A – there is no impact.

ADMINISTRATIVE (Policy/Procedure Relevancy, Workload Impact and Consequence)

This has required staff to investigate and request legal advice regarding the agreement and its validity. This has caused an increase in workload.

RECOMMENDATIONS:

That Council accepts Councillor Cumming's revocation of the signed agreement and carry on with VOPC business as per usual and rescind Council Resolution 2017-104 and dissolves the agreement between Councillor Cumming and the Village of Port Clements signed on May 2, 2017 due to it being beyond the authority of the Village of Port Clements authority to prevent Councillor Cumming from running in the 2018 Council Elections in addition.

Respectfully submitted;



UB-2



May 30, 2018

Ref: 108342

His Worship, Urs Thomas
Mayor of Port Clements
The Village of Port Clements
36 Cedar Avenue West
PO Box 198
Port Clements, BC VOT 1R0
Email: cao@portclements.ca

Dear Mayor Thomas:

Thank you for your letter dated March 22, 2018, regarding cellular service in Port Clements and in parts of unincorporated areas on Haida Gwaii.

More than ever, we have seen how critical it is to have reliable internet and cellular connectivity, especially during major events such as the earthquakes of 2012 and 2015. Connectivity allows for instant communication and necessary resources for emergency responders such as GPS mapping, image sharing and natural disaster monitoring. This is especially important for first responders and workers on the front lines and for citizens and businesses that may be affected.

In BC, the province relies on the private sector to provide cellular services. Telecommunications companies are regulated federally by the Canadian Radio-television and Telecommunications Commission (CRTC) and therefore, the Province cannot compel service providers and other levels of government to expand services. The Province does, however, work with service providers and other levels of government to expand connectivity where possible. One example of this is the Connected Coast project, which will install fibre landing sites in many communities along our coast, including a community on Haida Gwaii. Once this project is complete, it will provide the foundation to allow cellular network providers to supply cellular coverage to communities at the landing sites.

I want to take the opportunity to clarify the status of the non-monetary Connecting BC Agreement between the Province and TELUS and specifically the Cellular Highway Expansion program. The program was successfully concluded in 2016, with the private sector selecting highway segments and expanding cell coverage at their own capital expense.

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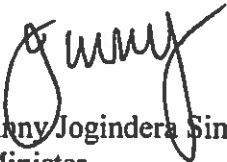
I do recognize the need for cellular coverage in Port Clements and in unincorporated areas of Haida Gwaii. In this day and age, people, businesses and local governments, need to be connected. My ministry will continue to work with the federal government, the national telecommunications regulator and the private sector to find new ways of expanding internet and cellular coverage with a focus on rural, First Nations and Indigenous communities.

Ministry staff are monitoring Telecom Notice of Consultation CRTC 2017-112 (<http://crtc.gc.ca/eng/archive/2017/2017-112.htm>), where the CRTC is currently examining accountability frameworks, and eligibility and assessment criteria for a new regulatory funding mechanism that could include support for the expansion of internet and cellular services. We understand a decision will be made later this year and a program intake will open up next year.

If you would like to discuss this further or would like to receive further information on the Province's activities to expand high-speed internet connectivity, please contact Howard Randell, Executive Director, Network BC at 250 415-6867, or by email at NetworkBC@gov.bc.ca

Thank you for taking the time to write to me about this important issue.

Sincerely,



Jinny Jogindera Sims
Minister

pc: Jennifer Rice, Parliamentary Secretary for Emergency Preparedness and
MLA for North Coast
jennifer.rice.MLA@leg.bc.ca

Glenn Alsaker, Manager of Wireless Access Planning
Rogers Communications Inc.
glenn.alsaker@rci.rogers.com

Aurora Sekela, Senior Program Manager / TELUS Community Ambassador
TELUS Communications Inc.
Aurora.Sekela@telus.com

Jill Kot, Deputy Minister, Ministry of Citizens' Services
Jill.Kot@gov.bc.ca

Susan Stanford, Assistant Deputy Minister, Ministry of Citizens' Services
Susan.Stanford@gov.bc.ca

Network BC, Ministry of Citizens' Services
NetworkBC@gov.bc.ca



Reference: 234549

May 30, 2018

VIA EMAIL: urs.thomas@portclements.ca

His Worship Mayor Urs Thomas
Village of Port Clements
PO Box 198
Port Clements, British Columbia
V0T 1R0

Dear Mayor Thomas and Council:

Thank you for your letter outlining your concerns with the Haida Gwaii timber sale availability. I apologize for the delay in my response.

I understand the importance of having a viable forest economy on Haida Gwaii and the challenge that a lack of consensus on forest activities presents to your community and economy. The Province of British Columbia, the Council of the Haida Nation (CHN) and the Misty Isles Economic Development Society (MIEDS) have been working diligently towards finding a collaborative approach to address the variety of concerns at play. The province is committed to working together in the spirit of commitments to implement the United Nations Declaration on the Rights of Indigenous Peoples. In addition, we recognize that community economic stability and employment must be restored.

The timber sale licences in question satisfy current legislation as well as meet the Kunst'aa guu – Kunst'aayah Reconciliation Protocol and subsequent Land Use Order Objectives. The reason for the non-consensus outcome was based on cedar management concerns related to the amount of cedar harvest annually. In addition, the Haida and many island residents feel the lack of resource benefit sharing is no longer acceptable.

In late 2017, MIEDS was offered a Community Forest Agreement, as you noted, that included a transitional licence which would address substantive benefit sharing on the timber sales in question. After a public outreach effort MIEDS requested and received an extension to the Community Forest Agreement offer. It is expected that MIEDS will negotiate modifications to the proposed offer that better addresses community interests. However, until the offer is accepted benefit sharing arrangements cannot be satisfied under current legislation.

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His Worship Mayor Urs Thomas

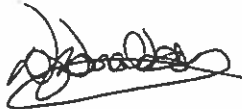
A technical working group comprised of CHN, ministry rural development and district staff, the timber sale licensees and BC Timber Sales is being established to review the two most controversial timber sale licences on the east coast of Graham Island. Although compliant with Land Use Order Objectives, the technical team will consider what opportunities exist to better meet the expectations of the Haida and community that may allow these sales to proceed unencumbered.

Again, I apologize for this overdue response to you and your council.

If you have any questions or concerns, I encourage you to contact Kerry Grozier, Timber Sales Manager, Chinook Business Area, by email at Kerry.Grozier@gov.bc.ca or by phone at 604-798-5556.

Thank you again for writing.

Sincerely,



Doug Donaldson
Minister

pc: Kerry Grozier, Timber Sales Manager, BC Timber Sales – Chinook
Daryl Sherban, Area Forester, BC Timber Sales – Chinook



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE : 250-557-4295
Public Works : 250-557-4326
FAX : 250-557-4568
Email : office@portclements.ca
Web : www.portclements.ca

REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: June 1, 2018
Re: Request for Resolution for Equipment Purchases

BACKGROUND:

Council approved the Financial Plan Bylaw 2018-2022, No. 447 2018 in May 2018. In that budget, Council approved a capital budget of \$75,000 for staff to purchase equipment for the public works department. The budget has been approved and staff would like to purchase the equipment; however, the Establishing Officer Positions, Bylaw No. 428, 2015 only permits the CAO to purchase items up to \$15,000.00 and the Public Works Superintendent the authority to purchase items up to \$10,000.00.

DISCUSSION:

The Public Works department requires new mower equipment and requests that council makes the resolution for staff to purchase mower equipment and a small machine (ie. Front end loader/tractor). The Public Works Superintendent has obtained quotes for both of these types of equipment. The mower equipment is an industrial mower which has the highest cost of \$25,000 new and a small machine is estimated to be approximately \$35,000 new. A new equipment is estimated life span of 10-20 years. The difficulty staff has encountered is that since the budget was approved so late in the year, many of the good used equipment is being sold quickly due to the summer season. As mower equipment has proved problematic, the replacement of this equipment is required as soon as possible. Staff has contracted out some of the mowing; however, the availability of the contractors are not long term and are dependent on their availability.

IMPLICATIONS:

STRATEGIC (Guiding Documents Relevancy – Strategic Plan, Official Community Plan)

N/A – Business as usual.

FINANCIAL (Corporate Budget Impact)

No impact. This was approved under the capital portion of the budget.

ADMINISTRATIVE (Policy/Procedure Relevancy, Workload Impact and Consequence)

Staff has already sourced out equipment and obtained various quotes. Staff just needs to order the equipment.

RECOMMENDED MOTION:

THAT Council approves the Public Works Superintendent and the CAO to purchase mower equipment up to a maximum of \$25,000 and machinery for up to \$35,000.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Ruby Decker". The signature is written in a cursive style with a long, sweeping underline.

Report On Port Clements Town Clean Up

Doug Daugert

I assisted with the town clean up On Saturday May 26, 2018. There was good participation, with dozens of residents bringing loads of debris to the bins placed at the Dyson and Bayview corner. Craig Beachy and Al Condrotte brought machines to lift heavy objects, load into the tall bins, and crush down the loads so the bins could hold more. Rob Kidd, Marilyn Bliss, Peter Vogan, and myself were available to help with unloading pickups.

Two tall bins were completely filled with compacted trash, and one short bin was filled with compacted metal, mostly old appliances, by about 2pm, then the small bin was emptied and left over the rest of the weekend for residents to fill on their own. On Monday the small bin was full, with a large pile of junk all around the bin. Craig then loaded the extra debris into his gravel truck and cleaned the site with his excavator and the last bin was removed, completing the clean-up.

In future years the town should schedule the clean-up for the first Saturday in May or June, as the landfill site is scheduled to be open for those days, so staff is already available on those days without paying extra at time and a half for their help.

It was also suggested that since most of the residents were bringing their debris to the Dyson Corner, they could just keep driving and be at the landfill within 5 minutes, saving the costs of moving the bins, and not requiring machine help in loading the bins. The Village could offer no tipping fees, helpers for unloading, and coffee with snacks or lunch to participants, all at much less cost than this years' event.

ACTION ITEMS

<u>#</u>	<u>Date</u>	<u>Description</u>	<u>Lead</u>	<u>Follow up</u>
A30	06-09-2016	Weight Room Upgrades	Administration	<p>Questionnaire distributed on equipment use - Several Turned in.</p> <p>Grant Writer to look for opportunities</p> <p>Ruth Bellamy & CAO toured facilities to determine what improvements should be made.</p> <p>Grant Writer searching out funding.</p>
A31	03-04-2017	Health Clinic Ventilation	Administration	<p>RFP put out. Received bids. Waiting for follow up regarding the cost for an HRV installation.</p> <p>Contacting off-island contractors</p>
A33	18-03-2017	Health Clinic - replace flooring	Administration	<p>RFP to be put out once clinic industrial flooring</p> <p>Received product description from two suppliers. Waiting for quotes from off-island supplier and from AMS. Still working on quotes.</p>
A34	04-07-2017	Community Park - block access	Public Works Councillor O'Brien Anderson	<p>Logs have been temporarily been blocking access</p> <p>Still need a long term solution.</p>
A36	08-08-2017	Sunset Park Mgmt. Plan	Council	<p>Review recently adopted Management plan in Nov/Dec 2017 and again in Nov/Dec 2018.</p>
A-39	06-11-2017	Asset management	Administration	<p>Follow up with past public work employees to ask for historical asset locations, etc. Received UBCM grant funding and received FCM matching grant funds. Will be meeting with Urban Systems on March 6th to discuss plans going forward. In progress.</p> <p>Contract Awarded.</p>