



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
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Port Clements, BC
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AGENDA
Special Council Meeting
October 29, 2018
Council Chambers
1:00 PM

1. **ADOPT AGENDA.**
2. **COUNCIL MINUTES**
M-1 – October 1, 2018 Council Regular Meeting Minutes
M-2 – October 15, 2018 Council Regular Meeting Minutes
3. **Update on Gwaii Communications Contract (Agreement) – Progress Report – CAO Decock**
4. **ADJOURN**



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Minutes of the regular meeting of the Port Clements Council held Monday, October 1, 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: Teri Kish, Maureen Bailey, Marilyn Bliss, Andrew Hudson from the Haida Gwaii Observer.

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

1. ADOPT AGENDA.

2018-10-280— Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council adopts the agenda as presented.

With moving G-3 to in camera as per section 90 (1) (c).

CARRIED

OPPOSED COUNCILLOR CUMMING

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS.

3. MINUTES.

M-1—September 17, 2018 Regular Council Meeting minutes

2018-10-281 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart

THAT Council adopts the September 17, 2018 Regular Council Meeting Minutes as presented.

CARRIED

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS.

Councillor O'Brien Anderson left the room – 7:17 pm

UB-1– Rainbow Wharf Consideration of Hiring Engineer – CAO Decock

2018-10- 282 – Moved by Mayor Thomas, seconded by Councillor Stewart

THAT Council hires the engineer to assess the existing use of the wharf and to question about down grading of the load limit and here are Council's concerns:

- We need to know what would be required to repair Rainbow Wharf to good safe condition for pedestrian and light vehicle access (say 2 pickup trucks at the same time), as well as ensuring safety of pedestrians walking beneath the structure at low tide.

M-1

- What would be required to repair Rainbow wharf so it would be safe to tie up larger vessels (this was what it was originally designed for)?
- We need to know what would be required to repair Rainbow wharf to its design capacity and clarify specifications for what that capacity is. Other questions regarding this capacity are:
 - Capacity for a lowbed, including tractor, trailer and load.
 - Are track machines such as excavators included in these weight restrictions due to the different nature of the loads and dynamics of lifting?
 - Are mobile or truck mounted cranes with outriggers included in these weight restrictions due to the redistribution of loading when operated?

and ask her if there are any other things Council may have overlooked.

CARRIED

BA-1 – Request to reconsider providing input on BCSPCA Bylaws – Councillor Stewart
 2018-10- 283– Moved by Councillor Stewart, seconded by Councillor O’Brien Anderson
 THAT Council reconsiders the input of the proposed BC SPCA bylaws for input.

CARRIED

2018-10-284– Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart
 THAT Council to post the link to the BCSPCA proposed bylaws on the Facebook page and the VOPC website to determine if there is any interest for a public meeting or feedback and the inclusion of the NCRD Animal Control Correspondence/Report.

CARRIED

5. ORIGINAL CORRESPONDENCE

C-1 – Animal Control Bylaw – North Coast Regional District

2018-10-285– Moved by Councillor O’Brien Anderson, seconded by Councillor Daugert
 THAT Council receives it.

CARRIED

C-2 – Letter from Peter Bookmeyer

2018-10-286- Moved by Mayor Thomas, moved by Councillor O’Brien Anderson
 THAT Staff write an apology letter to Greg Stewart regarding the release of his name.

CARRIED

Councillor O’Brien Anderson left the room at 7:40 pm.

C-3 – Request for Hall Rental Payment - Teri Kish
 Teri Kish identified that this request is not required.

2018-10-288 – Moved by Councillor Daugert, seconded by Councillor Cumming
 THAT Council receives this request.

CARRIED

Councillor O’Brien Anderson returned to the room at 7:42 pm

C-4 – Support for Edge of the World Music Festival – Scott Marsden

2018-10-289 – Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart
 THAT Council receives this request.

CARRIED

2018-10-290 – Moved by Councillor Cumming, seconded by Councillor Daugert
 THAT Council provides in-kind support to the 2019 Edge of the World Music Festival in the form of table and chair rentals and that Council directs Staff to write a support letter for the Edge of the World Music Festival’s Building Communities Through Arts & Theatre-Local Festivals Canadian Heritage grant application and their Fabulous Festivals and Events Grant application to Northern Development Initiative Trust.

CARRIED

6. FINANCE

F-1 – End of 3rd Quarter General Ledger Revenue & Expense Report
2018-10- 300– Moved by Councillor Daugert, seconded by Councillor Cumming
THAT Council receives the 3rd Quarter General Ledger Revenue & Expense Report
CARRIED

7. GOVERNMENT

G-1 – Procedural Bylaw Amendment 422-1, 2018 – CAO Decock
2018-10-301– Moved by Councillor Cumming, seconded by Councillor O'Brien Anderson
THAT Council amends the bylaw with the removal of section 1-D and does the 1st, 2nd and 3rd reading for Procedural Bylaw 422-1, 2018.
CARRIED

G-2 – Bylaw Enforcement and Dispute Adjudication Bylaw
2018-10-302– Moved by Councillor Cumming, seconded by Councillor O'Brien Anderson
THAT Council a) Direct staff to bring forward a bylaw enforcement policy for Council's consideration;
b) Authorize staff to request that the Ministry of the Attorney General take steps to add the Village of Port Clements to the Bylaw Notice Enforcement Regulation; and
c) Direct staff to bring forward a Bylaw Notice Enforcement Bylaw for Council's consideration pursuant to the Local Government Bylaw Notice Enforcement Act."

CARRIED

G-3 – CAO Evaluation Process – CAO Decock – moved to Section 12 - In Camera as per section 90 (1) (c)

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

R-1 – Report From Councillor Daugert – provided update on:

1. MIEDS meeting on Sept 20th – Go Haida Gwaii tourism brochures, grant writer has met grant writing quota for Port Clements, there is a planned Community Meeting with BC Timber Sales and other licensees in the Community Hall.
2. Met with Harbour Authority Association inspector – discussion.
3. Attended

See attached report for full details of Councillor Daugert's report.

Councillor O'Brien Anderson: Impressed by the paving and looking forward to the TELUS project. Public Works is doing an amazing job around town. Also identified rumours around town about "shifty business" around the elections and heard that unethical and nefarious acts were being carried out regarding the elections. She was sorry to hear that Mayor Thomas did not get his application in and identified that staff should have a pre-nomination period for current Council.

Councillor Cumming: Filed & refiled her nomination package for the upcoming election, attended the

Councillor Stewart: Attended the Animal Welfare group in September, made a statement to recognize the late Donna McDonald's contributions to the Village of Port Clements as a community member and as a member of Council for several terms. Questioned why the Village Office was closed for 2 days – and that proper notice about the office closure should have been made to the public.

Mayor Thomas: Written report for UBCM – made good contacts, good ideas that can be realized for the Village of Port Clements, met with Minister Doug Donaldson several times and stated Haida Gwaii's concerns, met with North Coast Regional District to meet with BC Ferries to have discussion on improving existing services, also met with Minister Jinny Sims and did a joint announcement about cell service in Port Clements. Attended policy session about connecting communities via internet, cellphone, etc.; Several funding announcements were made and learned that there is a 100% funding provided to communities with populations under 5000. Met with Mayor Andrew Merilees and Northern Health to look at the changes to the Travel and Assistance Program (TAP) for medical travel to include air travel. Mayor Thomas identified that he was disappointed that he

could not submit his nomination papers. It was the first time he had ever been asked to have his signature witnessed for the declaration portion of the application.

Also met with Gwaii Trust – Graham Island Central Island Advisory Committee meeting should meet before the next Gwaii Trust meeting and before Mayor Thomas leaves for the Regional District meeting. Requested that the CAO arrange for a meeting sometime in the day or evening on the October 16th, 17th, or 18th.

CAO Ruby Decock: Update on Elections – informed Council that all rules were followed as per legislation and that the only mistake that was made was excluding the Campaign expense limits in the published election advertisements & identified that a Ministerial Order had to be given to the Village of Port Clements to permit another publication for the nomination advertisement. CAO identified that rules around elections cannot be modified and legislation around elections is made so that equal opportunity is provided to all interested in running for Council. Identified that the CAO made the decision to close the office due to the importance in obtaining the Emergency Management training.

Update that staff attended Finance & Evacuation Emergency Training, Water Tower Removal Contract progress update, Paving Completed, TELUS Tower geotech inspection.

10. ACTION ITEMS

11. QUESTIONS FROM THE PUBLIC & PRESS

Question from the Press: How does the Village feel about the current island fibre optic plan?

We have a meeting tomorrow and we can update you once we receive this information and get a better understanding as to what that is about.

Teri Kish identified the importance for the Emergency Management Committee to Council and the importance that both Administrative Staff attend the training, especially when it deals with Finance around Emergency situations and the Deputy Clerk as she is a local resident and the CAO does not live in Port Clements.

12. IN CAMERA AS PER SECTION 90 (1) (c)

2018-10-303 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart at 9:28 pm
THAT Council moves to in Camera as per section 90 (1) (c).

CARRIED

ADJOURNMENT

2018-10-304– Moved by Councilor Stewart
THAT the meeting be adjourned at 9:51 PM.

CARRIED

Urs Thomas, Mayor

Ruby Decock, CAO



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Minutes of the regular meeting of the Port Clements Council held Monday, October 15, 2018 in Council Chambers.

Present:

Mayor Thomas
Councillor Daugert
Councillor Stewart
Councillor Cumming
Councillor O'Brien Anderson (via telephone)

CAO Ruby Decock

Members of the Public and Press Present: Craig Beachy, Aaron Cunningham, Bev Lore, Maureen Bailey, Marilyn Bliss, Teri Kish

Mayor Thomas called the meeting to order at 7:03 p.m.

1. ADOPT AGENDA.

2018-10-305 – 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.

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS.

UB-1 – Gwaii Communications Internet/Cable fiber install – CAO Decock

2018-10-306– Moved by Councillor Stewart, seconded by Councillor Daugert

THAT Council receives the report from CAO Decock regarding Gwaii Communications.

CARRIED

2018-10-307- Moved by Mayor Thomas, seconded by Councillor Daugert

THAT Council accepts the Gwaii Communications project proposal in principal, depending on a final agreement and that no work will take place until the agreement is signed.

CARRIED

2018-10-308– Moved by Councillor Daugert, seconded by Councillor Stewart

THAT Council directs the CAO Decock to review all information regarding existing agreements for installing a fibre optic received prior to October 20th, 2018 and used them as template to construct possible agreement with Gwaii Communications and present it to Council by email prior to obtaining legal advice.

CARRIED

5. ORIGINAL CORRESPONDENCE

C-1 – Request for Apology from Council – Teri Kish

2018-10-309 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council receives the correspondence requesting an apology from Council.

CARRIED

6. FINANCE

7. GOVERNMENT

G-1-Procedural Bylaw 422-1, 2018

2018-10-310 – Moved by Councillor Cumming, seconded by Councillor Stewart
THAT Council adopts Procedural Bylaw 422-1, 2018

CARRIED

8. NEW BUSINESS

CARRIED

9. REPORTS & DISCUSSIONS

Councillor O'Brien Anderson: Thanks to all Council and staff for the last 4 years, thanks Councillor Doug for his service for his full term of service as a Councillor.

Councillor Cumming: Nothing to report.

Councillor Daugert: Attended the October 8, 2018 meeting with Gwaii Communications and looking forward to attending the Gwaii Trust Graham Island Central Advisory Committee meeting on Thursday.

Councillor Stewart: Attended the Gwaii Communications meeting as well; found out that the wireless internet is not going to be available.

Mayor Thomas: attended NCRD meeting, Hospital meeting – discussed about the travel flight arrangements brought up to Northern Health and Resource Benefit Alliance (RBA) meeting. At the RBA meeting, John Horgan announced the LNG project.

CAO Ruby Decock: Deputy Clerk Cumming away until October 18th, Public Works Superintendent back. Solely dealt with Gwaii Communications and elections. Met with Gwaii Communications today, will be holding final elections on October 20, 2018. Getting ready for upcoming New Council. Identified flooding in the parking lot flooding causing erosion – repairs to installed culvert on intersection of Cedar Avenue and Park Street were completed the following day.

10. ACTION ITEMS

11. QUESTIONS FROM THE PUBLIC & PRESS

Craig Beachy: *Question: Why were the October 1, 2018 minutes not included in this agenda.*

CAO Decock: *Council identified Gwaii Communications project a priority. She informed Council that if they want me to work on the Gwaii Communications fibre install, she would have to stop all other work and any work she would complete would only have Gwaii Communications on the agenda. She didn't have time as she was also dealing with elections at the same time.*

Marilyn Bliss - *Water Tower removal – When is the rest of the tower going to be removed?*

CAO Decock – *Mentioned that contractor stopped by on Monday to identify the rest of the week to complete the removal. The contractor did show up with the machinery as planned, but no work has been completed yet.*

Teri- *Asked if the wharf was safe to use because she saw a dump truck driving on the Rainbow Wharf. Requested that Council make a motion to make a closure of the Rainbow Wharf to permit no vehicles access until there is a certificate that identifies it is safe for vehicles to drive onto the wharf. Requested who has the right to close the wharf and asked that staff or Council close the wharf.*

CAO Decock – *CAO Decock identified that staff were not in agreement to permit the heavy vehicles on the wharf. The company identified that they need access to drop off a generator and staff complied with the request. CAO Decock identified that staff doesn't have the ability to close the wharf without Council approval.*

M-2

Mayor Thomas identified that it is up to the new Council to make those decisions and that current Council cannot do anything.

Aaron Cunningham – Asked what the deadline is for Gwaii Communications agreement for the Gwaii Communications. What is the timeline to have the install completed?

Councillor Doug Daugert: Noted that 2 weeks' notice with another week for getting advertisement into the paper is required after the agreement is signed and that Gwaii Communications wants this internet installed by the end of the year, but they have yet to mobilize their equipment to Haida Gwaii.

Maureen – question about the liability waiver on the dominoes affect of a dump truck going on/larger vehicle goes on and does it apply to those who drive onto the wharf?

CAO Decock – Not sure if the municipality is removed from liability.

Councillor Stewart – The engineer originally said that she was going to meet with all the users of the wharf and come up with a report to address the use and provide this to Council. Also, there is funding for communities our size that can cover the wharf repairs. If this engineer comes up with a plan, then we have something to use to come with a plan and use that grant to fix that wharf.

ADJOURNMENT

2018-10-311 Moved by Councilor Cumming
THAT the meeting be adjourned at 8:12 PM.

CARRIED

Urs Thomas
Mayor

Ruby Decock
CAO



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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: October 25, 2018
RE: Gwaii Communications Proposed Underground Install Progress Report

BACKGROUND:

In spring 2017, Council had written a support letter for Gwaii Communication's application for the Connect to Innovate Program and to Northern Development Initiative Trust. Council supported the initiative as it was designed to improve internet service within Haida Gwaii. In March 2018, Gwaii Communications received funding from the Federal Government for their project. The initiative is to improve broadband capacity throughout Haida Gwaii using fibre optic technology. Gwaii Communications will also be installing television services in this package. Council had an information meeting with Gwaii Communications on October 4, 2018 and at that meeting Council made Gwaii Communications fibre install project a priority for the October 15, 2018 Council meeting. Upon meeting with Gwaii Communication's and their fibre install contractor, as well as Mayor Thomas receiving sample fibre optic agreements from Northern Development Initiative Trust (NDIT), Council made the motion that no work on the fibre install will commence until Gwaii Communications signs an agreement with the Village of Port Clements (VOPC). Council also made the motion that the CAO would review the agreements provided by NDIT and Gwaii Communications (Gwaii Comm) and use them as a template to develop a possible agreement and present it to Council by email prior to obtaining legal advice.

DISCUSSION:

The CAO had reviewed all agreements provided and found that the agreements were not suitable for use as the agreements were designed for municipalities that owned the fibre being installed and any agreements with Internet Service Providers (ISP's) did not address physical install or fees associated with leasing the VOPC right of ways. The CAO attempted to locate municipalities in British Columbia that had companies install their own fibre; however, each municipality that she contacted could not address the concerns around the Community Charter and Local Government Act legislation around Information Technology (IT) agreements as they owned their own fibre being installed.

The CAO reached out to NDIT to request further assistance with the legal agreements. NDIT advised the CAO that Council must get legal advice from someone who is experienced in the IT and have them address the issues at hand since IT is extremely complex and the normal lay person would not be capable of knowing all the complexities surround IT terminology and IT functions. NDIT identified that the agreements that were provided to Mayor Thomas were more for reference and that the agreements were to give an indication on how other communities handled the fibre install in their communities.

The CAO also contacted the City of Campbell River and the IT employee stated that the CAO should hire a consultant to deal with the install as well as hire an IT lawyer to deal with the install due to the complex nature of information technology. He even stated that they hired the IT consultant to address the issues because it was beyond his ability to handle such a complex matter.

The CAO again requested an agreement from Mark Halwa, Gwaii Comm's project manager, to find a proper agreement which addresses the VOPC's concerns. Gwaii Comm has requested their legal representative to draft up an agreement and include the VOPC's concerns. The CAO has identified that the information the company said it would include in the agreement needs to be elaborated and clarified as there is no address of ownership of the fibre if the company dissolves and further requested additional information (emergency repairs [including protection of public health if water or sewer mains are damaged], standards of remediation [i.e. soil, repairs, etc.]), to be included in the agreement as well. The CAO identified to the company that it will require VOPC's legal counsel to review and provide legal advice regarding Gwaii Comm's proposed agreement once the company forwards it to staff.

In the meantime, the CAO initially was going to proactively advertise the Notice of Disposition of Land prior to the agreement; however, the advertisement was not possible as per section 24, 26 & 94 of the *Community Charter* has very specific requirements to include in the notice:

- s. 26(3) In the case of property that is not available to the public for acquisition, notice under this section must include the following:
- (a) a description of the land or improvements;
 - (b) the person or public authority who is to acquire the property under the proposed disposition;
 - (c) the nature and, if applicable, the term of the proposed disposition;
 - (d) the consideration to be received by the municipality for the disposition.

The CAO must state that she is extremely uncomfortable in dealing with this project and that any rush Council has in pushing this agreement through is extremely risky for the Village of Port Clements. The CAO does not wish to present an IT agreement to Council without legal advice. The CAO further requests that she receives support in this matter as both staff and Council are not educated nor are experts in Information Technology systems.

CONCLUSION:

The CAO is waiting for the legal agreement for review. The CAO has informed Mark Halwa to forward the agreement for the Deputy Clerk to circulate to Council and to possibly request legal counsel if the agreement is received during the CAO's absence. The agreement should be reviewed by a legal counsel representative with experience in Information Technology agreements and legislation that regulates local governments. Council cannot sign an agreement without first publishing the public notice in the newspaper for 2 consecutive issues. If Council decides to sign an agreement without advertising or addressing the legal aspects of the fibre install, each member of Council that agrees to sign the agreement could possibly be personally liable for any costs the public or the Village of Port Clements incurs from signing such an agreement. The CAO has pointed out her lack of expertise and unfamiliarity with Information Technology and requests that legal advice be obtained and possibly an IT consultant be hired to assist with the Gwaii Communications project.

IMPLICATIONS:

STRATEGIC

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

This is currently not a strategic priority. Potential impact to long term services. Requires further assistance from someone who is familiar IT services. This most likely will benefit the economic investment into the community.

FINANCIAL

(Corporate Budget Impact)

This will impact the existing legal budget and legal advice will be required to review the agreement that Council signs with Gwaii Communications. This may impact future budgeting with infrastructure maintenance and install. There will be costs associated with advertising and with hiring an IT consultant.

ADMINISTRATIVE

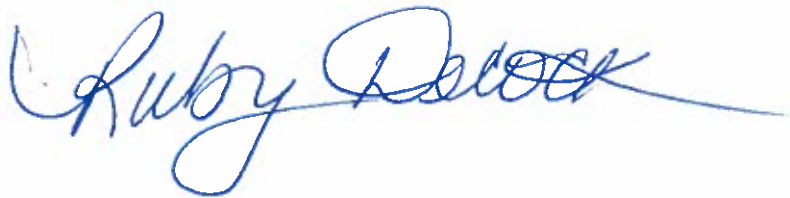
(Policy/Procedure Relevancy, Workload Impact and Consequence)

As this is not a strategic priority, this has increased staff's workload. This will project is impacting the CAO's preparation for training new Council and preparation for the upcoming Strategic Planning and 2019 budgets.

RECOMMENDATION

1. That Council permits the staff to hire legal counsel to assist with writing up a legal agreement and hire a legal consultant.

Respectfully submitted:

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