

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: July 4, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt June 20, 2016 Regular Council and June 27, 2016 Committee of the Whole meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Pg #

1. Bob Wells, re: Startup Comox Valley
2. Sharon Karsten and John Powell re: update on the C.V. Art Gallery

STAFF REPORTS/PRESENTATIONS

(a) Recreation and Cultural Services

(b) CAO and Legislative Services

1. Staff presentation – 2016 MISA Conference

(c) Development Services

- 1 2. Avalanche Bar & Grill Structural Change Final Approval

(d) Financial Services

(e) Engineering Services

- 7 3. Lerwick Road Widening Project, Covenant
- 21 4. Road Dedication on Anderton Avenue

(f) Public Works Services

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 29 1. UBCM 2015 Endorsed Resolution

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 31 1. Heritage Advisory Minutes for May 26, 2016
- 33 2. Staff Memo: Confirmation of Funding-Anderton Sheet Pile Dike Wall Repair
- 35 3. Briefing Note: 5th Street Complete Streets Pilot Project

7.00 REPORTS FROM COUNCIL MEMBERS REGARDING CITY RELATED ACTIVITIES INCLUDING REPORTS FROM COUNCIL AND EXTERNAL COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

Submitted by Councillor Frisch:

WHEREAS the City of Courtenay Official Community Plan identifies a vision for the City which includes to be known as "an inclusive, open and caring community" with "a commitment to continued excellence";

AND WHEREAS it is in keeping with those values that the Council and its members act with courtesy and respect in dealings with the public, including delegations that appear before Council;

AND WHEREAS the Council response to the May 30th, 2016 delegation was perceived in some aspects as lacking in courtesy and respect;

THEREFORE BE IT RESOLVED that staff write a letter on behalf of Council to each of the members of the May 30th, 2016 delegation expressing regret for any comments deemed inappropriate and apologizing for any hurt experienced or offence taken by the members of the delegation.

9.00 UNFINISHED BUSINESS

1. From Delegation to the June 20, 2016 Regular Council Meeting

- 41 Community Justice Centre – Critical Incident Response Protocol

Proposed resolution:

“That Mayor Jangula be authorized to sign the amended Critical Incident Response Protocol on behalf of Courtenay Council”.

2. From the June 27, 2016 Committee of the Whole Meeting

That Council prioritize the UBCM meeting requests from the following choices discussed at the COW meeting:

- 1. Hospital Parking – Minister of Health
- 2. North Connector – Minister of Transportation and Infrastructure
- 3. Cycling Infrastructure funding – Minister of Transportation and Infrastructure
- 4. Flooding – Minister of Environment
- 5. Housing project – Minister of Minister of Natural Gas Development and Minister Responsible for Housing

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 71 1. Appointment to 'Go Smart' Select Committee

12.00 BYLAWS

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Avalanche Bar & Grill Structural Change Final Approval

File No.: 4320-20

Date: July 4, 2016

PURPOSE:

The purpose of the report is to provide a Council resolution to the Liquor Control and Licencing Board (LCLB) regarding the application by Avalanche Bar & Grill for a structural change to allow for an outdoor patio.

CAO RECOMMENDATIONS:

That, based on the July 4, 2016 staff report, "Avalanche Bar & Grill Structural Change Final Approval", Council adopt the prescribed resolution as shown in Option 1 recommending approval of the structural change application by Avalanche Bar & Grill to allow for an outdoor patio.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

As Council is aware, Avalanche Bar & Grill has applied to the LCLB for a structural change to allow for an outdoor patio where the business is operated. At the regular meeting held June 13, 2016 Council approved the following resolution:

Council direct staff to publish notice on the City's website requiring public input on the Structural Change for Council consideration at the regular meeting scheduled on July 4, 2016 (recommended); and

That the Downtown Courtenay Business Association (DCBIA) be advised of the application.

As per Council's direction, notice was placed on the City's website, and the DCBIA was notified. In addition, the RCMP was contacted as Staff normally contacts the RCMP for all liquor licence applications. The RCMP has expressed a few concerns from safety perspective as attached this report.

DISCUSSION:

It is important to note that that this process was limited to the application for amending the existing liquor license through the LCLB to allow liquor to be served on an outdoor patio, and not the actual sidewalk café pilot project in the Downtown.

To date, no public responses or DCBIA comments have been received. The RCMP has provided their comment with regard to potential noise complaints, vandalism, and loss of parking stalls on the street.

The parallel application through the City's sidewalk patio pilot project by Avalanche Bar & Grill has been approved. While City's approval is on an annual basis, the LCLB's structural change approval is permanent. This means that applicants are not required to apply to the CLBC annually, but are still required to meet the regulations established by the City, which require the continuation of the patio operation. If the LCLB denies the liquor licence amendment application this time, the proposed patio will not be constructed as the LCBC decision is final.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing amendments is included in the City's general statutory duties. The Development Services Department has recently taken over the function from Legislative Services. To date, staff has spent two hours to process and review the liquor licensing amendment application.

ASSET MANAGEMENT IMPLICATIONS:

There is no direct asset management implications related to this application.

STRATEGIC PRIORITIES REFERENCE:

We actively pursue vibrant economic growth

- Revitalizing our downtown is critical to our economic future
- Continue to improve our relationship with business in our community

We focus on organizational and governance excellence

- We support and encourage initiatives to improve efficiencies
- We support meeting the fundamental corporate and statutory obligations



● **Area of Control**

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

There is no direct reference related to this application.

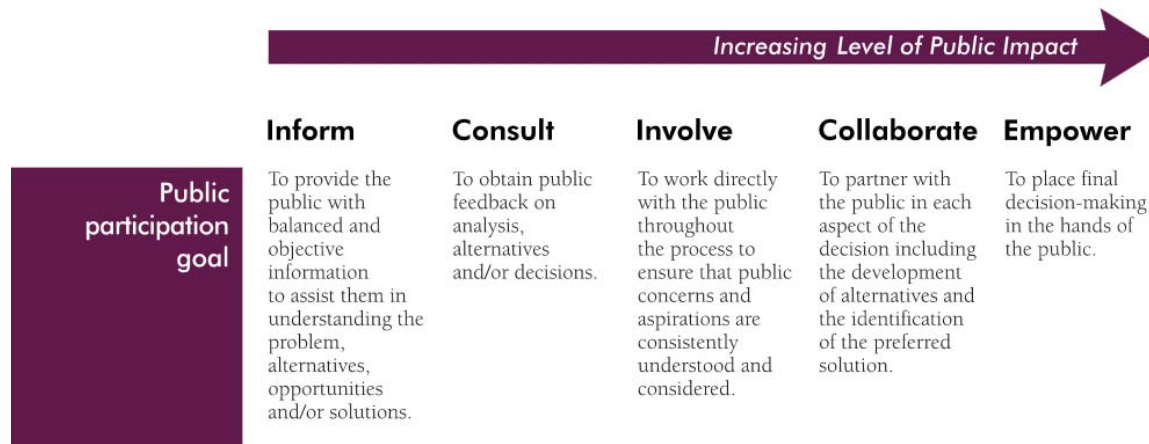
REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

Public notice is required if Council wishes to comment on the application. Staff will consult the members of the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1:

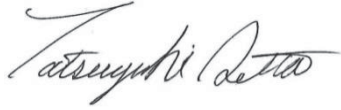
- 1) Be it resolved that the Council of the City of Courtenay recommends the approval of the application by Avalanche bar & Grill for a structural change to allow for an outdoor patio.
- 2) Council's comments on the prescribed considerations are as follows:
 - (a) If the amendment application were approved, it would not result in an increase of noise in the area;
 - (b) If the amendment application were approved, the applicant shall obtain a patio permit from the City of Courtenay each year and follow all the policies and regulations including, but not limited to, the City's sidewalk patio program;
 - (c) If the application were approved, it would have a positive impact on the community based on the submissions received from the public; and
 - (d) In order to gather the views of residents, the City of Courtenay posted a notice on the City's website outlining the Avalanche bar & Grill application to allow for an outdoor patio. No public comments have been received. Staff provided notice to the Downtown Courtenay Business Improvement District (DCBIA). Also a notice was sent to RCMP".

(Recommended)

Option 2: Council does not recommend approval of the application.

Option 3: Postpone the application to a future date.

Prepared by:



Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Approved by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments

1. *RCMP comments*

Appendix No. 1

Setta, Tatsuyuki

From: Tim WALTON <tim.walton@rcmp-grc.gc.ca>
Sent: June-15-16 1:06 PM
To: Setta, Tatsuyuki
Subject: Re: Liquor licence amendment applicaiton for Avalanche and Yiamas.

From a policing perspective, we have a couple of concerns and questions

Is the patio proposal seasonal or year round?

Will the patios be opened until bar/restaurant closing time. If yes, we have concerns with the additional noise complaints mainly from residents of the building.

Will the furniture be removed after closing time? If not, it could attract vandalism and vagrancy

The loss of parking spots at the front of the building will mean emergency vehicles will have to park on the sides of the building or further on up the street.

Given the option, should Council support this application, I suggest that they consider recommending it on a trial basis to allow us to evaluate the direct and indirect impact on policing resources.

TW

Tim Walton, Inspector
Officer in Charge
Comox Valley Detachment RCMP

800 Ryan Rd, Courtenay BC V9N7T1

Tim Walton, inspecteur
Officier responsable,
GRC-Détachement de Comox Valley

800 ch. Ryan, Courtenay C-B V9N7T1

>>> "Setta, Tatsuyuki" <tsetta@courtenay.ca> 2016/06/08 11:21 AM >>>
Good morning Tim,

I am contacting you regarding liquor licence structural change application for Avalanche Bar & and Grill and Yiamas Greek Restaurant.

The owner of the Avalanche has applied for sidewalk patios for these two establishments. Subsequently he needs to apply to amend the licence.

As part of their application, they are required Council approval, which also involves consultation with RCMP and residents.

Attached is the application form and the proposed plan. Please review and provide me with your comment.

Thanks again for your attention. Please contact me below if you have any questions.

Regards,

Tats

Tatsuyuki Setta RPP, MCIP, AICP
Manager of Planning - Development Services
City Hall - 830 Cliffe Avenue
Courtenay, BC, V9N 2J7
P: 250-334-4441 (ext. 234)
F: 250-334-4241
E: tsetta@courtenay.ca



This e-mail communication may be confidential and legally privileged. If you are not the intended recipient, please notify me by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 5400-20-71795

From: Chief Administrative Officer

Date: July 4, 2016

Subject: Lerwick Road Widening Project, Covenant – Use of Land & Fence Maintenance

PURPOSE:

The purpose of this report is for Council to approve the Covenant-Use of Land & Fence between the City and the affected owners on Waddington Crescent and Malahat Drive, adjacent to the portion of Lerwick Road recently widened by the City.

CAO RECOMMENDATIONS:

That based on the July 4th, 2016 staff report entitled “Lerwick Road Widening Project, Covenant – Use of Land & Fence Maintenance”, Council approve Option 1 and approve the establishment of a covenant and;

That the Mayor and Director of Legislative Services be authorized to sign all legal documentation relating to the registration of the covenant.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

As part of the Lerwick Road widening (Thrifty's Complex to Malahat Drive) project completed earlier this year, the original wooden fence located between the roadway and the adjacent properties was removed due to encroachment issues and space needs for road construction. It was replaced during the project with a concrete fence to match the existing standard of the roadway on the east side of the street.

DISCUSSION:

It has been common practice for the fences along Lerwick Road to be owned and maintained by the adjacent private property owner. Establishing a covenant on the private properties to this effect is the legal mechanism to ensure transparency of the requirements regardless of the current property owner. The covenant prepared for this project identifies that the fence maintenance and replacement is the responsibility of the private property owner and that it is not to be altered or removed. A copy of the Covenant-Use of Land & Fence Maintenance is attached.

The affected property owners were engaged by staff through the project development and construction to understand the impact of the works on their property and the eventual transfer of responsibilities for the

fence. All single family property owners have signed the covenant documents and are prepared to have the encumbrance on their property title.

In order to complete this process, staff is seeking Council's approval to endorse the establishment of the covenant and for the Mayor and the Director of Legislative Services to be permitted to sign all related documentation for registration. The documents are attached to the report for Council's reference.

FINANCIAL IMPLICATIONS:

The cost to prepare the legal documents and complete the registration of the charges on title is approximately \$12,000 for legal services. This cost is part of the greater approved project budget of \$270,000.

ADMINISTRATIVE IMPLICATIONS:

This project is included in staff's 2016 workplan and therefore all associate tasks are considered statutory.

ASSET MANAGEMENT IMPLICATIONS:

The widening of Lerwick Road created a new level of service for the road asset by establishing a second travel lane southbound and the installation of a sidewalk on the west side of the street. This work was identified as needed to support traffic management in the corridor through the 2005 Transportation Network Plan. The road cross-section for this roadway includes 4 travel lanes and sidewalks on both sides of the road. This project has met this objective for this section of the corridor.

STRATEGIC PRIORITIES REFERENCE:



OFFICIAL COMMUNITY PLAN REFERENCE:

Growth Management, 3.1.3 Policies

9. Support Transportation Planning Initiatives designed to match population growth to major destinations and centres of importance.

Transportation, 5.2 Goals

3. Protect the integrity of the road classification system to facilitate the purpose and function of the specific road types.

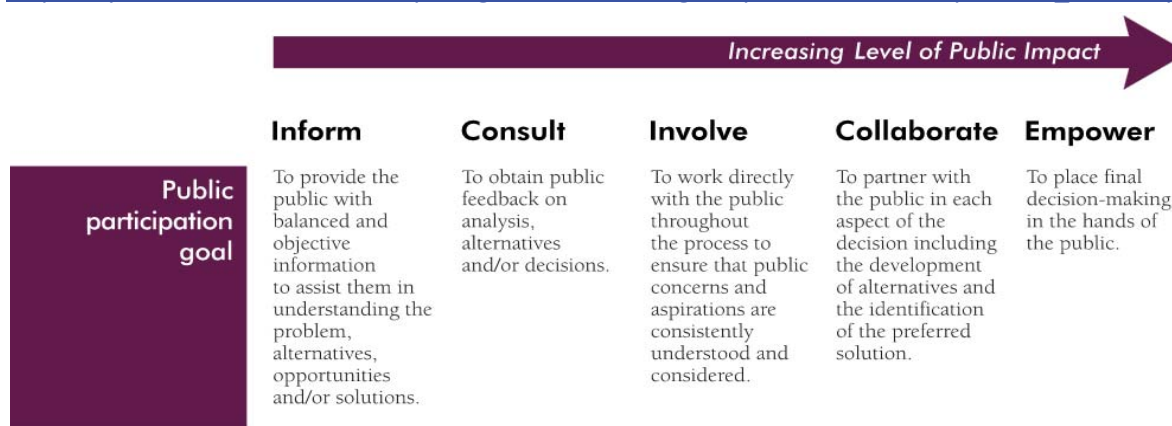
REGIONAL GROWTH STRATEGY REFERENCE:

None

CITIZEN/PUBLIC ENGAGEMENT:

City Staff engagement with all affected property owners throughout the course of the project, based on the IAP2 Spectrum of Public Participation, aligns with involve.

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- OPTION 1:** That Council approve the Covenant Agreement: and
- That the Mayor and Director of Legislative Services be authorized to sign all legal documentation relating to the Covenant Agreement.
- OPTION 2:** That Council not approve the proposed covenant and direct staff to modify the language to suit City maintenance and renewal of the fence.

Prepared by:

Craig Perry, P.Eng.
Manager of Transportation & Utilities – Engineering

Lesley Hatch, P.Eng.
Director of Engineering Services

Attachments:

1. Attachment No. 1 : Location Sketch
2. Attachment No. 2 : Covenant

Date: 14/06/2016



LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE OF PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Maria Kim, Barrister & Solicitor

YOUNG ANDERSON

1616 -808 Nelson Street

Vancouver

BC V6Z 2H2

Phone: (604) 689-7400

File: 62-296

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF COURTENAY

A MUNICIPAL CORPORATION UNDER THE COMMUNITY CHARTER

830 CLIFFE AVENUE

BRITISH COLUMBIA

V9N 2J7

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

| Y | M | D |
|---|---|---|
| | | |
| | | |
| | | |

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

| SCHEDULE | | PAGE | OF | PAGES |
|--------------------|------------|------------------------|----|-------|
| NATURE OF INTEREST | CHARGE NO. | ADDITIONAL INFORMATION | | |
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**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE OF PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

TERMS OF INSTRUMENT - PART 2

S.219 COVENANT – USE OF LAND & FENCE MAINTENANCE

(Section 219 *Land Title Act*)

THIS AGREEMENT made the

BETWEEN:

(hereinafter called the “Grantor”)

AND:

THE CORPORATION OF THE CITY OF COURTENAY

830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

(hereinafter called the “City”)

WHEREAS:

- A. The Grantor is the owner of certain lands and premises situated in the City of Courtenay, in the Province of British Columbia, and described in section 2 of Form C to Part 1 of the Terms of Instrument attached hereto (hereinafter called the “Lands”);
- B. As part of the extension of that highway known as Lerwick Road (the “Road”) that adjoins the Lands, the Grantor wishes to have the City construct a concrete fence (the “Fence”) to be located on the boundary between the Lands and the Road;
- C. The City has agreed to construct the Fence on the condition that the Lands not be used for residential purposes unless the Grantor assumes full ownership of the Fence upon the construction and maintains it to the City’s satisfaction; and
- D. Section 219 of the *Land Title Act* provides, inter alia, that a covenant, whether of a negative or positive nature, may be registered as a charge against the title to land in favour of a municipality.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of One Dollar (\$1.00) now paid to the Grantor by the City (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. **Restriction on Land Use** – The Grantor covenants and agrees with the City that the Lands shall not be used for residential purposes, built upon or subdivided (by any means whatsoever, including under the *Strata Property Act*) for such purposes, except in strict accordance with the terms and conditions of this Agreement.
2. **Ownership of Fence** – The Grantor acknowledges and agrees that the Fence, once constructed by the City on the Lands, will be the property of the Grantor.
3. **Grantor's Covenants** – The Grantor covenants and agrees with the City as follows:
 - (a) the Grantor shall accept sole responsibility for repairing, using, maintaining, inspecting, altering, removing, and replacing the Fence from time to time and pay for all costs relating thereto, to the satisfaction of the City, acting reasonably;
 - (b) the Grantor shall not do or permit to be done any act or thing to the Fence which in the reasonable opinion of the City may create a risk of injury to users of the Lands and the Road;
 - (c) the Grantor shall not disturb, reshape, modify or in any way alter any portion of the Lands in any manner which interferes with, injures or impairs the operating efficiency of the Fence;
 - (d) the Grantor shall not carry on blasting on the Lands on or adjacent to the Fence without the City's prior written consent; and
 - (e) the Grantor shall, at the expense of the Grantor, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the Victoria Land Title Office save and except those specifically approved in writing by the City or in favour of the City.
4. **City Inspection** – The City shall have the right at all reasonable times, by its employees or officers, to enter on the Lands, for the purpose of inspection to determine whether this Agreement is being complied with, if the City reasonably believes that the Grantor may be in breach of any term of this Agreement.

5. **Remedy** – If the Grantor fails or neglects to comply with the terms or conditions of this Agreement, whether by inadvertence, negligence or wilful act or omission, the City may give the Grantor 10 days written notice to correct such non-compliance. If the Grantor does not remedy the non-compliance within 10 days, or if the non-compliance reasonably requires more than 10 days to remedy and the Grantor has not commenced and is not working diligently and continuously remedy the non-compliance, the City may, in addition to any rights or remedies available to it pursuant to the *Local Government Act* or the *Community Charter*, enter the Lands to correct such non-compliance at the expense of the Grantor and the Grantor shall forthwith pay such expense to the City upon demand. Without limiting the generality of the foregoing, the City may apply to the Supreme Court of British Columbia for an injunction to remedy the non-compliance. The Grantor covenants and agrees that, if a Court determines that there has been a failure to comply with the terms and conditions of this Agreement, damages would not be an appropriate remedy for the City.

6. **No Obligations on City** – The rights given to the City by this Agreement are permissive only and nothing in this Agreement:
 - (a) imposes any duty of care or other legal duty of any kind on the City to the Grantor or to anyone else; and
 - (b) obliges the City to enforce this Agreement, which is a policy matter within the sole discretion of the City.

7. **Indemnity and Release** – The Grantor covenants and agrees with the City as follows:
 - (a) the Grantor hereby agrees to save harmless and effectually indemnify the City, its elected officials and all employees against:
 - (i) all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought, relating to or arising from the construction of the Fence;
 - (ii) all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought, relating to or arising from any act or omission in the use, maintenance, or repair of the Fence; and
 - (iii) all actions, judgments, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought, relating to or arising from any refusal or delay in the approval of any plan of subdivision or the issuance of any building permit in the exercise or purported exercise of any of the rights or compliance or attempted compliance with any obligations granted or imposed by this Agreement, or arising from the

restrictions imposed on the use or subdivision of the Lands by this Agreement or its registration in the Victoria Land Title Office;

- (b) that the indemnity provided in subparagraph (a) (iii) above shall run with the Lands and shall be binding on the owner thereof from time to time; and
 - (c) the Grantor hereby releases and forever discharges the City and its elected officials, servants, agents, successors and assigns from all manner of actions, causes of action, suits, debts, dues, accounts, bonds, covenants, claims and demands whatsoever which the Grantor ever had, now has or hereafter may have against any of them by reason of the construction and installation of the Fence by the City.
8. **Covenant Runs with Lands** – Every obligation and covenant of the Grantor in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with them and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which it is subdivided by any means and any parcel into which the Lands are consolidated.
 9. **Sale of Land** – Despite anything contained in this Agreement, neither the Grantor named in this Agreement nor any future owner of the Lands or any portion thereof is liable under any of the covenants and agreements contained in this Agreement where such liability arises by reason of an act or omission occurring after the Grantor named in this Agreement or any future owner ceases to have a further interest in the Lands.
 10. **City Discretion** – Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Grantor agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.
 11. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject matter and the City has made no representations, covenants, warranties, guarantees, promises, or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement.
 12. **No Effect on Law or Powers** – Nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Grantor.

13. **Waiver** – The waiver by the City of any breach of this Agreement by the Grantor or failure on the part of the Grantor to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing and signed by the City.
14. **Interpretation** – Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine, or body corporate where the context so permits or requires.
15. **Headings** – The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Agreement or any provision of it.
16. **Remedies Cumulative** – No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
17. **Enurement** – This Agreement binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.
18. **Further Assurances** – The parties shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
19. **Severance** – If any part of this Agreement is held to be invalid, illegal, or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
20. **Laws of British Columbia** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the *Land Title Act* Form C which is attached hereto and form part of this Agreement.

PRIORITY AGREEMENT

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D which this Agreement is attached to and forms part of this Agreement.

END OF DOCUMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Road Dedication on Anderton Avenue

File No.: 5400-07

Date: July 4, 2016

PURPOSE:

The purpose of this report is for Council to consider approval of the survey reference plan EPP60996 for the dedication of City owned, fee-simple property on the west side of Anderton Avenue (5th to 6th Streets) as ROAD.

CAO RECOMMENDATIONS:

That based on the July 4th, 2016 staff report, "Road Dedication on Anderton Avenue," Council approve Option 1 to dedicate the ROAD on the west side of Anderton Avenue between 5th and 6th Streets as defined by survey REFERENCE PLAN EPP60996, EASTERLY 18 FEET OF LOTS 7 TO 12, SECTION 61, COMOX DISTRICT, PLAN 311, and;

That the Mayor and Director of Legislative Services be authorized to sign all of the documentation relating to this road dedication.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In 1926, the City acquired six fee-simple property segments along the west side of Anderton Avenue from 5th to 6th Street. The properties are all approximately 5.5 metres in width and are currently occupied by as part of roadway. This is not an uncommon historical practice, however, if the roadway was being established today, this would occur through the subdivision process and the dedication of land as ROAD under the Land Titles Act.

Where these types of situations are identified through active internal projects or developments, staff undertakes a "house-keeping" process to convert fee simple lands that act as road to ROAD dedication. Section 107 of the Land Title Act permits the establishment of highway by reference or explanatory plan in these instances. Where a subdivision process is being undertaken, this conversion of titles has been

mandated by LTSA (Land Title and Survey Authority of BC) prior to approval, or concurrently with, the registration of the new plans.

DISCUSSION:

The 2016 Capital Program includes watermain replacement on this section of roadway on Anderton Avenue between 5th and 6th Streets. As part of the project, staff has engaged a legal surveyor to prepare a reference plan for the transfers of the title of adjacent City fee simple land to ROAD dedication along the west side of the street.

In order to register the lands as ROAD dedication, Council must approve the reference plan and authorize the Mayor and the Director of Legislative Services to sign all related documentation for registration at LTSA.

FINANCIAL IMPLICATIONS:

The cost to complete the survey plan and registration thereof is accounted for under the 2016 capital project for watermain replacement on Anderton Avenue (2016 Approved Budget: \$211,200).

ADMINISTRATIVE IMPLICATIONS:

The road dedication is included as part of the Anderton Avenue Watermain Replacement Capital Project in the Corporate Work Plan. This work is considered to be statutory in nature.

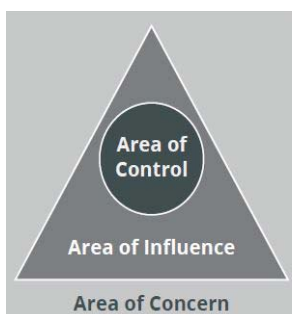
ASSET MANAGEMENT IMPLICATIONS:

Intentional management of City owned lands for their maximum benefit to the community is part of the Asset Management continuum for this City asset class.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- We support and encourage initiatives to improve efficiencies
- We support meeting the fundamental corporate and statutory obligations
- We recognize staff capacity is a finite resource
- Communication with our community is a priority, and is considered in all decisions we make
- We responsibly provide services at a level which the people we serve are willing to pay



● Area of Control

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

▲ Area of Influence

Matters that fall within shared or agreed jurisdiction between Council and another government or party.

■ Area of Concern

Matters of interest outside Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

None.

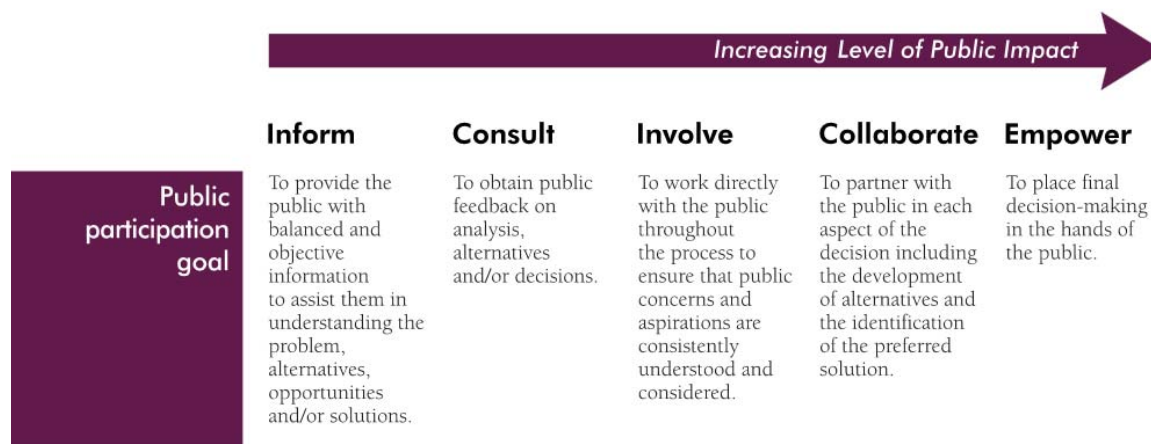
REGIONAL GROWTH STRATEGY REFERENCE:

None.

CITIZEN/PUBLIC ENGAGEMENT:

Staff has informed the public and the DCBIA of the upcoming watermain replacement project on Anderton Avenue based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1 That Council approve REFERENCE PLAN EPP60996, EASTERLY 18 FEET OF LOTS 7 TO 12, SECTION 61, COMOX DISTRICT, PLAN 311 to transfer City owned fees simple land to ROAD dedication and;

That the Mayor and Director of Legislative Services be authorized to sign the documentation relating to this ROAD dedication.

Option 2 That Council direct staff to not take any further action with respect to modifying these property titles.

Prepared by:

Craig Perry, P.Eng.
Manager of Transportation & Utilities – Engineering

Lesley Hatch, P.Eng.
Director of Engineering Services

Attachments:

1. Attachment No. 1 : Plan EPP60996
2. Attachment No. 2 : Draft Road Dedication Registration document

REFERENCE PLAN OF:
EASTERLY 18 FEET OF LOTS 7 TO 12,
SECTION 61, COMOX DISTRICT, PLAN 311
PURSUANT TO SECTION 107 OF THE L.T.A.
BCGS 92F.066

LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West Longitude).

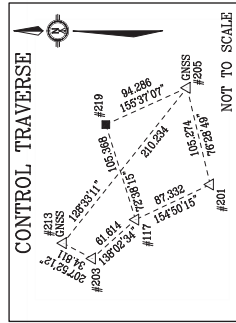
The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 370163.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.99996. The average combined factor has been determined based on a mean ellipsoidal elevation of 0.0 metres.

- denotes - Lead Plug Post found
- denotes - Lead Plug Post placed
- denotes - Standard Iron Post found
- denotes - Standard Iron Post placed
- denotes - Traverse Hub placed
- Ely - denotes - Easterly
- N'y - denotes - Northerly
- PT - denotes - Part
- S'y - denotes - Southerly
- Sq - denotes - Square Metres

NOTE: This plan shows one or witness posts which are not set on the true corner(s)

GNSS Control Traverse Hub #203
Datum NAD83(CSRS) 0.0 BCL NVT
UTM Zone 10
UTM Northing 5,506,196.397
UTM Easting 355,098.810
Point Combined Factor 0.999961
Estimated Network Horizontal Accuracy 0.10 metres



APPLICATION TO DEPOSIT PLAN
AT LAND TITLE OFFICE
PROVINCE OF BRITISH COLUMBIA

PAGE OF PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.732, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

| | | | |
|--|-------------|----------------|----------------------------|
| 3. APPLICATION FOR DEPOSIT OF: | | | |
| PLAN TYPE | PLAN NUMBER | CONTROL NUMBER | NUMBER OF NEW LOTS CREATED |
| Reference or Explanatory (Section 107) | EPP60996 | 145-966-8011 | |

4. OWNER(S): (updated owner(s) name(s), occupation(s), postal address and postal code)

5. ADDITIONAL INFORMATION:

ADDITIONAL PARCEL IDENTIFICATION

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

| [PID] | [LEGAL DESCRIPTION – must fit in a single text line] |
|-------------|--|
| 009-172-262 | 009-172-262 |
| 009-172-297 | 009-172-297 |
| 009-172-327 | 009-172-327 |
| 009-172-351 | 009-172-351 |
| 009-172-386 | 009-172-386 |
| 009-172-394 | 009-172-394 |

PLAN NUMBER: EPP60996

CONTROL NUMBER: 145-966-8011

☐ *Is a covenant the approving officers condition of subdivision and indicated on the plan?*

Witness to All Signatures

[signature]_____
SUSAN KARVALICS_____
A Commissioner for Taking Affidavids_____
[fill in address line 1]_____
[fill in address line 2]

Owner:

THE CORPORATION OF THE CITY OF COURTENAY_____
[fill in Incorporation Number]_____
[signature] Authorized signatory_____
LARRY JANGULA, Mayor_____
[signature] Authorized signatory_____
JOHN WARD, Director of Legislative Services

PLAN NUMBER: EPP60996CONTROL NUMBER: 145-966-8011

Approval - Approving Officer - LTA Section 88

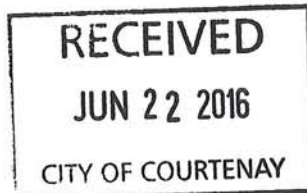
Plan EPP60996 is Approved under the Land Title Act on _____ [date].

[signature] Approving Officer

[Fill in name of Approving Officer]

[Fill in name of municipality, or as case may be]

[include file reference if desired]



*FOR
Info*

June 16, 2016

Mayor Larry Jangula
City of Courtenay
830 Cliffe Avenue
Courtenay BC V9N 2J7

Dear Mayor Jangula:

Re: 2015 Resolutions

Please find attached the provincial response to the 2015 resolution(s) put forward by your Council and endorsed by the UBCM membership at Convention.

I trust this information will be of assistance to you. Please feel free to contact Reiko Tagami, UBCM Information & Resolutions Coordinator with any questions.

Tel: 604.270.8226 ext. 115 Email: rtagami@ubcm.ca

Sincerely,

Chair Al Richmond
President

Enclosure

WHEREAS regional districts are prohibited by law from creating tree protection bylaws;

AND WHEREAS unincorporated areas of regional districts include working forests, which are regulated provincially both on public and private land, precluding local or regional regulation:

Therefore be it resolved that UBCM call on the Province to permit regional districts to institute tree protection bylaws in identified urban expansion areas.

Convention Decision: Endorsed

Provincial Response

Ministry of Community, Sport and Cultural Development

The Local Government Act (LGA) provides for a range of regulatory powers for regional districts.

Regional districts can use development permit powers and tree cutting permits to limit the cutting of trees related to environmental protection and hazard protection issues.

Municipalities have the same LGA development permit powers, but under the Community Charter, they have broader powers to regulate, prohibit and impose additional requirements related to trees. For example, some municipal tree protection bylaws require protection, removal, replanting and replacement of trees.

The consideration of expanding regional districts powers to regulate tree cutting in rural areas designated for urban expansion, should be balanced with support for working forests on private and Crown land.

The Ministry recognizes that regional districts can face unique challenges that may require customized solutions. The Ministry has noted that the issue of tree protection is of particular interest for regional districts and will continue to seek to refine legislation for regional districts as issues arise and as legislative priorities warrant.

Minutes of a City of Courtenay Heritage Advisory Commission meeting held May 26 2016 at 10:00 a.m. at the City of Courtenay.

Present: L. Burns J. Hagen J. Fortin C. Piercy L. Grant
R. Smith

Absent: D. Griffiths R. Dingwall A. Ireson

FOR INFO

MINUTES

Moved by R. Smith and seconded by J. Hagen that the April 27 2016 minutes be adopted.

Carried

OLD BUSINESS

40 HOUSES

The corrected wording is attached to these minutes. City Parks Dept. is to be contacted re installation of the plaque.

**1085 5th ST
PRESENTATION**

Lawrence will contact the owner re: the video.

**MEMORIAL CAIRNS
PROJECT**

Judy is still doing investigation.

**RIVERFRONT
DEVELOPMENT**

No further information of the Tiger Lily development.

TRAIN STATION

No further developments.

FIFTH STREET

Lawrence will follow up on the status of the freight station letter, intended for the consideration of Council to send to the ICF. Julie spoke on the Open House held by the City at the Native Sons Hall on May 5, to gather public input into the proposed Complete Street project.

WORKSHOPS

Future workshops delayed till Erin's return.

MUSEUM REPORT

Nothing this month.

NEW BUSINESS

CITY WEBSITE

Julie spoke on the interesting content of the Heritage section of the City website, and the potential for additions to it.

Moved by R. Smith, seconded by C. Piercy that the Commission send a card of appreciation to Council and Staff for the Heritage section of the City website.

Carried

Discussion followed of inviting a staff member to a Commission meeting re: further development of the Heritage section.

ANNUAL REPORT

To be prepared in Fall season for presentation to Council.

CONFERENCE REPORT

Thanks to Andrew for his detailed written report which is attached to these minutes.

CORRESPONDENCE

From Nancy Gothard re: Downtown.

BC Heritage e-report was unreadable this month.

Next Meeting: June 22 2016 at 10 a.m.

The meeting adjourned at 11.20 am.



Chair



THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council

File No.: 1871-01

From: Chief Administrative Officer

Date: June 24, 2016

Subject: Confirmation of Funding – Anderton Sheet Pile Dike Wall Repair

ISSUE:

To inform Council that internal funding is available to support short term repair of the City's dike wall adjacent to the properties at 426 and 440 Anderton Avenue.

BACKGROUND:

- Council adopted the following Motion on June 20, 2016:
"Council Approves the expenditure of \$365,000 utilizing the following funding sources in descending order to priority: 1) 2015 unallocated surplus; 2) Gas Tax Fund; and 3) the Asset Management Renewal Reserve for the design and construction of the repair to the Anderton Sheet Pile Dike Wall"
- Last fall staff estimated the 2015 surplus would be approximately \$7.5M.
- In the 2016-2020 financial plan Council authorized expenditure of \$5.5M of the 2015 surplus to fund 2016 capital Projects so as to avoid additional borrowing.
- The balance of the actual 2015 surplus was to be held for unanticipated expenditures that might occur during 2016.
- The 2015 Audited Financial Statements will be presented to Council for receipt in the coming week and will identify that the actual 2015 surplus totalled \$7.86M.

OUTCOME:

The Anderton Sheet Pile Dike Wall repair may be fully funded from 2015 surplus and it is therefore unnecessary to use either the Gas Tax Fund or the Asset Management Renewal Reserve.

Respectfully submitted,

Brian Parschauer, BA, CPA-CMA

Director of Finance



BRIEFING NOTE

To: Council

File No.: 8620-01; 16009

From: Chief Administrative Officer

Date: July 4, 2016

Subject: 5th Street Complete Streets Pilot Project – Public Engagement Summary

ISSUE:

This Briefing Note is to provide Council with a summary of the first phase of public and stakeholder engagement for the 5th Street Complete Streets Pilot Project.

BACKGROUND:

City Council identified Complete Streets as a 'Council NOW Priority' in the 2015 Strategic Priorities. Implementing complete streets also builds on the City's 25 Year Vision for Multi-modal Transportation Strategy and subsequent Complete Streets project options' evaluation.

Council further supported multi-modal transportation in the City of Courtenay's 2016-2018 Strategic Priorities: "As we build new or replace existing transportation infrastructure, we are consistent with what we learn from our Complete Streets Pilot Project."

At the April 4th, 2016 Regular Council Meeting, Council considered the staff's report and resolved that:

Moved by Hillian and seconded by Wells that based on the April 4, 2016 staff report entitled "5th Street Complete Streets Pilot Project – Update and Presentation from Urban Systems Ltd.," and presentation Council approve Option 1 and direct staff to proceed with public engagement as described in this report.

KEY CONSIDERATIONS:

Staff had several objectives to meet in the first phase of public engagement. The first was to increase the public's understanding of the Complete Streets approach and the benefits of Complete Streets to ensure there is informed dialogue throughout the process. This objective was met through discussions between staff, the consultant and the public, as well as display boards, and hand out materials that were developed for Stakeholder meetings, a Public Information Session and an online survey. These materials were also posted on the City website for those who were unable to attend the meetings or information session.

The second objective was to determine how people currently use 5th Street. Staff met this objective by asking this question in all components of the engagement process.

The last two objectives for the public engagement process were to identify priorities and aspirations for 5th Street enhancements, and to increase the public's understanding of the trade-offs of different facilities. These objectives were met by meeting directly with key stakeholders, holding an evening public

information session at the Native Sons Hall, and through the online survey for the general public. In order to ensure a successful engagement process, static display boards, interactive displays, maps, and interview questions were developed. In addition, City staff and the consultant were available for questions and comments at each step in the engagement process.

SUMMARY OF RESULTS

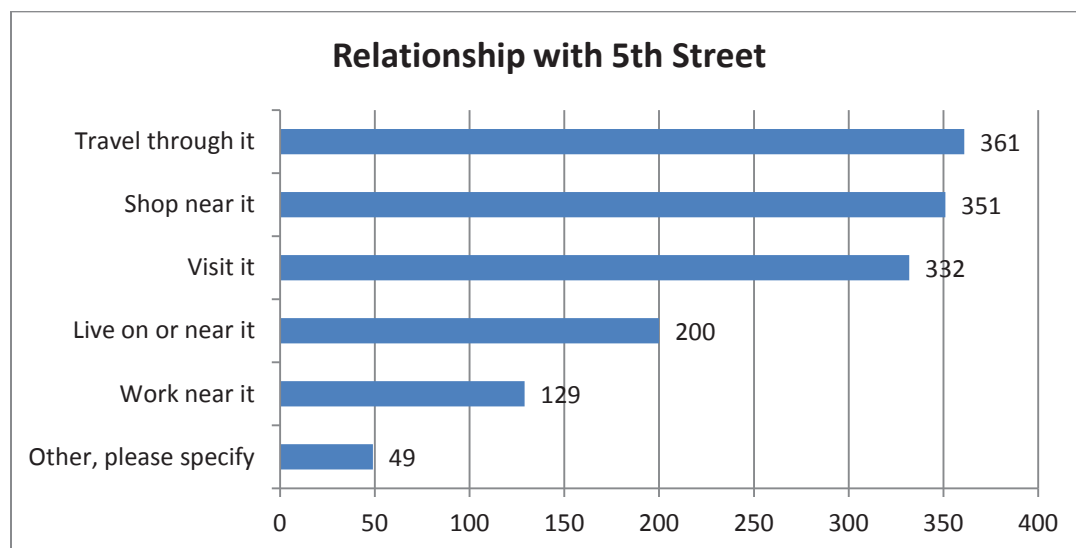
City staff and Urban Systems met with key stakeholders on May 5 and 6, 2016, to identify interests and aspirations for the study area. Comments were collected from the following key stakeholders:

- Comox Valley Cycling Coalition
- Comox Valley Accessibility Committee
- School District #71 (Active Travel)
- Comox Valley Regional District (Transit), and Watson & Ash
- Comox Valley Conservation Strategy Community Partnership

The Public Information Session was held in the evening of Thursday May 5th, and an online public survey was available between May 5th and 31st.

The Public Information event was attended by approximately 60 people, who reviewed information boards, participated in interactive activities, and spoke to City staff and the consultants. The online survey received 560 responses, 408 of which were fully completed.

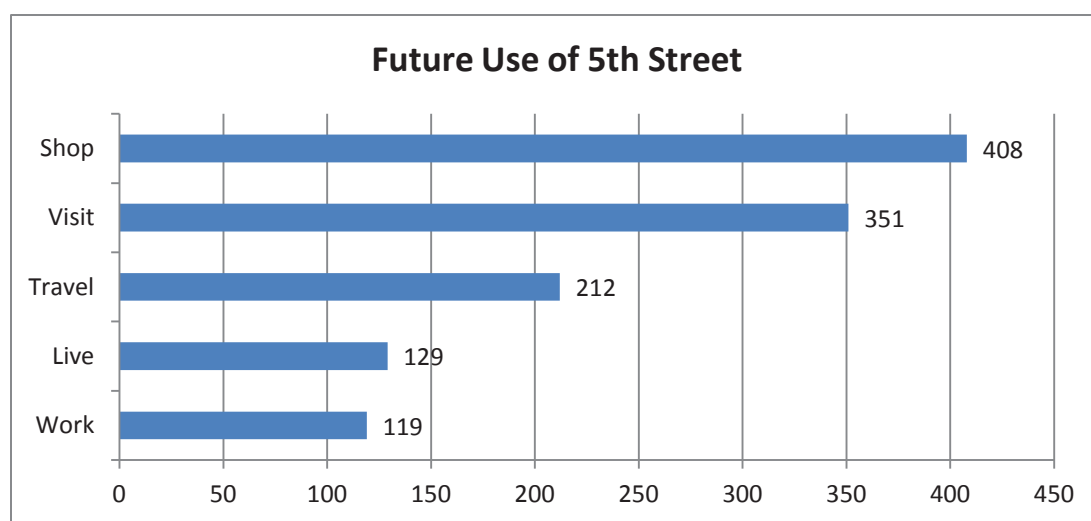
In order to determine how the public uses 5th Street, we asked respondents to outline their relationship with the street. A list of common options was provided and respondents were able to select multiple options. The table below outlines respondents' relationship to 5th Street.



Those who indicated having another relationship with 5th Street provided a variety of responses. The table below highlights prominent themes and the number of mentions associated with each.

| | |
|--|----|
| Walk or bike along it | 14 |
| Own a business on or near it | 11 |
| Socialize on it | 8 |
| Kids use it | 4 |
| Have a previous connection to it | 4 |
| Out of context | 4 |
| Dine on it | 2 |
| Volunteer or host an event near or on it | 2 |

Respondents were then asked to indicate how they would want to use 5th Street in the future. Of the options provided, shopping, followed by visiting were the most popular uses among respondents, as shown on the table below. Respondents were able to select more than one future use for this question.



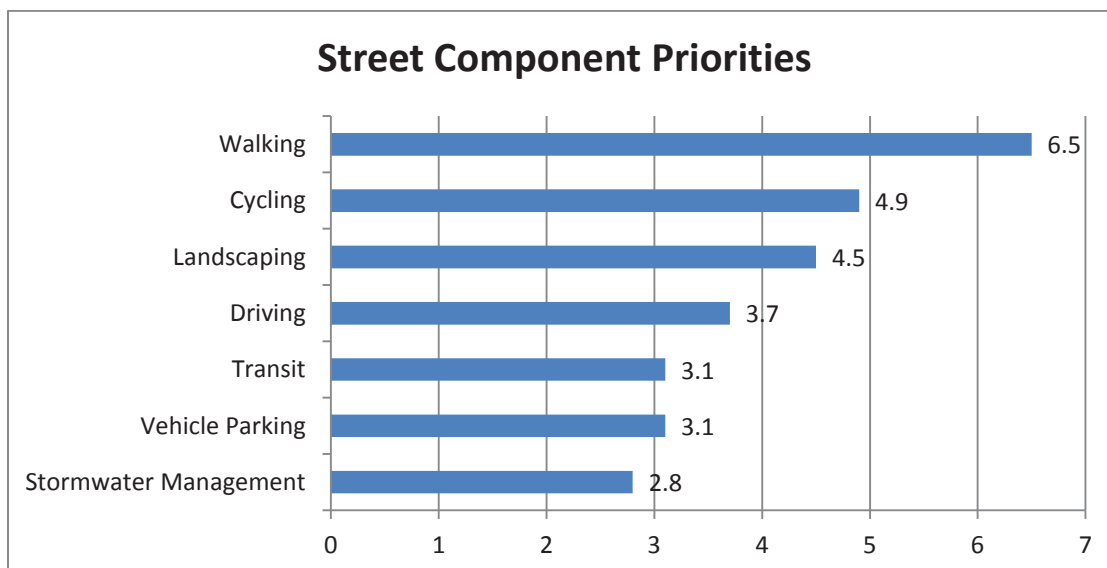
Participants were also asked to describe what they like about 5th Street, as well as what their vision for 5th Street is moving into the future. Generally, the public enjoys the atmosphere along 5th Street, the ability to support local businesses and the walkability of 5th Street. The most common themes for the public's preferred look and feel for 5th Street are:

- Greener/lush
- Attractive
- Welcoming/inviting
- Pedestrian friendly
- Safe

When considering the function of 5th Street, respondents' top themes were:

- Variety of shops, cafes and restaurants
- Pedestrian friendly
- Accessible
- Community hub and gathering space
- Inclusive for all modes and all ages of abilities

Stakeholders, public information session attendees and survey respondents also had the opportunity to rank the importance of different street components, including walking, cycling, driving, vehicle parking, landscaping, transit and stormwater management. Responses were weighted on a 7-point scale, with walking ranked the highest, followed by cycling and landscaping, as indicated in the table below.



At the public information session and during the stakeholder meetings, participants were invited to design their own ideal road cross section for 5th Street. This activity involved placing different street components onto a representative road width. All components were to scale, requiring participants to make trade-offs as to what they wanted to include on the street.

Three different groups of participants completed the exercise: the public at the information session, key stakeholders, and members of Council. In total there were 40 cross sections completed: 26 at the public information session, 13 by the key stakeholders, and 1 by Council.

A review of the completed cross sections demonstrated the following preferences:

- Enhanced width sidewalks,

- Protected/separated bicycle lanes (separated from vehicle traffic by bollards, landscaping or vehicle parking),
- 2-way vehicle traffic, and,
- Landscaping on both sides.

There was also support for a centre landscaped median and alternating boulevards with parking or street furniture, including bus shelters.

Moving forward, the priorities identified by the public through this engagement process will be used to inform the design of three surface treatment options for 5th Street between Fitzgerald Avenue and Menzies Avenue. Once the options have been developed they will be brought forward to Council for Council's consideration. Upon Council's approval of the options, a second phase of public engagement will take place.

Prepared by:

A handwritten signature in black ink, appearing to read 'L Hatch', is positioned below the 'Prepared by:' text.

Lesley Hatch, P.Eng.
Director of Engineering Services



Community Justice Centre of the Comox Valley

Suite C-2 – 450 Eighth Street, Courtenay, B.C. V9N 1N5

Tel: (250) 334-8101 Fax: (250) 334-8102

E-mail: cjc@shawbiz.ca Web: cjc-comoxvalley.com

Patron: **The Hon. Iona V. Campagnolo, PC, OC, OBC, LLD**
27th Lieutenant Governor of British Columbia

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Counsellor **Russ Arnott**
Town of Comox

Mayor **Leslie Baird**
Village of Cumberland

Insp. **Tim Walton**
Comox Valley RCMP

Sup't. **Tom Demeo**
School District #71

Melinda Knox
C.E.O. K'ómoks First Nation

The Community Justice Centre has been honoured for its work with these awards

Ron Wiebe National Restorative Justice Award Recognition Certificate
Correctional Service of Canada, 2014

Liz Elliott Restorative Justice Memorial Award Community Safety & Crime Prevention Awards
BC Ministry of Justice, 2014

Hummingbird Award for Restorative Justice
Simon Fraser University, 2014

Nesika Award for Excellence in Diversity (BC Multiculturalism Award)
Government of BC, 2013

Volunteer Impact Award
Volunteer Comox Valley, 2014

"Champions" Award,
Comox Valley Safe Harbour, 2014

May 3, 2016

In May of 2009, 43 agencies, organizations, local and regional governments, social service groups and faith, cultural, and ethnic communities gathered together with almost 400 residents of the Comox Valley to participate and witness the signing of the Critical Incident Response Protocol. The ceremony in the K'ómoks Big House celebrated the community's collaborative efforts to establish how we, as a community, could respond to incidents involving racism, homophobia and hate activity.

One month later, Jay Phillips was assaulted by three young men at 18th and Cliffe outside the MacDonald's Restaurant. The video recorded by a witness and posted to You-Tube brought international attention to the Comox Valley. The three young men were convicted of assault and one was sentenced under the terms of Canada's hate crimes legislation.

In the intervening years, there have continued to be incidents involving racism, homophobia and hate activity with a number of them being reported to the CJC and other agencies. Community response has generally been in accord with the recommendations of the Protocol, and support for the victims of these incidents has been provided effectively by many of the agencies and services which were signatories to the Protocol.

Since the signing of the Protocol, much has changed in society. One of the most significant changes is the profound rise of social media such as Facebook, YouTube, Twitter, Tumblr, Instagram, Pinterest, Vine, Whisper, Flickr, and other similar software programs that permit a much wider range of hateful activity to go on and remain unaddressed. One incident in June of 2015 involved the hate-based verbal assault and name-calling of a young black woman visiting our community during the Elevate the Arts Festival. The incident was reported through social media, but in a way in which it was not possible to reach out to the victim to provide the supports that were needed, nor to assist in the apprehension of the individuals involved.

It is felt that some revisions to the Protocol are needed to begin to address the rise of social media incidents. The proposed amendments and revisions to the Protocol will also provide the opportunity for others who were not part of the original Protocol signing to add their names to the list of Comox Valley organizations declaring their desire to ensure that the Comox Valley continues to be known as a community which will not accept this kind of behaviour and will provide the supports needed to those who are victimized in this manner.

.../2

Fellows of the Community Justice Centre

Dr. Izzeldin Abuelaish

O.Ont, MD (Cairo), MPH (Harvard), Dip. Ob/Gyn (London)
Nobel Peace Prize Nominee
Professor of Global Health, U of Toronto

Nel Cameron

Former, CJC Office Manager

The Right Honourable Adrienne Clarkson

PC CC CMM COM CD
FRSC (hon) FRAIC (hon) FRCPSC (hon)
BA (Toronto), MA (Toronto), LLD, DHL, DUniv
26th Governor General of Canada
Colonel-In-Chief of PPCLI

Ray Crossley

Former Councillor, Town of Comox

Inspector Tom Gray

Retired O-I-C, Comox Valley RCMP Detachment

The Hon. **Judge Ross Green, QC**
B.Comm (Sask), LLB (Sask), LLM (Man)
Justice of the Provincial Court of Saskatchewan

The Right Honourable
Beverley McLachlin
PC, B.A., M.A., LL.B. (Alta)
Chief Justice of Canada & Deputy Governor General

Dr. Brenda Morrison

BA (UBC), PhD (Australian National)
Director, SFU Centre for Restorative Justice

Ms Suzanne Murray

Former CVRD Director and Past-President

Judge Ed O'Donnell

Ret. Provincial Court Judge
Founding President, Community Justice Centre

Mr. Svend Robinson

Chevalier de l'Ordre de la Pielade,
BA (UBC), LLB (UBC), Post-Grad Cert. (Int. Law), (LSE)
Senior Adviser, Parliamentary Relations, Global Fund To
Fight AIDS, Tuberculosis and Malaria

Dr. John Ralston Saul

CC, OOnt,
FRSC, Chevalier Arts et Lettres de France
BA (McGill), PhD (Kings, London), LLD, LittD
Past President of PEN International,

Judge Barry Stuart

BA (SFU), LLB (Queen's), LLM (LSE), LLD (York)
Chief Judge, Yukon Court, Associate, Morris J. Wosk
Centre for Dialogue, Adjunct Professor, Criminology

Althea White

Ret. CJC Chief Administrator

The Very Reverend, The Honourable

Dr. Lois M. Wilson

CC, OOnt,
BA, BD, MDiv, DD, LLD, DHumL, SDT
Retired Senator of Canada
Past President World Council of Churches
Past Moderator, United Church of Canada

We have engaged some social media savvy youth to prepare a set of recommendations to revising the Protocol, and have incorporated them into an initial draft revision. It is included here for your review and perusal and to encourage your suggestions for any other needed changes. Your input and suggested revisions would be appreciated before Monday, May 30th.

When the final wording of the revised Protocol is completed, we will circulate it again and invite you to indicate if you are willing to renew your previous commitment (if your organization is a previous signatory) and /or join us in signing on to the Renewed CIRP Protocol and participate in the Community Witnessing Ceremony being planned.

The Witnessing Ceremony is being planned for late August or September of this year. We are awaiting a reply from the Prime Minister's Office as we have invited him to participate and be a speaker at the event. The ceremony will also include a short speech by Chief Robert Everson of the K'ómoks First Nation, the premiere of a newly commissioned choral work by one of Canada's leading choral composers, Brian Tate, the ceremonial signing of the Protocol by each Signatory, and a reception in the Band Hall following the events in the Big House. We anticipate that there will be an audience of up to 450 attending the event.

We are seeking the widest possible endorsement of the renewed Protocol and encourage your participation in this wonderful and positive community witnessing event.

Sincerely yours,



Bruce Curtis
Chief Administrator



Renewal of the Comox Valley Critical Incident Response Protocol



CIRP Signatories
Critical Incident Response Protocol

DRAFT

The Renewal of the Comox Valley Critical Incident Response Protocol was undertaken with funding from:



EmbraceBC



Contents

| | |
|--|----|
| Acknowledgements | 4 |
| Preamble | 5 |
| “Is there a problem in the Valley?” | 6 |
| Community Responses Since the Signing of the 2009 Protocol | 8 |
| Issues Emerging Through Social Media Use | 9 |
| The Broader National Picture | 11 |
| What is a “Critical Incident”? | 12 |
| Definition of both the issues and examples of a Critical Incident | 12 |
| Purpose of Response Protocol | 13 |
| Continuum of Response | 14 |
| Advocacy-Assessment Steps | 16 |
| Agency Services | 16 |
| Comox Valley Critical Incident Response Protocol | 17 |
| Tables & Charts | |
| Table 1 Comox Valley Statistics | 20 |
| Chart 1 Comox Valley Visible Minorities | 21 |
| Chart 2 Comox Valley Age Distribution | 21 |
| Chart 3 Comox Valley Religious Affiliation | 22 |
| Continuum of Violence | 23 |
| Appendix A Text of the Protocol | 24 |
| Appendix B Governments, Boards, Agencies, Organizations and Groups that signed the Protocol on May 29, 2009 | 25 |
| Appendix C Text of the Comox Valley Charter Of Dignity, Respect, & Acceptance | 26 |
| Appendix D: Links to the Statutory Provisions Universal Declaration of Human Rights Canadian Charter of Rights and Freedoms Canadian Human Rights Code (applicable in federal jurisdictions) British Columbia Human Rights Code | 27 |

Acknowledgements

The Renewal of the Comox Valley Critical Incident Response Protocol would like to acknowledge the generous financial assistance and advisory support of the Ministry of Ministry of International Trade and Responsible for Asia Pacific Strategy and Multiculturalism BC Anti-racism and Multiculturalism Programme, and the following Ministry staff, in particular:

*Anneke Van Vliet, Program Advisor, Multiculturalism, Ministry of International Trade and
and
Mark Seeley, Director – Multiculturalism, Ministry of International Trade*

The Critical Incident Response protocol was originally adopted at the Community Witnessing Ceremony, May 29, 2009. It has served the Comox Valley well over the years. But as with any agreement, revisions become necessary to accommodate changes in society and provide the opportunity to include more groups and individuals within the community.

We would like to thank all the participating individuals, organizations, and agencies who have demonstrated a real commitment to the work on the original Protocol, and those who have become engaged in the work towards the renewal of the Comox Valley Critical Incident Response Protocol – whether by participating in person at meetings, responding to drafts, via electronic consultation, or through phone conversations. Their gifts of time and insight have contributed immensely to this work. With reference to those components of the Protocol which now address the issues of social media, we would like to thank Sheldon Falk who researched the problem consulted with social media “savvy” youth, and developed the related suggested revisions in the Renewed Protocol.

Finally, we would like to thank each of the signatories to this protocol – their commitment to a better world and a more compassionate community in the Comox Valley is their own reward.

Finally, I would like to thank the Directors of the Community Justice Centre and the Chief Administrator, Bruce Curtis, who enthusiastically responded to the Ministry’s invitation to engage in this work in 2007 – 09 and who have continuously supported and nurtured this work throughout the years since.

Respectfully submitted,



Anne Davis, President, Community Justice Centre

Preamble

Racist remarks, homophobic comments, ethnic slurs – they all arise from strongly held negative feelings about others, or thoughtless actions that betray a lack of control of such feelings from being publicly expressed. Assaults, violent acts, and property damage expressing such sentiments often arise from a need to express an internal sense of rage that is rooted in irrational thoughts and feelings or a sense of being harmed by the mere existence of those who exhibit an “otherness”.

Racist, homophobic and hate-based incidents work to destroy the very core of what it means to be a community. They threaten the health and safety of communities. Such incidents require a response from the community that asserts community beliefs in democratic freedoms, individual rights, and community responsibility. On the one hand, an ineffective response to such incidents suggests public acceptance of those underlying views and may even encourage subsequent “copy-cat” incidents by others holding similar beliefs. On the other hand, when such incidents are effectively responded to, and those involved receive the support and assistance needed to overcome the causes and effects, it sends a clear message to the community that such behaviour is not acceptable in the Comox Valley. It also proclaims the message that this community is prepared to help the individuals involved to transform those feelings and actions into something positive that contributes to a healthy community for all.

The Critical Incident Response Protocol represents a clear and direct statement of the Comox Valley’s desire to establish and maintain a community of acceptance and understanding that welcomes and affirms our diversity of culture, religious belief, ethnic background, differential ability, age groups, sexual orientation, and socio-economic status. The evidence is overwhelming that tolerant and diverse communities contain within themselves the seeds of their own success. They embody the flexibility needed to overcome the many challenges that arise and strain the relationships among, between and within the various sectors of the community. The strength that comes from diversity enhances the lived experience of community for everyone.

The engagement around renewing the Protocol, working to bring the community together around issues related to racism, homophobia, and hate-based incidents, has adapted from other communities who have worked in the area in the past, the strategy of the Three Pillars of Action:

Awareness - an ongoing public educational commitment by the parties to the protocol that promotes an understanding of the values of acceptance and the positive role of diversity in the life of all Valley residents. The range of educational modes should include formal educational measures in the schools, artistic and cultural programmes expressing the concepts, ongoing articles and items in the public media, and the expression of these ideas in a positive light by politicians and elected officials in community meetings and other gatherings.

- Prevention - promoted through cross-cultural educational initiatives carried out consistently throughout the school district over a period of years providing the next generation and newly arrived individuals and families with a tolerant and diversity-affirming belief structure that incorporates a wide understanding and appreciation of the cultures and ethnic diversity represented within our population.
- Response - the protocol reflects a consistent, Valley-wide, agreement by educational institutions, municipal governments, First Nations government, the business community, and service organizations on how each will respond to the occurrence of a critical incident involving racism, homophobia, or other hate-based event. The protocol contains several formats, including a broad-based policy framework for bodies with legislative/governance authority; simplified conflict resolution processes applicable within the small business and non-profit organizational environment; and specific techniques and skills which may be utilized by persons who sign onto the protocol in an individual leadership capacity. These techniques and skills will allow individuals to effectively confront critical incidents in their daily lives through being “active witnesses” to such incidents and a set of appropriate actions they may take in the moment.

The commitment of the signatories to the Protocol, together with concerted actions undertaken by our partner groups and organizations, can and will lead to a positive and welcoming climate of acceptance and understanding throughout the Comox Valley. The benefits for residents, organizations, and businesses will enhance the total package of elements that have made the Comox Valley a vibrant, exciting, and engaging community in which to live together and raise our families.

“Is there a still a problem in the Valley?”

The Comox Valley is home to an entirely ordinary mix of attitudes and behaviours with respect to protecting human rights and incidents involving discriminatory behaviours. Over the years, there have been examples of those who stand up for the rights and dignity of all, as well as incidents that demonstrate that there are attitudes of non-acceptance and intolerance.

On the one hand, the electorally successful and effective CSRD Regional Director Jim Eagan launched a precedent setting court challenge of discrimination based on sexual orientation, and on the other, there was a homophobic attack on the Vancouver Lesbian and Gay Choir during a concert at the Sid Williams Theatre.

In May 1995, The Supreme Court of Canada, in response to Jim Eagan’s court challenge of denial of same-sex spousal pension benefits, agreed that defining a spouse as

someone of the opposite sex was discriminatory and said discrimination based on sexual orientation should be included in the Charter of Rights and Freedoms, Canada's constitutional guarantee of equality.

Although Egan did not receive the complete victory he had hoped (though the court ruled it was discriminatory, he was denied the pension benefit itself), he says the court battle was not in vain. "It was a beginning," he says. "We got sexual orientation read into the charter, and we actually changed the constitution of Canada. We didn't get our benefits but we didn't lose everything."

On the evening of March 22nd, 2001 The Vancouver Lesbian and Gay Choir was giving a concert in support of the newly formed Comox Valley Gay & Lesbian Choir when a young man broke into the theatre through the back stage door and lobbed a pepper spray bomb into the stage area. The gas caused injury to the choir (including one member whose baby was resting in a "snugly" during the performance) and to the first several rows of the audience, including the Minister of Women's Equality who was present for the performance.

The concert was evacuated to the plaza in front of the theatre and the VLG Choir marched from the theatre's back stage door, down Cliffe Avenue to the plaza singing "We are the ones we've been waiting for". After a few moments of confusion, the minister of Comox United Church, Reverend Maggie Enwright, invited the Choir and the audience to stand up against the threat and intimidation, by moving the remainder of the concert to her church in Comox. Following a parade of over 100 vehicles along the Dyke Road, the concert resumed and was completed in Comox.

In May, 2007, St. George's United Church and several local businesses were "tagged" with the Nazi version of the YongDong symbol for eternity from the Bon Tibetan Buddhist culture – what has come to be known in the West as the Swastika. In addition, several anti-semitic slogans were also tagged. While it has never been reported that the offenders were apprehended, it was reported that the patrons of the Sonshine Lunch Programme, who arrived the next day for lunch, were so upset that they immediately volunteered to paint over the offensive images, and did so that very afternoon.

In late Fall, 2008, a Comox Valley teen took over the administration of website that advocated "National Kick a Ginger Day". The Facebook website attracted wide spread attention within the high school population and on November 20th, the inevitable happened. Red heads in Sooke, Prince George, Nanaimo, Calgary, Winnipeg, Newfoundland, and Courtenay were assaulted. It has been suggested by some that they were assaulted "in jest" – in keeping with the intent of the satiric source (an episode of South Park) of the campaign. Others were assaulted in earnest, by those who either didn't understand the nature of the satire, or who were simply open to the idea that it is OK to assault someone on the basis of their difference. The individual responsible for the website, himself an Asian, regretted the outcome of the satire. He probably was unaware

that in England, ginger is often part of an alleged rhyming slang tradition that makes it a synonym for queer, and therefore, a homophobic insult.

Conversations with First Nations and other visible minority residents never fail to reveal painful stories of verbal and emotional assaults being experienced frequently in the course of ordinary interactions with the dominant culture as they move about within the community. So too, residents who do not belong to visible minority groups, but who have other markers of “otherness” such as accents from Eastern European cultures and such like signifiers also share stories of xenophobic and homophobic experiences and interactions in the course of their daily life. The results of these experiences often lead to withdrawal and isolation from the very community to which they have chosen to move into and in which they had hoped for a new life consonant with the reputation for openness and fairness for which Canada, and particularly the Comox Valley is internationally known.

Community Responses Since the Signing of the Protocol

Five weeks after the original Protocol was signed on May 29, 2009 the Comox Valley was horrified to hear reports of an attack on Jay Phillips, a young adult black man in the parking lot opposite the MacDonalds Restaurant at 18th and Cliffe Avenue. The attack was by three young Caucasian men, who assaulted and beat Phillips in the parking lot at the back of his apartment building. The racist assault was videotaped by a witness in the building and posted to Youtube. Police response was immediate and the three accused were arrested immediately. Offered the opportunity to go through restorative justice by Crown Counsel, the three, advised by their lawyers, refused to acknowledge the harm as a result of their action and Crown Counsel proceeded to trial. Over the following year, the trial was conducted, with each of the three being found guilty of assault. One of the three was sentenced under the terms of Canada’s Hate Crimes Legislation, which is very rarely applied in such cases. The videotaping of the incident and subsequent posting on Youtube is one approach, entirely consistent with the terms of the Protocol’ “Continuum of Response” for community reaction to such incidents. It was tremendously valuable in the prosecution of the case and led to the application of the hate crimes legislation during the sentencing process. In this case, the Protocol may be viewed as very successful.

Another example of the success of the Protocol’s Continuum of Response approach is in relation to institutional policies. In 2011, following extensive collaborative work with SD#71, the CDTA, CUPE, parents, leaders of the Gay Student Alliance, nurses and social workers from VIHA, and volunteers of the Community Justice Centre, the Board adopted an extended Sexual Orientation and Gender Identity policy aimed at the social inclusion and protection of LGBTQ students, parents, teachers, administrative and support staff and other participants in the SD#71 system. The approved policy was one of the early SOGI policies in the BC educational system, and has been used as a model by many other Districts as they developed their policies.

Yet another example of co-ordinated community response is in the area of public education and community expression of disapproval and rejection of discriminatory

actions of any kind. Over the years since the 2009 adoption of the Protocol, the Community Justice Centre, in partnership with over thirty different members of the Signatories Group (agencies, organizations, governments, ethnic and multicultural groups which signed the Protocol), have undertaken a wide variety of community-based public education activities. Among the over 30 events there have been:

- Community Dialogues on Racism and Hatred, including three which were focused directly upon the impact and outcomes of the Jay Phillips assault in 2009
- conferences on hate, apology and forgiveness, including one on Hate and Apology featuring Dr. Izzeldine Abuelaish, author of “I Shall Not Hate” written following the death of his children and a niece when an Israeli bomb exploded in their Gaza apartment,
- musical concerts including the Vancouver Island premiere of Song of the Salish Chief, by Canadian composer Peter Berring,
- theatre productions, especially the three year run of “Torn Rainbows or Sticks and Stones and Names May Break Me” performed for over 10,000 people and the farewell performance for every School District #71 employee, manager, and Trustee as part of their commitment to staff education under the SOGI Policy),
- public art installations/murals and CVAG Exhibitions focused on the themes of racism, hatred and homophobia, and
- Interfaith dialogues on racism, homophobia, and hate crime.

Issues Emerging Through Social Media Use

A more recent development has been the emergence of racism, hatred, and homophobia directed at individuals through the hugely expanded adoption of social media, texting, and “tweeting”. The CJC has received multiple complaints from individuals who have been impacted by verbal assaults posted through social media. Several of these cases have proceeded to restorative justice resolution conferences and/or Short-term Transformative Dialogue. What has become clear during this period is that the Protocol could benefit from an enhancement of its provisions. It is in this area that the major amendments to the Protocol have occurred.

In June of 2015, a young black visitor to the Comox Valley was followed and racially harassed while walking with friends down a street late at night. Awareness of the incident, and its impact on the young woman was made known through social media, however it was not possible to ascertain the identity of the victim and therefore no support or assistance was able to be offered or provided.

As a result of that, and several other incidents, the CJC engaged social media savvy college students to research the issue and make recommendations for enhancing the Protocol in this area. The recommendations include encouraging Signatories and citizens to:

1. *Document the Report*

The first step is to document the report. The date, time, and any other details should be recorded. Included in the documentation should be any links or downloadable content. One way to effectively document a report is to screenshot the content using a computer or mobile device. Most computers can create a screenshot by pressing the 'print screen' key and then pasting to another program, such as Microsoft Paint. On most mobile devices, screenshots can easily be created by holding down a combination of the volume rocker and power or home button.

2. *Identify the Level of Threat*

Second, the level of threat must be identified. In the case of a report of a violent crime or of threats of violence, the RCMP should be contacted immediately. It is likely that at this point the local authorities will take control of the investigation.

3. *Identify the Content Author*

If a violent crime or threat of violence has not occurred, it may be appropriate to seek to identify the user who posted the original content. Sometimes there may be a link to the user's profile included in the post or shared content. The RCMP have a major cyber-crimes unit with expertise in social media, computer tracing, and other means of obtaining the identity of those who have posted information on social media.

4. *Initiating Contact*

At some point, it may be most appropriate to involve organizations trained to deal with sensitive situations such as those involving hate-based incidents. Organizations like the Community Justice Centre would be well-equipped to initiate contact in a safe, respectful manner with the individuals who posted the report on social media. Using private messages as discussed in the analysis section is likely the best course of action to address these situations. From that point on, the organization will be able to offer resources and support, and the individual will be able to decide what actions to pursue.

Luckily, there are additional mechanisms through which perpetrators of threats made via social media can be identified. One recent example of a threat made via social media (allegedly using Whisper – the social media site for sharing secrets and personal confessions), resulted in the “lock down” of Vanier Secondary School. In this case, the Whisper site staff noticed the threat, contacted the school district and RCMP and the safety protocol was initiated. Four hours later, the RCMP had arrested the student who had posted the threat, and the school's students were released to go home. While it appears that this was one of those immature teenage “pranks”, the consequences were huge for the district and the RCMP, and inconvenienced the entire school population. While this was not a direct hate-related incident, it did demonstrate an additional means through which threats made via social media can also be disclosed.

The Broader, National Picture

Nationally, research has shown that negative attitudes based on race, religion, skin colour, and other visible markers of difference are widely shared in the population. For First Nations, these underlying negative attitudes towards them result in a lived experience that falls far short of the myths and stories the dominant culture tells itself and its children. According to a 2003 Ekos survey, 46% of Aboriginal people living off-reserve reported being a victim of racism or discrimination at least once over the previous 2 years. Research by Ipsos-Reid (2002) suggested that more than 6-out-of-10 Canadians think that racism separates Aboriginal peoples from the rest of society. Roughly the same proportion (59%) felt that Aboriginal peoples are discriminated against by other Canadians. There are increasing anecdotal references to conflict between Aboriginal and non-Aboriginal children and youth.

On the whole, most residents experience their life in this Valley community as friendly and accepting, which contributes to a general sense that “there really isn’t a problem here”. The contrary evidence of lives lived in the shadow of fear or offensive attitudes or comments, is invisible and, therefore, simply is not part of the common perception.

A poll conducted in June, 2007, points to this kind of a contradiction. It found that 60% of Canadians believe minorities should try to fit the traditionally Canadian mould, but on the other hand, 40% of people said it should be a higher priority to encourage Canadians as a whole to try to accept minority groups and their customs and language. 82% of those polled agreed with the statement that: “Canada’s multicultural makeup is one of the best things about this country”.

For the most part, the statistical data from the 2006 or 2001 Stats Can Census support the view that the Comox Valley is a relatively homogeneous community composed of a vast majority of the residents deriving from the dominant culture. The data in Table 1 and in Charts 1 - 3 (and the data reported in the Appendices) confirm that racially the Valley is overwhelmingly white (7.45% report visible minority status) overwhelmingly older in age (75.47% aged 40 and over), and overwhelmingly Christian in religious orientation (including 14.34% reporting Catholic; 38.88% reporting Protestant; 0.39% reporting Christian Orthodox; and 3.79% reporting as other Christian; for a total of 57.4% reporting themselves as Christian). A total of 2.09% reported themselves as being from faith groups other than Christian.

What is not reported in these data are other criteria upon which intolerance may be based, such as visible physical disability, socio-economic status, class, mental disability, etc. Conversation in school hallways and in the malls provides ample evidence that residents of the Comox Valley are equally capable of applying epithets based on these criteria in expressing their insensitivity and intolerance.

In the 2016 Campagnolo Lecture “Broken Minds and Broken Laws – Mental Health and Restorative Justice”, Svend Robinson, former MP and currently Director of Parliamentary Relations for the Global Fund in Switzerland commented:

“The more I thought about it, after meeting with Matt (a young man who came “out” as a person living with mental illness), the more I was struck by the many parallels between the stigma and the discrimination that is faced by Gay and Lesbian people, at least historically, and that confronting people living with mental illness....

The greatest barriers to equality and acceptance facing gay and lesbian people were invisibility and silence. What really made the difference in progress on LGBT rights was people getting to know us as people. I think this is one of the keys to overcoming stigma and discrimination facing people living with mental illness as well. Study after study has shown, that those who know people in their own lives, their family and their friends, who are living with mental illness, are far more understanding and accepting of the need to provide support and resources for mental illness.”

What is a “Critical Incident”?

In the context of our work, The Critical Incident Protocol has adopted a definition of the kind of incidents that we believe need to be addressed on a community-wide basis. We believe, with the Ministry of Education’s Safe School Programme, that violence is part of a continuum that begins with discourteous and disrespectful communications and progresses to physical violence, assault, and a climate of community fear (See Continuum, Page 10). We also concur with the Safe Schools Programme, that the work of preventing violence does not begin with interventions at the “fighting” stage, but much earlier at the level of permissive acceptance of a culture of disrespectful and discourteous communication. As the University of Western Ontario Campus Community Police Service has concluded:

“Violence refers to a broad range of behaviours along a spectrum of severity that can generate concern for personal safety and/ or personal injury. At the low end of the spectrum are disruptive, aggressive, harassing or emotionally abusive behaviours that generate anxiety or create a climate of distrust that adversely affect process, productivity and morale. Further along the spectrum are words or other actions that are reasonably perceived to be hostile, intimidating, frightening, or threatening and generate a justifiable concern for personal safety. At the high end of the spectrum are acts of overt violence such as assault, pushing, shoving, hitting or physical actions that include weapons and serious physical attacks.”

However, the mandate of the Critical Incident Response Protocol, is the formation of a strategic and effective response to critical incidents while supporting and encouraging educational interventions which address the earlier sources of such violence.

We have adopted a somewhat flexible definition of a Critical Incident, in order to ensure that all signatories to the Protocol can set their policies and practices in place to recognize the harmful effects of allowing a persistent and negative climate to continue to exist either within their own organizations/institutions or in the community at large.

Definition of both the issues and examples of a Critical Incident

The Comox Valley Critical Incident Response Protocol defines a Critical Incident as:

A shocking or personally upsetting racist, homophobic, or hate-based event resulting in distress or harm to anyone, or a group of persons, within the community.

The signatories to the Protocol are committed to the fair and effective application of the following human rights legislation (within each Act's specific jurisdiction) throughout the Comox Valley:

The Charter of Rights and Freedoms, Schedule B of The Constitution Act, 1982
The Canadian Human Rights Act
British Columbia Human Rights Code, [RSBC 1996] Chapter 210

In addition, the signatories are committed to the equitable enforcement of each of the three anti-hate propaganda provisions of the Criminal Code of Canada:

Section 318, Advocating Genocide "Is to argue or urge people to kill others because on their color, race, religion or ethnic origin. Genocide means any of the following acts committed with intent to destroy in whole or in part any identifiable group namely:

- Killing members of the group, or
- Deliberately inflicting on the group conditions calculated to bring about its physical destruction.

Section 319 (1) Public Incitement of Hatred Everyone who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of an offence.

Section 319 (2) Wilful Promotion of Hatred Everyone who by communicating statements other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of an offence

The Edmonton Police Service, as part of its proactive response to the emergence of hate crime in that city has developed a simple and clear definition of what counts:

Hate Propaganda is defined as:

Any communication, poster and/or graffiti used by a person or group which promotes hatred based on race, religion, nationality or ethnic origin.

Purpose of The Critical Incident Response Protocol

The purpose of a Response protocol is to describe the community's coordinated responses to critical incidents. A community protocol describes how, in different situations, volunteers and agencies will connect with one another to support all involved in such an event.

Continuum of Response

Just as racial, homophobic, or hate-based violence occurs within a Continuum of Violence, the possible responses of the community can also occur within a Continuum of Response. The range proceeds from individual "active witnessing" and "response in the moment", through an informal community conflict resolution/response through to policy-based actions by institutions and agencies, and concluding with legal recourse with response by police and potential prosecution in the courts.

Recognizing the Continuum of Violence and a Continuum of Response means that we can identify both community and individual responses appropriate to the full range of critical incidents which may be encountered.

| Violent Acts | Community Responses |
|--|---|
| Verbal abuse – put-downs, insults, threats, trash talk, wearing clothing with offensive messages | <p>Individuals may: confront the offensive behaviour, identifying community standards, inquire how the offender would feel if similar words were applied to them, report the events to a school principal, workplace supervisor, or community authority. Where an individual is witness to such an event, they may: be an active witness (noting details of the situation, descriptions of those involved including names if known), where safety is not at risk an individual may stand up against the abuse by identifying it as unacceptable within this community, and providing support to the victim by assisting them to report or suggesting options for their consideration.</p> <p>Community organizations and local governments may: fund public education programmes, undertake advertising campaigns, speak out publicly</p> |

| | |
|--|--|
| Threats and abuse promulgated through social media | <p>Individuals may: document the posted abuse, threat, harassment, then assess the level of threat and report it to the RCMP requesting investigation</p> <p>Community organizations and the RCMP may: identify the content author and/or victim, initiate contact in a safe, respectful manner with the individuals who posted the report on social media, use private messages to identify the best course of action to address these situations, offer resources and support, leaving it to the individual to decide what actions to pursue.</p> |
| Bullying, pushing, fighting | <p>Individuals may: “witness” the events making notes of essential details such as offender description or cell phone photo, content of the incident, date/time, other context information and report to police authorities; physically intervene in appropriate situations where personal safety is not likely threatened; await the outcome and tend to the victim by offering comfort, support, assistance in filing a complaint, etc.</p> <p>Community organizations and local governments may: adopt policies of zero tolerance for such behaviours; receive complaints and support the victim in processing the complaint; impose discipline on the offender in suitable circumstances; employees intervene where injury to self is unlikely</p> |
| Published verbal assaults – graffiti, posters, posting of threatening symbols/images | <p>Individuals may: cover up the offending message quickly, report the incident to the police authorities, remove the offending images, investigate the source and report to civic and police officials</p> <p>Community organizations and local governments may: as above; organize community dialogues to discuss a community response and increase understanding of the effects of tolerating such actions</p> |
| Discriminatory policies and practices | <p>Individuals may: lodge a complaint with the agency/government that adopted the policy; seek assistance and support in lodging a formal complaint under the relevant legislation or policy</p> |

| | |
|---------------------------------|--|
| | <p>Community organizations and local governments may: systematically review all current policies and practices to ensure that deficiencies are identified and remedied; seek advice from experts and the affected community members</p> |
| Physical harassment and assault | <p>Individuals may: file a complaint with police authorities and pursue prosecution; seek a restorative remedy through referral to the Community Justice Centre for restorative justice</p> <p>Community organizations and local governments may: respond to the victim quickly and effectively by supporting them in understanding options available and encouraging their pursuit.</p> |

Advocacy-Assessment Steps

Advocates and supporting agencies will carry out their responsibilities by gathering necessary data such as:

- 1) Assessing the personal safety of those involved.
- 2) Identifying individual or group allegedly responsible for the incident.
- 3) Determining an agency or support service for referral.
- 4) Checking in with victim(s) and witness(es).
- 5) Debriefing those involved.
- 6) Reporting the incident to the Community Justice Centre for annual reporting purposes

Agency Services

Below is a list of the various agencies, their current capacities for response and service, and the kind of incidents that are appropriately referred to them.

| Agency | Services available |
|--|--|
| <p>Community Justice Centre 250-334-8101 Suite C-2, 450 Eighth Street Courtenay, B.C. V9N 1N5</p> | <p>Provision of short-term counselling pro bono (three counsellors have agreed to serve on a roster and accept referrals for cases arising under the protocol. Each is also a Short-term Transformative Dialogue Facilitator.)</p> |

Accept referrals of cases for Short-term Transformative Dialogue (conflict resolution)

Referrals to diversity education programs

Receive reports and track and follow-up on cases reported to other agencies

Annually report to the community on incidents within the scope of the Protocol and their outcomes

RCMP

911 (Emergency)
250-338-1321 (non-emerg.)
800 Ryan Road
Courtenay, B.C. V9N 7T1

Investigating incidents, Filing and supporting the prosecution of legal offences

RCMP Victim Services

250-334-5979
800 Ryan Road,
Courtenay, BC
V9N 7T1

Assisting/supporting victim in relation to the process of prosecution (if offender is charged)

Municipalities, Regional District, CFB Comox, School District #71

Promoting acceptance and supporting diversity through public comments, participation in diversity events, and by adopting policies consonant with the aims of this protocol

Comox Valley Critical Incident Response Protocol

The signatories to the Critical Incident Response Protocol have agreed to adopt the response protocol for critical incidents based upon racism, homophobia and/or hate crimes.

1. What to do

Note the available facts of the situation including names, phone numbers, addresses, physical description(s) of the offender(s) and victim(s). A specific and factual report of the event details, including anything leading up to the event, the nature of the event itself, and the consequences of the event on the victim and other witnesses.

Tend to the immediate needs of the victim for comfort and support, contact with family/friends, medical assistance, ambulance, etc.

Where physical safety is at issue, call police for a response.

When as many details as can be gathered are documented, report to the relevant authorities.

2. How to report

If the incident occurs within an educational, community or local organization, report to the Principal, Manager, or Supervisor – indicating that you believe this to be a “Critical Incident” and reminding them of the Protocol their organization has signed.

If the incident is one posing no immediate threat of physical safety (such as signage, graffiti, posters, offensive messaging, etc.) then gather the information required and report to the individual responsible for the location of the incident (school, workplace supervisor, or if public property, the Municipal Clerk.

Ask if there is a specific form that is required to be completed so that the complaint is lodged as an official complaint that requires action.

If you wish assistance in making this report, you may contact: the Community Justice Centre, your Union or WorkSafe BC (for employment related events), the Multicultural Association, The Immigrant Welcome Centre, a friend or minister, for advice and support.

If the incident causes physical, psychological or emotional damage, consider filing a complaint with the Human Rights Commission or the RCMP.

3. How to respond

If there is a victim involved whose health or safety is compromised, call ambulance and/or police for an immediate response. Otherwise, provide simple humane and compassionate support and comfort until the victim is capable of undertaking action on their own or with your support.

4. Types of complaints

Offensive verbal assaults based on race, real or perceived sexual orientation, gender, ethnic or cultural origins, religious or political beliefs or other protected grounds

Physical assault of any kind (based on any of the protected grounds)

Agencies to receive complaints

Schools, Colleges, Employers, community associations and organizations, Municipal offices, Human Rights Commission, RCMP

RCMP

Property damage (based on any of the
Protected grounds) RCMP

5. What to expect when filing a complaint – processing steps

A formal complaint to the RCMP and/or the Human Rights Commission will be an extended exercise and will require stamina and endurance. It is advised that the victim seek support, encouragement, and advice before undertaking the process. It will be particularly important in some circumstances for the victim to seek a friend who can accompany them throughout the process.

A formal complaint to an institution can also be assisted greatly with the support of a friend or other individual from one of the agencies signatory to the protocol.

An informal complaint may be appropriate in some circumstances, but make note of the date on which you notified the organization, keep a record of what you reported and document any response received, in case the complaint needs to be formalized at a later date.

6. Victim Assistance in filing and pursuing a complaint

Where a complaint is filed with the RCMP, there is a Victim Assistance Unit which can provide support through the process.

Where a Human Rights Complaint is filed, the Commission will assign an investigator to review the facts and recommend a course of action. The BC Human Rights Coalition offices in Vancouver can provide assistance and support in this process.

Where the complaint is referred by the receiving agency to the Community Justice Centre, volunteer case co-ordinators will assist you through the process of a resolution conference or a short-term transformative dialogue with the offender.

TABLE 1

| COMOX VALLEY STATS | Totals | Percentage of Comox Valley |
|---------------------------|---------------|---------------------------------------|
| Visible Minorities | | |
| Aboriginal Identity | 2,560 | 4.38% |
| Chinese | 475 | 0.81% |
| South Asian | 170 | 0.29% |
| Black | 345 | 0.59% |
| Filipino | 260 | 0.44% |
| Latin American | 110 | 0.19% |
| South East Asian | 180 | 0.31% |
| Arab | 10 | 0.02% |
| West Asian | 10 | 0.02% |
| Korean | 70 | 0.12% |
| Japanese | 135 | 0.23% |
| Multiple Vis Min | 30 | 0.05% |
| TOTAL POP | 58,490 | |
| TOTAL VIS MIN POP | 4355 | 7.45% |
| Age | | |
| 0-14 yrs | 9,410 | 16.00% |
| 15-19 years | 3,970 | 6.75% |
| 20-24 years | 2,660 | 4.52% |
| 25-29 years | 2,295 | 3.90% |
| 30-34 years | 2,775 | 4.72% |
| 35-39 years | 3,370 | 5.73% |
| 40-44 years | 14,760 | 25.09% |
| 45-54 years | 9,992 | 16.98% |
| 55-64 years | 8,900 | 15.13% |
| 65 years and over | 10,750 | 18.27% |
| TOTAL AGE GROUPS | 58,830 | 98.81% |
| Religion: | | |
| Catholic | 7,780 | 14.34% |
| Protestant | 21,095 | 38.88% |
| Christian-Orthodox | 210 | 0.39% |
| Christian, other | 2,055 | 3.79% |
| Muslim | 45 | 0.08% |
| Jewish | 120 | 0.22% |
| Buddhist | 355 | 0.65% |
| Hindu | 0 | 0.00% |
| Sikh | 0 | 0.00% |
| Eastern religions | 315 | 0.58% |
| Other religions | 305 | 0.56% |
| No religion reported | 21,970 | 40.50% |
| Total Population | 54,250 | |

Chart 1 – Comox Valley Visible Minorities

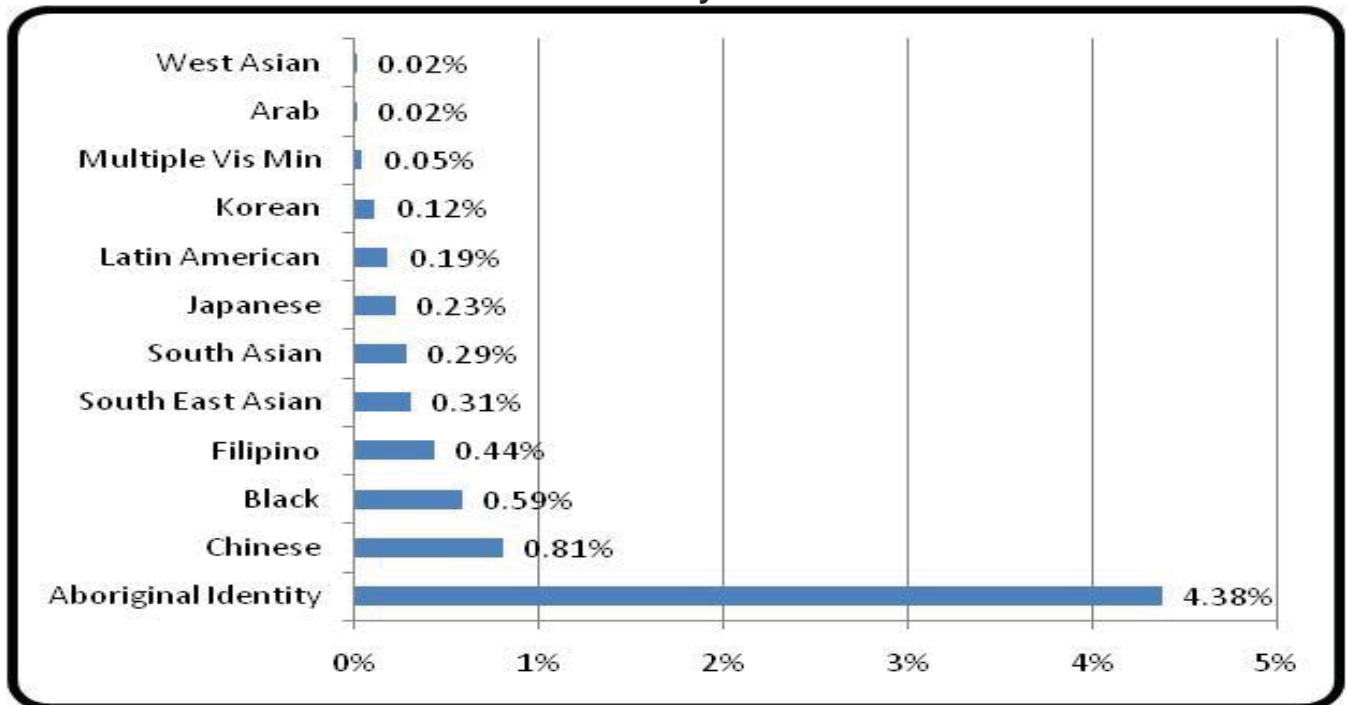


Chart 2 – Comox Valley Age Group Distributions

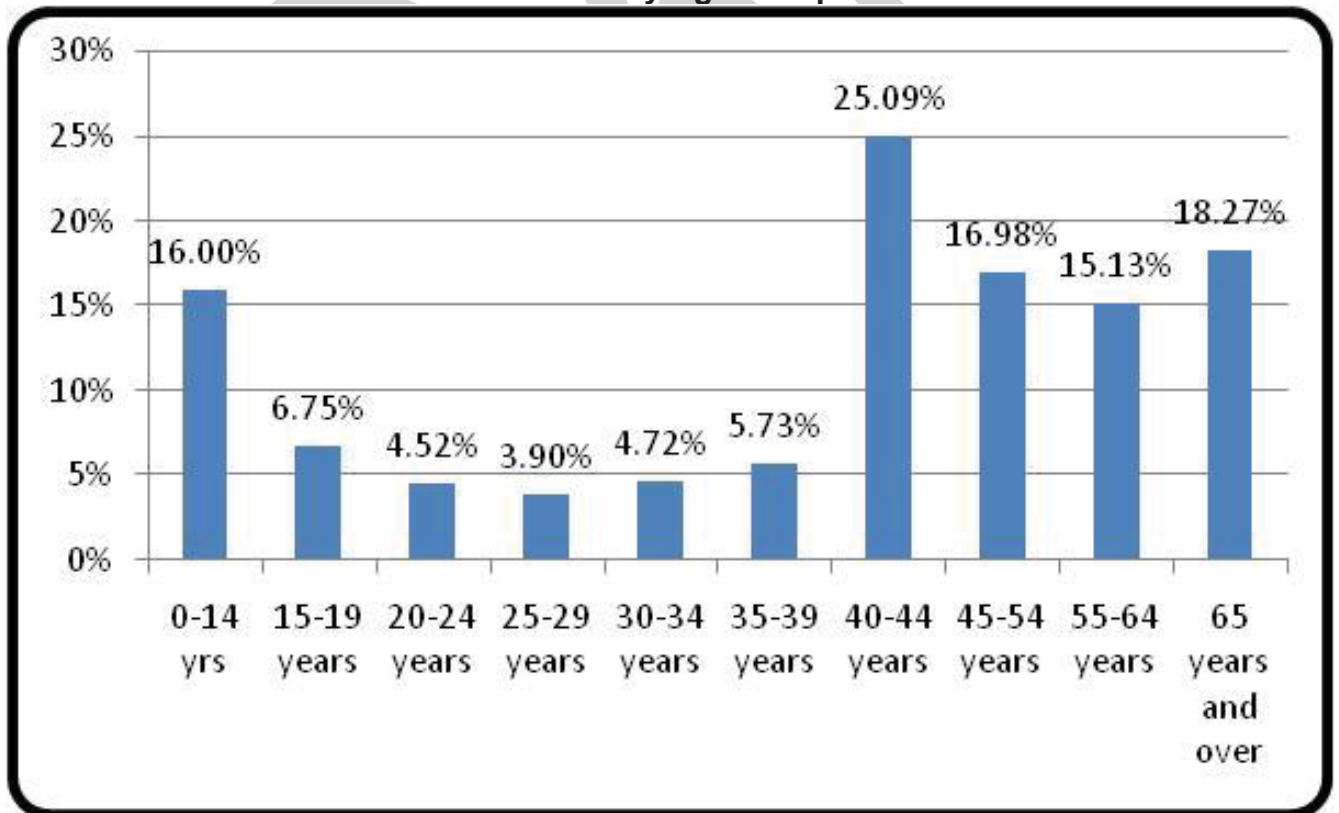
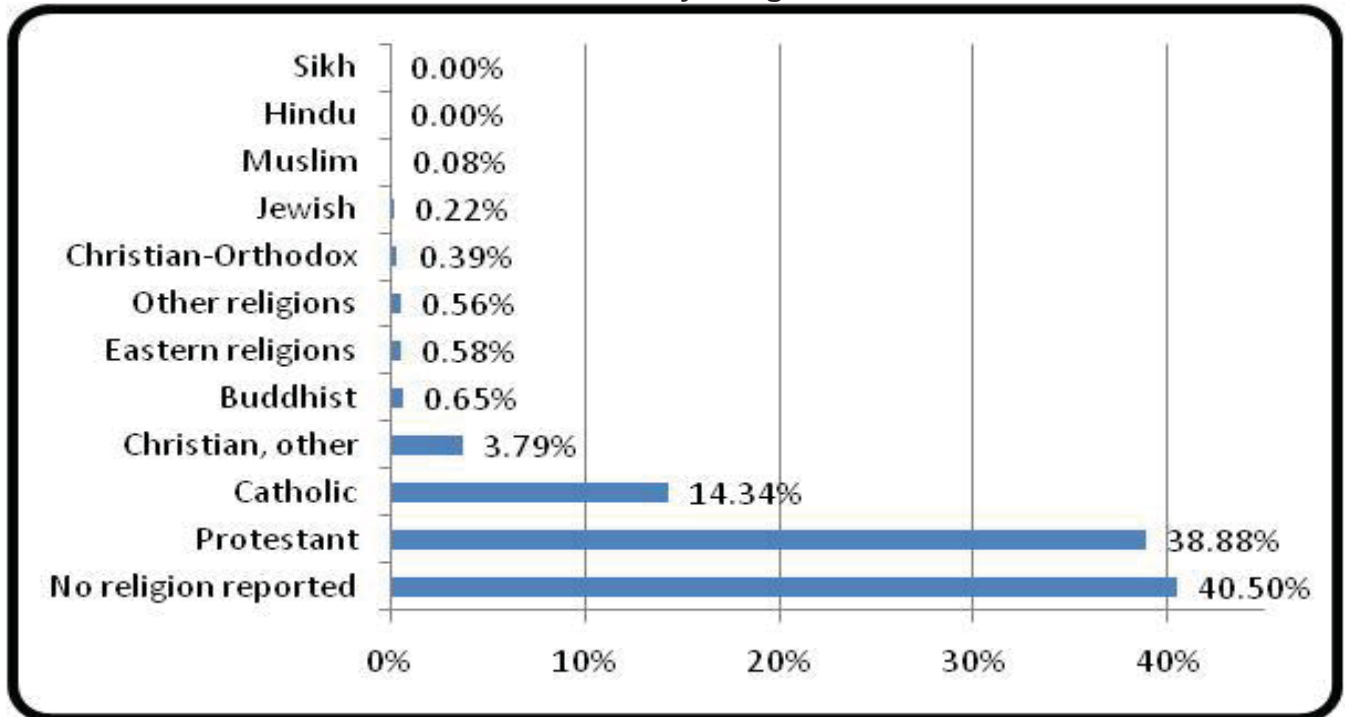
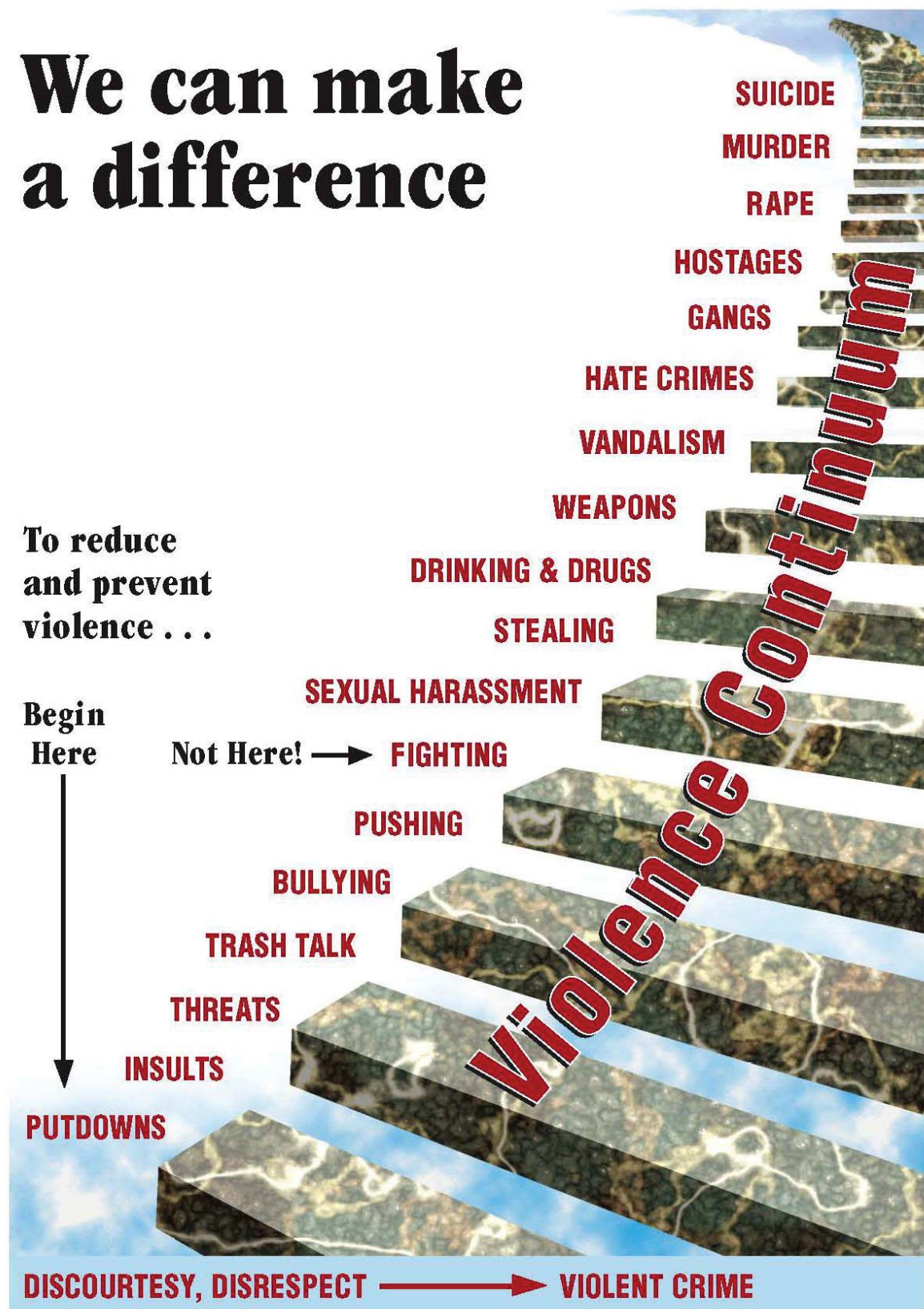


Chart 3 – Comox Valley Religious Affiliation



We can make a difference



Adapted from *Making Schools Safe*, B.C. Ministry of Education

Appendix A Text of the Protocol

Comox Valley Critical Incident Response Protocol

Whereas

We believe that it is desirable for all residents of the Comox Valley to enjoy the privileges of living within a free, welcoming, inclusive, and civil community; and

We believe that no resident or visitor to the Comox Valley ought to suffer from the effects of harassment, intimidation, threat, hateful actions, physical injury, damage to their property, or other forms of violence which are motivated by bias. This includes, but is not limited to, any bias based upon their race, religious belief or non-belief, cultural origin, ethnic origin, perceived or actual sexual orientation, gender or gender identity, economic status, disability status, or social status; and

We believe that it is the duty of all residents, acting individually and together, to strive for the achievement of a community in which we acknowledge our diversity by affirming our differences and welcoming the contributions that arise from each resident's unique gifts; and

We believe that every resident has the right to experience the sense of belonging to this community that arises from our daily commitment to creating a better world.

Therefore:

As authorized representatives of the governments, agencies, and organizations named, we accept and agree to work towards the effective implementation of policies and practices within our respective governments, agencies, and organizations that recognize, affirm and encourage the inclusion of all; and

we commit our governments, agencies and organizations to the implementation of the integrated responses to racist, homophobic and hate-based critical incidents which are the subject of this Protocol; and

we encourage all residents and visitors to the Comox Valley to welcome and engage with each other in ways that incorporate the principles of inclusion, affirmation of difference, and broadening our understanding of one another so that these principles shall be evident in the ways in which we live and work together.

**Appendix B Governments, Boards, Agencies, Organizations and
groups that signed the protocol on May 29, 2009**

**Comox Valley Art Gallery
Community Adult Learning & Literacy Society
Village of Cumberland
Comox Valley Gay Men's Community
Comox Valley GBLT Community
School District #71 (Comox Valley)
Comox United Church
Canadian Red Cross – Coastal Region
Cumberland Chamber of Commerce
Community Justice Centre
Wachiay Friendship Society
RCMP Comox Valley Detachment
Comox Valley Regional District
Comox Valley Muslim Community
Spiritual Assembly of the Bahá'ís of Courtenay
Comox valley Family Services Association
Comox District Teachers' Association
Comox Valley Transgendered Persons Discussion Group
Town of Comox
Comox Valley Unitarian Fellowship
BC Ministry of Children and Family Development
MusicFest
North Island Women's Services Society
Campbell River, Courtenay & District Labour Council
Miki'siw Métis Association
Comox Valley Accessibility Committee
K'ómoks First Nation
Valleylinks
Comox Valley Jewish Community
Comox Valley Transition Society
Theatreworks
Association Francophone de la Vallée de Comox
North Island College Board of Governors
Comox Valley Black Community
Creative Employment Access Society
AIDS Vancouver Island – Courtenay
Bringing Community Together
Highland Secondary Gay Straight Alliance
Sherab Chamma Ling, Tibetan Bön Buddhist Centre
World Community Development Education Society**

**THE COMOX VALLEY CHARTER
OF DIGNITY, RESPECT, & ACCEPTANCE**

AS A RESIDENT OF THE COMOX VALLEY,

I BELIEVE THAT ALL RESIDENTS AND VISITORS HAVE WORTH AND ARE
EQUALLY DESERVING OF RESPECT.

I TRUST THAT I CAN MAKE A DIFFERENCE BY THE WAY IN WHICH I ACT
TOWARDS OTHERS.

I HOPE WE CAN MAKE A BETTER WORLD BY SHOWING OTHERS THE
PEACEFUL WAYS TO LIVE TOGETHER.

I KNOW THAT I AFFECT OTHERS AS A RESULT OF THE WAYS THAT I THINK
ABOUT AND ACT TOWARDS THEM,

THEREFORE,

I PROMISE THAT EVERY DAY I WILL WORK TO CHANGE MY THOUGHTS
AND ACTIONS SO THAT THEY ARE WELCOMING, AFFIRMING, AND
INCLUSIVE OF ALL RESIDENTS AND VISITORS TO THIS VALLEY, AND

I WILL TREAT EVERYONE I ENCOUNTER WITH DIGNITY AND RESPECT SO
THAT ALL MAY KNOW THE PEACEFUL AND COOPERATIVE LIFE TOGETHER
THAT I WISH FOR MYSELF AND FOR ALL.

Appendix D: Statutory Provisions

These documents are available at:

Universal Declaration of Human Rights

<http://www.un.org/en/universal-declaration-human-rights/>

Part 1 of The Constitution Act, 1982 (Canadian charter of rights and freedoms)

<http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

Canadian Human Rights Act

<http://laws-lois.justice.gc.ca/eng/acts/H-6/>

British Columbia Human Rights Code

http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

File: 5440-01

June 20, 2016

Sent via email only: jward@courtenay.ca

Mr. John Ward
Director of Legislative Services
City of Courtenay
1809 Beaufort Avenue
Courtenay, BC V9N 2J7

Dear Mr. Ward:

Re: Appointment to the 'Go Smart' select committee

The committee of the whole passed the following motion at its June 14, 2016 meeting:

THAT the proposed regional integrated transportation select committee terms of reference as attached to the staff report dated June 7, 2016 be approved;

AND FURTHER THAT one name (and one alternate name) to represent each of the following on the select committee be requested:

- City of Courtenay;
- Town of Comox;
- Village of Cumberland;
- School District No. 71;
- Ministry of Transportation and Infrastructure; and
- Comox Valley Regional District electoral area directors;

AND FURTHER THAT up to five additional committee members be sought through a public call for members;

AND FINALLY THAT formal establishment of the select committee, including member appointments, be conducted at the July 2016 Comox Valley regional district board meeting.

As way of background information, please find attached the staff report dated June 7, 2016, which was considered by the committee of the whole at the above noted meeting.

As indicated in the motion above, we request that your council appoint a City of Courtenay representative and an alternate representative to this new select committee. Kindly forward me this information by July 15, 2016. Advertisements will be placed in the local newspapers during the last two weeks of June to seek public representation. We are planning on submitting a follow up staff report to the July 26, 2016 Comox Valley

Regional District board meeting to consider appointments to the select committee. The report will be considered at the in-camera meeting because it will include members of the public and their personal information.

Should you require any more information, please contact the undersigned at 334-6029 or by email at kkenney@comoxvalleyrd.ca.

Sincerely,

K. Kenney

Kelly Kenney
Manager of Legislative Services

Enclosure: Staff report dated June 7, 2016

DATE: June 7, 2016**FILE:** 8330-01**TO:** Chair and directors
Committee of the Whole**FROM:** Debra Oakman, CPA, CMA
Chief Administrative Officer**RE:** Go Smart select committee

Purpose

The purpose of this report is to provide information on the feasibility of establishing a committee that incorporates the purpose and objectives of the proposed Go Smart advisory committee and to recommend that a select committee be established with terms of reference that incorporate some of the objectives of the proposed Go Smart advisory committee, meets legislative requirements for regional district committees and incorporates some of the service objectives of the regional district as they relate to bike transportation in the region.

Policy analysis

A regional district board may “appoint a select committee to consider and inquire into any matter and report its findings to the board” (*Local Government Act*, RSBC, 2015, c.1 – sec 218) (LGA). A select committee must include at least one director and may also include persons who are not directors.

The Comox Valley Regional District (CVRD) delivers more than 90 services. The proposed select committee would investigate the potential for services that relate to regional integrated transportation services and also seek to construct a bike or commuter path along specific transportation routes in the Comox Valley.

Executive summary

The CVRD board approved the following resolution at its April 26, 2016 meeting:

“THAT the CVRD consider the option of creating a regional integrated transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed Go Smart advisory committee.”

Attached to this report are:

- a) Proposed terms of reference for a regional integrated transportation select committee (appendix ‘A’) and
- b) The City of Courtenay correspondence dated February 19, 2016 that contemplates a “Go Smart advisory committee” (appendix ‘B’).

This report describes some of the opportunities identified by the Go Smart advisory committee while also clarifying the risks and challenges of the proposed structure. The recommendation represents a compromise between the proposed Go Smart structure and the legislative requirements put on the CVRD by provincial legislation.

The purpose of the proposed regional integrated transportation select committee would be to:

- 1) Provide a venue for regional representatives to discuss transportation projects and infrastructure and explore the concept of a single point of contact for transportation-related initiatives in the Comox Valley; and
- 2) Promote the development and construction of a bike commuter path along Comox Road between the City of Courtenay and the Town of Comox by identifying appropriate funding sources and partnerships and specifically developing an application to the Ministry of Transportation and Infrastructure's (MOTI) BikeBC funding program for roadside greenway improvements.

The proposed regional integrated transportation select committee terms of reference identify a term that continues until options are presented on objective 1 above and development and construction of a bike commuter path is substantially promoted.

Recommendations from the chief administrative officer:

THAT the proposed regional integrated transportation select committee terms of reference as attached to the staff report dated June 7, 2016 be approved;

AND FURTHER THAT one name (and one alternate name) to represent each of the following on the select committee be requested:

- City of Courtenay
- Town of Comox
- Village of Cumberland
- School District No. 71
- Ministry of Transportation and Infrastructure and
- Comox Valley Regional District electoral area directors;

AND FURTHER THAT up to five additional committee members be sought through a public call for members;

AND FINALLY THAT formal establishment of the select committee, including member appointments, be conducted at the July 2016 Comox Valley regional district board meeting.

Respectfully:

D. Oakman

Debra Oakman, CPA, CMA
Chief Administrative Officer

Background/current situation

The City of Courtenay referred consideration of a regional integrated transportation select committee to the CVRD in February 2016. This matter was considered by the CVRD board in April 2016 and this report presents rationale on the concept of such a committee. Regional districts conduct their business in two typical methods: by standing committee and by select committee. Other methods exist however these two are sufficient for consideration for this purpose. Both types of committees are governed by the LGA (RSBC, 2015, c.1). Table 1 illustrates the nature of standing and select committees.

Table 1 - select and standing committees

| Select committee | Standing committee |
|--|---|
| <ul style="list-style-type: none"> - Established by the board - Time limited - Provides advice or recommendations on specific topic | <ul style="list-style-type: none"> - Established by the chair - Continues at the chair's pleasure - Provides advice, recommendations or decisions in regards to daily operations, policies, procedures on regional district services |

The proposed “Go Smart Advisory Committee” as contained in the City of Courtenay correspondence dated February 19, 2016 (appendix B) contemplates a structure that goes beyond the parameters available to regional districts under the LGA. The City of Courtenay correspondence describes many of these challenges as they relate to jurisdiction, decision-making and finances. As a compromise, this staff report presents a terms of reference for a regional integrated transportation select committee that aligns with the Go Smart principles and adheres to legislative requirements while also promoting some tangible outcomes.

Options

This staff report supports the recommendation to establish a select committee. Alternatives to the recommendation include:

- being more or less specific with the terms of reference purpose,
- expanding or restricting the committee membership, or
- not proceeding with a select committee at this time.

Should a select committee not be supported at this time, the individuals and agency representatives who have participated with the cycling task force could continue to promote alternative transportation methods and collaborate with community groups and organizations; although the group would not have any formal relationship to local governments in the Comox Valley.

Financial factors

The formation of a select committee requires a financial commitment in that the committee will require resources from the following in order that the committee's needs are met:

- chief administrative officer time and commitment to attend meetings, prepare reports, provide direction
- corporate services branch to prepare agendas and minutes, attend meetings, conduct follow-up activities
- meeting expenses including, if required, catering needs, room bookings, publication of materials
- newspaper advertising, internet and social media promotion and engagement.

Costs associated with the committee procedures would be assigned to the member municipality (function 100) and electoral area (function 130) administration services.

Any projects or expenses that are proposed by the select committee would have to be considered and ratified by the agency responsible for the associated works. For example, if the committee deliberates on cycling infrastructure and recommends improvements to networks in the City of Courtenay, Village of Cumberland or Town of Comox, the municipal council for the project in question would be responsible for making a decision on the project. Similarly, if improvements are recommended for infrastructure associated with schools or rural area roads, School District No. 71 or the MOTI would be responsible for making a decision.

Legal factors

The CVRD board may consider establishing a select committee under section 218 of the LGA (RSBC, 2015, c.1). The select committee must include a CVRD director. The proposed terms of reference identifies other parameters associated with the select committee including public meetings and decision making at the committee level. The select committee is advisory in nature.

A select committee is tasked with considering or inquiring into any matter and reporting its findings and opinions to the board. Select committees are generally time-limited in that when findings are presented, the select committee disbands. In the case of the proposed regional integrated transportation select committee, its goals would be two-fold:

- 1) Provide a venue for regional representatives to discuss transportation projects and infrastructure and explore the concept of a single point of contact for transportation-related initiatives in the Comox Valley; and
- 2) Promote the development and construction of a bike commuter path along Comox Road between the City of Courtenay and the Town of Comox by identifying appropriate funding sources and partnerships and specifically developing an application to the MOTI's BikeBC funding program for roadside greenway improvements.

This structure allows for an active conversation about infrastructure projects in a local government committee setting, which can help to ensure that the decision-makers are provided the best advice to advance projects. The terms of reference acknowledge that the select committee is not the decision-making authority for any of the jurisdictions represented. In order that the select committee can produce tangible results, the purpose includes delivery of a report on integrated transportation in the Comox Valley as well as advancing the concept of a bike commuter path along Comox Road. Part of the committee's role would be to develop an application for funding to the MOTI BikeBC grant program, which provides 50 per cent funding of eligible project costs for projects that improve roadside conditions for commuter and tourism cycling. Depending on the success of the Comox Road bike commuter path, other road networks in the Comox Valley could be considered for similar improvements in an extension of this select committee's mandate or through a subsequent committee process.

Regional growth strategy implications

The regional growth strategy states that improved bicycle and pedestrian infrastructure will allow for alternative transportation options (bicycle/pedestrian). If people have safe, efficient and enjoyable cycling and pedestrian routes this will increase the rate of active transport which will "...help improve community health, reduce air pollution and improve the region's overall quality of life".

Intergovernmental factors

The proposed select committee includes representation from the Comox Valley member municipalities and other regional agencies. One of the goals of the select committee is to provide a venue for collaborative discussions on transportation projects amongst the local governments and regional agencies. The terms of reference acknowledge the committee does not have a decision-making role; rather, the committee is proposed to be a collaborator with the local governments and regional agencies and to promote projects within those jurisdictions. The collaborative nature of the select committee will help to ensure that projects in each jurisdiction align spatially over time.

Interdepartmental involvement

The corporate services branch will provide administrative support to the committee, including producing agendas and minutes, preparing reports, conducting follow-up activities and coordinating public engagement efforts. The CVRD will also provide support to this committee from the community services branch (parks, sustainability, transit), planning and development services branch

(planning and land use management) and engineering services branch (civil infrastructure advice and support).

Citizen/public relations

The proposed regional integrated transportation select committee includes up to five appointments from interested members of the public. A process to solicit interested applicants will be conducted should the CVRD committee of the whole support the terms of reference. Applications for the select committee would be presented to the board at its July 2016 meeting for consideration of appointment, along with elected officials and School District No. 71 and MOTI representatives.

Additional forms of public engagement may be required as the select committee undertakes its mandate. Primarily, the committee would act to inform the wider public in regards to integrated transportation, as is deemed necessary. As discussions and projects evolve, more engagement may be required, such as involving specific user groups or collaborating on decision-making processes.

Prepared by:

J. Warren

James Warren
General Manager of Corporate
Services

Attachments: Appendix 'A' – Proposed terms of reference for a regional integrated transportation select committee (appendix 'A')
Appendix 'B' – City of Courtenay correspondence dated February 19, 2016 that contemplates a "Go Smart advisory committee" (appendix 'B')

Terms of Reference Integrated Regional Transportation Select Committee

Mission: Established by the Comox Valley Regional District (CVRD) board of directors and comprising elected officials, agency or partner representatives and members of the public, this committee considers matters relating to collaboration on regional transportation projects, priorities and infrastructure including the specific promotion of a bike commuter path along Comox Road. The mission includes consideration of the concept of a single point of contact for transportation-related initiatives in the Comox Valley.

Authority: The integrated regional transportation select committee (IRTSC) serves as an advisory body to the regional district board. The committee may also provide advice to CVRD member municipalities and regional partner organizations.

Mandate: The IRTSC will have the authority to provide advice to the board on matters pertaining to its mission.

Membership: As a select committee of the CVRD board, the board has appointed the following to comprise the IRTSC:

- Director _____ representing the CVRD electoral areas
- Councillor _____ representing the City of Courtenay
- Councillor _____ representing the Town of Comox
- Councillor _____ representing the Village of Cumberland
- _____ representing the Ministry of Transportation and Infrastructure
- _____ representing School District No. 71
- _____ as a member of the public
- _____ as a member of the public
- _____ as a member of the public
- _____ as a member of the public
- _____ as a member of the public

Committee chair: The committee shall elect a chair and vice-chair from amongst its members at the first meeting of the committee. The chair and/or vice-chair serves until such time as the committee resolves to determine a new chair and/or vice-chair.

Resources: The CAO will determine and assign a staff member as an advisor to the committee. If necessary, a recording secretary may also be appointed. The committee will also be accorded a budget to cover meeting expenses, meals/coffee, photocopying and other related activities.

Tenure: This select committee exists until the latter of:

- The final presentation of options associated with exploring the concept of a single point of contact for transportation-related initiatives in the Comox Valley; and
- Substantial promotion for the development and construction of a bike commuter path along Comox Road between the City of Courtenay and the Town of Comox.

The committee exists at the pleasure of the board.

Reporting: The committee will provide its minutes to the corporate legislative officer within 48 hours of any committee meeting. Where the board feels it is necessary, the committee may be asked to meet with the board and brief the board on an issue(s) within its purview. This invitation shall be extended to the chair of the committee as the representative of the committee.

Contact with the Media: Any contact with the media regarding issues related to the work of this committee shall be handled by the committee chair or shall be referred by the committee chair to the CVRD board chair. If the matter under questioning by the media deals with CVRD board policy around issues related to the work of this committee, the matter shall be referred to the board chair. The chief administrative officer and general manager of corporate services will provide assistance and / or guidance to the board chair and committee chair in responding to the media.

Public meetings: Unless otherwise provided for in the CVRD procedure bylaw, the committee meetings are open to the public. Where the matter deals with an issue that is confidential, the committee may adjourn to an “in-camera” session to discuss that matter.

Terms of reference history

Approved: To be determined

Amended:

Legislative Services Department
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7



Phone (250) 334-4441
Fax (250) 334-4241
jward@courtenay.ca

Comox Valley Regional District

RECEIVED

File:

FEB 19 2016

To:

cc:

City File No.: 8620-00

February 19, 2016

Comox Valley Regional District
600 Comox Road
Courtenay, B.C.
V9N 3P6

Attention: James Warren, General Manager of Corporate Services

Dear James:

Re: Council Resolution – Go Smart Committee

Please be advised that at its February 15, 2016 regular meeting, Council passed the following resolution:

“That based on the February 15, 2016 CAO staff report “Go Smart Integrated Transportation Committee – Draft Terms of Reference (ToR)”, Council proceed with OPTION 1;

That a copy of the February 15, 2016 staff report “Go Smart – Integrated Transportation Committee, Terms of Reference”, be forwarded to the CVRD for review; and

That the CVRD consider the option of creating a regional Integrated Transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed “Go Smart Advisory Committee.”

I trust the above is satisfactory, and please contact me if you have any questions or concerns.

Yours truly,

John Ward, CMC
Director of Legislative Services

Attachment: Go Smart – Integrated Transportation Committee, Terms of Reference Staff Report

G:\Legislative Services\John Ward\Letters 2015\CVRD re Solid Waste February 2016.docx



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT**To:** Council**File No.:** 8620-00**From:** Chief Administrative Officer**Date:** Feb. 15, 2016**Subject:** Go Smart Integrated Transportation Committee – Draft Terms of Reference (ToR)**PURPOSE:**

The purpose of this report is to present outcomes of a review of this subject by the regional CAOs and obtain Council direction for a City response to the submission.

POLICY ANALYSIS:

Forming a multi-modal transportation advisory body with the objectives outlined in the draft Terms of Reference (ToR) is not a current policy or strategic priority shared by CVRD, Courtenay, Comox and Cumberland. In contrast, the draft ToR document (attached) suggests an extra-governmental body be created to pursue, on a region-wide basis, self-assigned transportation policy and strategic priority objectives. Additionally, the suggested structure and processes contain legal, financial, administrative and policy difficulties that would expose elected officials and the City to inevitable risk. Therefore, the proposal as written cannot be supported.

It is acknowledged that some form of high level inter-government liaison on multi-modal transportation matters might prove beneficial, so several alternative structures are discussed below and a Recommendation made.

RECOMMENDATION:

THAT based on the February 15, 2016 CAO staff report "Go Smart Integrated Transportation Committee – Draft Terms of Reference (ToR)", Council proceed with OPTION 1,

THAT a copy of the February 15th 2016 staff report "Go Smart – Integrated Transportation Committee, Terms of Reference", be forwarded to the CVRD for review; and

THAT the CVRD consider the option of creating a regional Integrated Transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed "Go Smart Advisory Committee".

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Allen".

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the Regular Open Council Meeting on October 14, 2014, the previous City Council passed the following resolution:

Council support the motion from the Cycling Task Force September 9 meeting which reads as follows: To change the name of the proposed Integrated Transportation Advisory Committee to the Go Smart Comox Valley – Integrated Transportation Committee, and to extend the Cycling Task Force term for one year to develop the Terms of Reference for the Go Smart Comox Valley – Integrated Transportation Committee, to be approved by each participating jurisdiction. Carried

At the Regular Open Council Meeting on September 14, 2015, Council passed the following resolutions:

Moved by Wells and seconded by Frisch that Staff Briefing Note “Go Smart – Integrated Transportation Committee, Terms of Reference” be received for information. Carried

Moved by Frisch and seconded by Wells that the Staff Briefing Note “Go Smart – Integrated Transportation Committee, Terms of Reference” be referred to the next meeting of the regional CAO’s. Carried

The draft ToR submitted by the prospective Go Smart Advisory Committee was reviewed by the regional CAOs. A number of shared concerns were identified and discussed.

DISCUSSION:*Jurisdiction*

The proposal is to create a regional advisory body (text contains over 30 references to “regional”). However, what is described is a body with pan-jurisdiction to promote a singular, broadly stated policy purpose: “To increase the safety, convenience, affordability and health benefits for all people to travel by walking, by bus, by cycling and other alternative and accessible modes to the private automobile”.

1. The forum for a regional advisory body is the Regional District Board table. Were this a CVRD policy initiative, the statutory rules and processes that define funding, scope, jurisdiction, approvals and protections for the other local governments would apply. This is not what has been proposed.
2. This is not a Strategic Priority adopted by any of the local government elected bodies within the Comox Valley (CVRD, Courtenay, Comox and Cumberland). Even if this initiative were adopted by one or several area elected bodies, the Strategic Priorities of one elected body cannot be imposed upon the remainder – in particular anything of a bylaw or capital works nature.
3. The objective in the draft ToR is to give policy preference to particular modes of travel at the expense of another (walking, transit, cycling versus vehicles). This contradicts Council’s 2016-

2018 Multi-modal Strategic Priority¹ and is contrary to the principles of “Asset Management for Sustainable Service Delivery” (disregarding these latter principles will very likely eliminate any eligibility for senior government capital granting opportunities to implement such a scheme).

4. Validation of the proposal cannot rest upon references to the targets and objectives of the respective Official Community Plans’ (OCPs). It remains a statutory fact that ‘an official community plan **does not commit or authorize** a municipality, regional district or improvement district to proceed with any project that is specified in the plan². The respective elected bodies decide which policies to pursue within their jurisdictional boundaries and what of their finite capacity and financial resources should be applied to achieve them. The proposal advocates such responsibilities be devolved to the Go Smart Advisory Committee.

Statutory Authority

The draft ToR contains numerous proposals that would be statutory violations.

1. Under **Resources Required** it is proposed “The Committee may apply for funds from its representative agencies or other sources”. Council may delegate its powers, duties and functions to apply for, accept and expend public funds. However, Council must only delegate its powers by bylaw and may only delegate those powers to a council member or council committee (established under Community Charter Part 5, Division 4); to an officer or employee of the municipality; or another body established by council³ (i.e. Council may not delegate its powers to a body outside its statutory authority or one created by another local government). This has not been considered.
2. There are numerous references to the need for staff technical support and that the associated tasks be represented in the respective corporate work plans. The competencies and capacities of the desired staff support are not specified. Furthermore, overall management of the operations of the municipality is a statutory duty assigned to the CAO⁴. So, Council must be cautious about a proposal containing an open-ended commitment to allocate operational resources that clearly fall within the responsibilities of their CAO.
3. The proposal stipulates that only elected officials from the participating jurisdictions vote on decision-making (i.e. expenditure of the requested public funds). This is indicative of a policy body rather than advisory body and raises the concern of pecuniary conflict of interest or

¹Courtenay City Council recently adopted a Multi-modal Strategic Priority is to complete an integrated transportation plan for all modes of travel; use the outcomes of the Complete Streets capital initiative (detailed Engineering to be completed in 2016); and to employ the Complete Streets experiences to implement the integrated transportation plan during renewal of existing capital infrastructure.

² Local Government Act, s. 478.

³ Community Charter s. 154.

⁴ Community Charter s. 146.

outside influence issues addressed in the *Schlenker v. Torgrimson* decision⁵. This is problematic because the stated policy purpose is to explicitly favour several modes of travel rather than promote the coexistence of all modes. As noted above, this conflicts with the Multi-model Strategic Priority adopted by Council (penalty for a finding of conflict of interest or outside influence is dismissal from office). Furthermore, Courtenay's OCP clearly supports "development of a transportation system that provides **choices** for different modes of travel **including vehicle**, transit, pedestrian, cycling and people with mobility impairments." Note that: once an OCP has been adopted, 'all bylaws enacted or works undertaken must be consistent with the plan'⁶.

4. It is proposed that the Go Smart Committee and its sub-committee (Go Smart Public Advisory Committee) be constituted as an "Advisory Body" and **not** a Standing or Select Committee of either a municipality or a regional district. Regardless how it is constituted, local government procedure rules must indeed apply⁷ to its functioning. It is troublesome that the proposal contains inconsistencies or is silent on mandatory governance matters that are the statutory responsibility of the Corporate Officer to ensure⁸.
5. The proposal includes that a School Board Trustee hold a voting position on this body which, as above, has the characteristics of a policy rather than advisory body. Policy consultations between local governments and boards of education are mandated to occur during an OCP adoption and amendment process⁹. Also, these policy consultations must take place in addition to the mandatory public hearings required by the OCP adoption and amendment processes. While Council is entitled to delegate these responsibilities, doing so is conditional and may only be delegated by bylaw. The means to meet these requirements – for one or all of the suggested voting participants – is not contained in the proposal.

Summary

This is not a definitive analysis. However, overall staff believes that the draft ToR as submitted has sufficient difficulties and inherent risks that endorsing it would be contrary to the City's best interests.

PROSPECTIVE ALTERNATIVES

What follow are not comprehensive. They are offered for discussion in the event that forming a **region-wide multi-modal transportation advisory body** were chosen as a shared policy and strategic priority of CVRD, Courtenay, Comox and Cumberland.

1) Create a Standing Committee of the CVRD Board:

⁵The penalties for pecuniary conflict of interest or outside influence are disqualification from office until the next election – *Community Charter* ss. 102 and 103. See *Schlenker v. Torgrimson*, 2013 BCCA:

<http://www.canlii.org/en/bc/bcca/doc/2013/2013bcc9/2013bcc9.html?autocompleteStr=Schlen&autocompletePos=3>

⁶ *Local Government Act*, s. 478.

⁷ *Community Charter* s. 145 and Part 4, Division 3 (open/closed meetings, agenda, minutes, public access to records/decisions, etc.) and the Procedure Bylaws of the participating local governments.

⁸ *Community Charter* s. 148

⁹ *Local Government Act* ss. 475 and 476

- a) A permanent body established by the CVRD Chair for matters the Chair considers would be better dealt with by a continuing committee;
 - b) Would comply with applicable statutes and the CVRD Procedure Bylaw;
 - c) At least one member must be a CVRD Director and other voting members may be appointed by the CVRD Chair;
 - d) Could be assigned Terms of Reference within the jurisdiction and powers of the CVRD Board that would not violate the jurisdiction of other local governments, elected bodies or government agencies;
 - e) Would normally report its findings and opinions on policy matters (i.e. would not decide, act or spend on behalf of the Board nor may it enter into external agreements);
 - f) Could be delegated powers by bylaw with an affirmative vote of two-thirds of the CVRD Board (but cannot be assigned powers that interfere with the jurisdiction of other local government; and
 - g) May be assigned administrative support from 'home' government subject to normal input from the CVRD CAO.
- 2) Create a Select Committee of the CVRD Board:
- a) Similar to a Standing Committee, but a *temporary* body appointed by the CVRD Board rather than by the CVRD Chair;
 - b) May be assigned Term of Reference by the Board, but must function within the bounds of CVRD Board jurisdiction;
 - c) Select Committee statutory purpose is to 'consider or inquire into any matter and to report its findings and opinion to the board'; and
 - d) Once a Select Committee has reported, it would normally be disbanded.

The essential difference between the two bodies is the duration covered by the Terms of Reference.

FINANCIAL IMPLICATIONS:

The City would not incur costs in support of a CVRD Standing or Select Committee operations.

ADMINISTRATIVE IMPLICATIONS:

Minimal liaison duties would be necessary between the City and such a CVRD body to provide awareness of the City's long-term transportation plans. As this is not anticipated to be a form of shared service, no on-going staff commitment is expected.

ASSET MANAGEMENT IMPLICATIONS:

Nil. A CVRD Standing or Select Committee would not have jurisdiction over the City's Asset Management Planning or the long-term financial planning necessary to support it.

STRATEGIC PLAN REFERENCE:

As discussed above.

OFFICIAL COMMUNITY PLAN REFERENCE:

As discussed above.

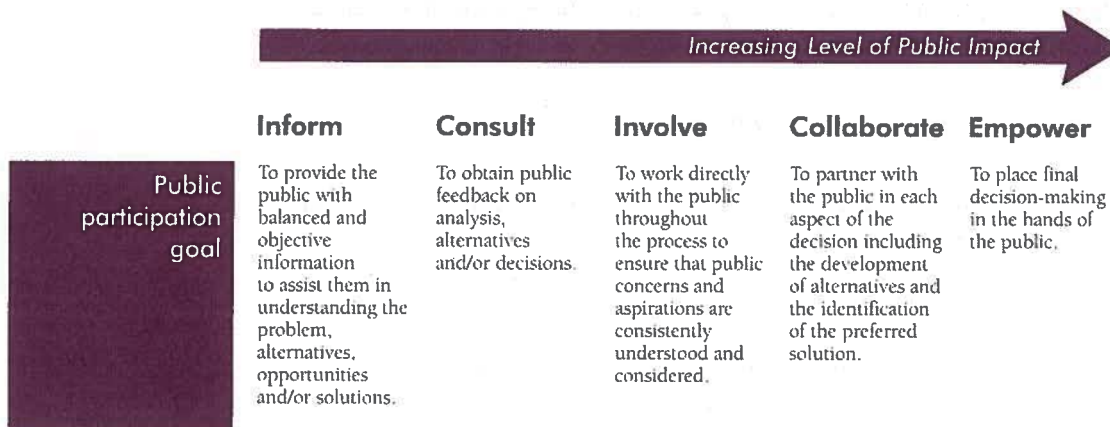
REGIONAL GROWTH STRATEGY REFERENCE:

As discussed above

PUBLIC ENGAGEMENT:

Staff would Inform the public of any CVRD Committee activities impacting City capacity or funds, based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf

**OPTIONS:****OPTION 1 –**

THAT Council direct staff to forward a copy of the February 15th 2016 staff report “Go Smart – Integrated Transportation Committee, Terms of Reference”, to the CVRD for review; and

THAT the CVRD consider the option of creating a regional Integrated Transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed “Go Smart Advisory Committee”.

OPTION 2 –

THAT Council receive receive the “Go Smart – Integrated Transportation Committee draft Terms of Reference” for information; and

THAT Council directs staff to take no further action at this time.

Prepared by,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

Attachment:

Proposed "Go Smart – Integrated Transportation Committee, Terms of Reference"



Go Smart Advisory Committee
Represented by:
 Town of Comox
 City of Courtenay
 Village of Cumberland
 Comox Valley Regional District
 School District 71

WHEREAS, most people use a combination of different modes of transportation, including car, public transit, walking, cycling, and scooters or wheelchairs; and

WHEREAS, studies show that people who travel by walking and by bike are healthier, more productive, and require less time off work whilst over-reliance on cars contributes to traffic congestion and climate change; and

WHEREAS, walking and cycling infrastructure is less costly to taxpayers than infrastructure for private automobiles and provides a growing tourist attraction; and

WHEREAS, many people consider the Comox Valley has insufficient safe and efficient alternative transportation routes, especially for children; therefore be it

RESOLVED, that we, the (City of Courtenay, Town of Comox, Village of Cumberland, Comox Valley Electoral Area Services Committee, Board), sign on to and support the Terms of Reference for the Go Smart Integrated Transportation Advisory Committee.

Go Smart Advisory Committee:

safe, healthy, affordable transportation for all

Terms of Reference

Committee Purpose:

To increase the safety ,convenience, affordability and health benefits for all people to travel by walking, by bus, by cycling and other alternative and accessible modes to the private automobile.

Committee Objectives:

- = To help participating jurisdictions reach their respective greenhouse gas reduction targets as pertains to the transportation sector through a partnership-based approach;¹

¹ The Official Community Plans of each jurisdiction and the Comox Valley Regional Growth Strategy each contain policies on reducing automobile use and increasing other modes of transportation to meet a variety of objectives, one of which is Greenhouse Gas reduction targets as contained within respective OCPs and the RGS. Each jurisdiction, however, has different Greenhouse Gas emission targets and some communities contain 'modal share' targets as well. City of

**Go Smart Advisory Committee***Represented by:*

Town of Comox
 City of Courtenay
 Village of Cumberland
 Comox Valley Regional District
 School District 71

- To help participating jurisdictions achieve respective accessible mobility objectives;
- To provide consistent messaging and public education across all participating jurisdictions on how to and the benefits (health, cost, greenhouse gases) of 'Go Smart';
- To identify regionally significant transportation links and work towards co-ordinated implementation where possible.

Tasks:

1. Regional education to promote regional Greenhouse Gas emission targets and modal share targets
2. Two-way public engagement – 'ear to the ground' (in) and education (out)
3. Technical referral for staff
4. Identifying Regional Active and Accessible Travel priorities
5. Mapping and data collection assistance
6. Search for funding opportunities including grants and through partnerships
7. Assess regional opportunities as they arise, and learn from each other
8. Receiving delegations

Authority: Serves as a resource, a vehicle for cross-agency collaboration and makes recommendations to the Local Governments represented, including the School District 71. Type: Advisory body and working group.

Participants and Committee Composition:

1. Representatives of the public (Public Advisory Committee)
2. Local Government staff
3. Elected officials, including from SD71
4. Other agencies (RCMP, ICBC, MoTI, Island Health etc.)

All meetings are open to the public and shall be advertised on the participating agency websites.

Decision-making approach: Matters that require a vote to reflect a decision, position or resolution of the Committee will be voted upon by the represented Elected Officials. One Elected Official from each of the following agencies is invited to participate in the Committee:

- o City of Courtenay

Courtenay's OCP contains modal share targets. The Village of Cumberland's OCP references targets (including mode share target) set forth in the Comox Valley Sustainability Strategy (CVSS). The Town of Comox's OCP acknowledges the expected Greenhouse Gas emission results from more compact development and reduced automobile use. The CVRD's OCP includes the Greenhouse Gas reduction targets from the CVSS. And the Comox Valley Regional Growth Strategy contains modal share targets.

**Go Smart Advisory Committee***Represented by:*

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

- Town of Comox
- Village of Cumberland
- One Comox Valley Electoral Area Director
- School Board Trustee

All other decisions will be made by consensus.

Chairperson: to be elected by the committee.

Timeframes, reporting and deadlines:

- Will meet every 2 months for a total of 6 times a year: January, March, May, July, September, November.
- Will provide annual reports to represented Local Governments or more often as required by issues.
- The committee term will correspond to the Local Government elected official term, with the committee to be reviewed shortly after elections.
- The committee will conduct the following general duties in the following months (approximate), at a minimum and in addition to any other tasks identified by the committee, consistent with its mandate:
 - January: Debrief on annual reports submitted to the four local governments and School District Board. Discuss new ideas or feedback from elected officials discussion. Plan for data collection cycle for the year. Solicit capital project lists from City, Town, Village and MoTI.
 - March: Confirm regional priority projects. Plan for Bike to Work Week and summer-oriented public education.
 - May: Report back on discussions of regional priority projects with respective jurisdictions. Implement public education.
 - July: Prepare Plan for Active School Travel planning, new schools. Implement public education.
 - September: Confirm if regional transportation priorities have been included for respective budget-proposal inclusion.
 - November: Prepare annual report for respective Councils and Boards. Set goals for next year.

Resources Required:

- Website hosting on Local Government websites
- Other agencies that do not have voting rights but that may be consulted from time to time include RCMP, ICBC, MoTI, Island Health
- The Committee may apply for funds from its representative agencies or other sources

**Go Smart Advisory Committee***Represented by:*

Town of Comox
City of Courtenay
Village of Cumberland
Comox Valley Regional District
School District 71

- Participants are expected to engage actively in the committee by fulfilling committee functions (e.g. Chair, secretary, organizer), conducting research and action items in between meetings. These functions shall be determined by the committee.
- Funding will be required to fulfill the public education mandate and may be required for individual activities on a case by case basis.



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

Backgrounder document to the Committee Terms of Reference

Participants and Committee Composition:

It is expected that by participating in the Regional Go Smart Committee that each participating jurisdiction will also set up processes within their organizations to ensure that jurisdiction-specific tasks (e.g. infrastructure projects) are considered. The tasks will principally include: advising on priority transportation projects that align with Greenhouse Gas emission and modal share targets and accessibility objectives for the upcoming budget cycle and providing technical referral support to staff.

All regional meetings are open to the public and shall be advertised on the participating agency websites. The general public may participate as observers to the Committee who will officially be comprised of four groups of people, each of which will participate in the committee in different ways depending on their strengths and roles:

1. Representatives of the public (Public Advisory Committee)
2. Local Government staff
3. Elected officials, including from SD71
4. Other agencies (RCMP, ICBC, MoTI, Island Health etc.)

Representatives of the Public: The Go Smart *Public* Advisory Committee (Go Smart PAC) shall be governed by its own Terms of Reference (to be approved by the Go Smart Advisory Committee, the “Parent” Committee) and shall ensure public representation of a variety of mobility needs. Anyone may apply to serve on the Go Smart Public Advisory Committee and must demonstrate a commitment to the objective of the Parent Committee. The Parent Committee shall approve all applications based on application criteria that will be determined as part of the Public Advisory Committee TOR. A seat for organized mobility organizations (e.g. Cycling Coalition and Accessibility Committee) will be ensured on the Go Smart PAC. Members may serve for two, 2 year terms after which the position must be opened for new applicants. The Public Committee will send a maximum of 2 members to each Go Smart meeting as participants.

Staff: Staff from each Local Government and Ministry of Transportation and Infrastructure is encouraged to attend as many of the meetings as possible to provide technical support, and may choose their attendance based on agenda-relevance. Staff must work within their identified corporate work plans and are also encouraged to seek effective communication means within their own organizations to ensure that ideas and decisions from the Committee are incorporated into their representative organizations where appropriate. No one staff member shall be assigned to the Committee, but rather agenda-relevance shall inform which departmental staff attend. The committee has no authority to direct staff to conduct works outside of



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

meetings. Staff direction to do committee work must be confirmed through their respective corporate work plans.

Elected Officials: As the committee is a Local Government and School Board Committee, matters that require a vote to reflect a decision, position or resolution of the Committee will be voted upon by the represented Elected Officials. Staff or other members of the committee will not have voting privileges. For other discussion, the committee will strive for consensus. One Elected Official from each of the following agencies is invited to participate in the Committee:

1. City of Courtenay
2. Town of Comox
3. Village of Cumberland
4. One Comox Valley Electoral Area Director
5. School Board Trustee

Other Agencies: Other agencies are invited to attend all meetings and especially on agenda-specific items.

Regional Committee Activities:

Go Smart Comox Valley will have eight core functions, the rationale, participation and logistics of each of which is discussed:

1. Regional Education to promote modal share targets

a) Rationale: Achieving modal share targets will require the active participation of a significant percentage of the population, and there is reason to believe that the public is interested in having more transportation options. For instance, in any North American community it is estimated that there are approximately two-thirds of the population who would consider riding a bike for transportation if safe and convenient cycling infrastructure was provided.² Getting information to this 'interested but concerned' segment of the population would be the focus of education efforts that would focus on not just cycling, but transit, walking and carpooling as well.

b) Participation by: All participants.

c) How it will work: This task will require funds or dedicated staff resources to fulfill. The Go Smart would identify an educational campaign, or objectives of an educational campaign, to consider for further implementation subject to allocated resources. Identifying partnerships for resource leveraging and

² Four Types of Cyclists article by Roger Geller, <https://www.portlandoregon.gov/transportation/article/237507>

**Go Smart Advisory Committee***Represented by:*

Town of Comox
 City of Courtenay
 Village of Cumberland
 Comox Valley Regional District
 School District 71

existing venues and educational programs to include a 'Go Smart' message will be critical to the success of a Regional Education approach.

2. Two-way public engagement - 'ear to the ground'(in) and education (out)

- a) **Rationale:** Transportation affects everyone and many residents have opinions that they wish to share, but may not know how to do so. And while each Local Government (and possibly other agencies) undertake public consultation processes related to transportation, regular 'check ins' with the public to get a 'pulse' of public opinion is not an on-going activity. Having a sense of public opinion can be valuable to raise flags for further investigation and to give a sense of public acceptance. In emphasizing a two-way communication, the Committee can also help to *disseminate* information about the changing face of transportation, as well as listen to the public.
- b) **Participation by:** All participants.
- c) **How it will work:** The Public Advisory Committee would serve to provide regular (quarterly) regional venues for anyone to come forward and voice a transportation related concern and to promote community dialogue on mobility topics. Staff may attend, but are not required to. Public advisory body reps would facilitate the event and take minutes which would be circulated to all bodies on the Committee, for their information. Local Government staff may use the information as they see fit. It will be very important to convey to the public during the meetings that while this is an opportunity to have one's say, it does not guarantee that all items raised will be attended to. The meetings shall be held in different parts of the community to make accessible to as many of the public as possible.

3. Technical referral for staff

- a) **Rationale:** The committee will provide a forum for dialogue and preliminary consultation on proposed transportation projects of regional significance. This has been identified as a useful 'vetting' forum. Projects of regional significance include any route that is part of the cycling, transit or greenway network plan of any jurisdiction that directly abuts and links with a neighbouring jurisdiction and/or is critical to the functioning of the mobility network of the adjacent jurisdiction.
- b) **Participation by:** All Participants.
- c) **How it will work:** When Local Government staff or other agencies have a regionally significant project that requires public review, the project should be referred to the Committee unless timelines make such a referral untenable. Staff is not bound to any comments through this process, but will take comments under advisement, similar to other referral and public consultation procedures.

**Go Smart Advisory Committee***Represented by:*

Town of Comox
 City of Courtenay
 Village of Cumberland
 Comox Valley Regional District
 School District 71

4. Identifying Regional Active and Accessibility Travel priorities

- a) *Rationale:*** While the committee is committed to working with and accommodating all road users, priority transportation projects will inevitably be cycling, walking, transit and accessibility oriented given the modal share targets for each Local Government. As such, the committee will identify Regional Active and Accessibility Travel priorities to ensure that regionally core links in the transportation system are identified and worked towards by the respective appropriate jurisdictions.
- b) *Participation by:*** All participants.
- c) *How it will work:*** In conjunction with activity 5 identified below (Mapping and data collection assistance), a list of priority regional cycling, walking and transit routes and accessibility concerns will be identified. Each year the list of priority projects will be reviewed to ensure they remain current and will distributed to the participant jurisdictions for information and consideration in budget cycles.

5. Mapping and data collection assistance

- a) *Rationale:*** Local Governments and other organizations require accurate up to date transportation data to inform decision-making about transportation investments. Currently the CV Cycling Coalition provides annual traffic counts free of charge, makes the data available to anyone and has provided the only survey on cycling behaviour in the Valley to date. Data collection initiatives need to be expanded to include:
- More traffic sampling dates and locations in order to be even more helpful to staff, and to compliment the more comprehensive (although to date generally car-oriented) data collection efforts that happen at less regular transportation planning cycles.
 - Evaluation of new projects to determine their impact.
 - Community surveys of preferred mobility routes, behaviours and interest in mobility choices.
 - Cycling and walking community assessments/audits (which include assessment of engineering, education, enforcement, encouragement and evaluation programs) to target gaps and strengths.

Accurate mapping of the current and desired transportation routes is also required to ensure that new road projects are accommodating the desired balance of road users. Mapping is a critical tool to identify where priority designation should be allocated to the various modes. All these activities require the help of volunteers in order to be feasible to the various organizations.

- b) *Participation by:*** Primarily representatives of the public (e.g. volunteers), the Public Advisory Committee, other agencies and staff and under the supervision of staff. Maps will be produced in house by staff in those jurisdictions with sufficient in-house mapping capabilities. Where funds are



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

required to hire consultants to assist in producing maps, a budget request will be made individually or jointly to the four Local Governments at the appropriate time in their budget cycle, depending on what area of the Valley is being mapped.

- c) **How it will work:** Data collecting and mapping projects will be communicated to representative Councils/Board to inform staff work plan, and possibly funding, arrangements. Once approved, staff will work with selected volunteers to train them in traffic data collection methods. Staff will use data to inform decisions and evaluate past projects. Staff will work with the public advisory committee to review and refine mapping.

6. Search for funding opportunities including grants and through partnerships

- a) **Rationale:** Staff often do not have the time to actively search out funding opportunities; a wider 'net' of people looking for funding arrangements can bring opportunities to attention to be acted upon. The Cycling Task Force proved a valuable vehicle for initiating creative collaborative funding arrangements: by applying for and receiving grants (e.g. Fitzgerald Avenue cycling lane project), securing partnership funding (e.g. Active School Travel planning), writing letters of support for other complementary initiatives (e.g. CV Cycling Coalition "New Horizons" school-rodeos grant) and engaging the non-profit sector to champion projects (e.g. Rotary Rail-Trail leadership).

- b) **Participation by:** All: Elected Officials, the Public, Public Advisory Committee, other agencies and staff.

- c) **How it will work:** All committee participants (and wider public) are invited to share funding opportunities with the larger committee for discussion and follow-up where appropriate.

7. Assess regional opportunities as they arise, and learn from each other

- a) **Rationale:** This includes working on projects that have regional implications (e.g. highway expansions, projects that occur at jurisdictional boundaries) as well as exploring regional *approaches* to initiatives. In multi-agency forums, many times opportunities for projects and partnerships are not immediately apparent. Through relationship building with various organizations, and a forum to engage in cross-agency discussion, opportunities to collaborate can be identified. This opportunity to keep the door open for these opportunities is critical to ensuring that all the participating bodies can work together, more efficiently, within their own scope of work, towards common goals. One of the key areas the Committee can assist with is ensuring that evolving Best Practices regarding transportation trends, tools and strategies are shared. An example of this is in the area of Active School Travel planning (a Best Practice) which originated through the Cycling Task Force from group discussion. The initiative would not have been able to germinate without the individual contributions of each participating



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

agency. The project has been considered very successful by parents, School Board and Local Government elected officials and is now expanding under the leadership of the School Board. This project however was not identified in the CTF's original Terms of Reference, because it emerged as an opportunity *during* the Committee's process.

- b) **Participation by:** Elected officials, Public Advisory Committee, other agencies and staff.
 - c) **How it will work:** On regional projects, the affected agencies will work closely together. When a new idea is presented, the Committee will consider it for further dialogue and action, where appropriate. The Committee will report promising ideas to the bodies they represent through the annual reporting process, or more frequent as needed.
- 8. Receiving delegations**
- a) **Rationale:** Members of the public, groups or even other agencies may wish to present information or an idea in a regional transportation forum, without the formality of presenting before municipal Councils and the regional Board.
 - b) **Participation by:** All in attendance at the meeting, and who are on the circulation list for minutes, would receive the delegation.
 - c) **How it will work:** The opportunity and procedure for presenting as a delegation before the Go Smart Advisory Committee will be outlined on the participating agency websites. Delegation requests will be forwarded to the Chair of the Go Smart Advisory Committee.

**Go Smart Advisory Committee***Represented by:*

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

Go Smart PUBLIC Advisory Committee**Terms of Reference**

Committee Objective: To work with the public and provide advice and recommendations into the Go Smart regional Advisory Committee, as related to their mandate.

Tasks:

1. Review the current state of transportation in the Comox Valley and identify priorities for improvement to achieve modal share targets and accessibility policies.
2. Provide consultation both at the initial stages of planning, and during the design process, where transportation changes and developments are proposed that will affect transit, cycling and pedestrian road users.
3. Advocate for transit, cycling and pedestrian universally accessible transportation infrastructure improvements in the Comox Valley.
4. Provide a process for the general public, stakeholders and organizations to communicate issues, concerns and suggestions.
5. May also contact or coordinate meetings as required with each jurisdiction, including MOTI, to deal with specific jurisdictional issues.

Authority: Serves as a resource and makes recommendations to the Go Smart regional Advisory Committee.

Participants and Committee Composition:

The Committee shall be comprised of no more than 8 members. Members shall be sufficiently 'broad minded' regarding transportation modes, and be able to effectively represent a variety of transportation perspectives, with a goal of achieving modal split targets. The Go Smart Advisory Committee shall create a set of criteria for selection of Public Advisory Committee members, and will post this information in the media and websites, along with a deadline for submissions. The elected officials of the Go Smart Advisory Committee shall select the Public Advisory Committee members based on received submissions.

All meetings are open to the public and shall be advertised on the participating agency websites.

Decision-making approach: The group will work by consensus.

Chairperson: to be elected by the Public Advisory Committee.

Timeframes, reporting and deadlines:

**Go Smart Advisory Committee***Represented by:*

Town of Comox
City of Courtenay
Village of Cumberland
Comox Valley Regional District
School District 71

- The Public Advisory Committee will be in place for the same time frame as the Go Smart Advisory Committee.
- Will meet every 2 months for a total of 6 times a year. The meetings will be open to the general public and will be advertised on the participating agency websites.
- Two representatives of the Public Advisory Committee will attend the Go Smart Advisory Committee meetings and provide a report each time.

