

**THE CORPORATION OF THE CITY OF COURTENAY**  
**NOTICE OF**  
**COMMITTEE OF THE WHOLE MEETING**

*We respectfully acknowledge that the land on which we gather is the  
unceded traditional territory of the K'ómoks First Nation*

**DATE:** Monday, January 28, 2019  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**AGENDA**

**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

Pg #

**1.00 PRESENTATIONS**

1. Maurice Primeau, Deputy Assessor, BC Assessment - BC Assessment Presentation to Council

**2.00 DELEGATIONS**

1. Kelly Mathews, Dogwood Group and Andrew Gage, West Coast Environmental Law, WCEL Climate Accountability
  - 1 • Letter of Introduction - Climate Accountability and Introduction to Local Governments
  - 7 • Example Climate Accountability Letter - Fair Share of Climate Costs
  - Climate Accountability Presentation

**3.00 INTERNAL REPORTS AND CORRESPONDENCE**

- 9 1. Memorandum - Regional Recreation Pass

**4.00 STAFF REPORTS/PRESENTATIONS**

1. Glen Shkurhan, Urban Systems and Katie Hamilton, Tavola Strategy Group Integrated Rainwater Management Plan (IRMP) - Workshop

## **5.00 RESOLUTIONS OF COUNCIL**

### **1. In Camera Meeting**

That notice is hereby given that a Special In-Camera meeting closed to the public will be held January 28<sup>th</sup>, 2019 at the conclusion of the Committee of the Whole Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (c) labour relations or other employee relations;
- 90 (1) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90 (1) (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

## **6.00 ADJOURNMENT**



January 21, 2019

Dear Mayor and Council,

My name is David Mills and I am writing on behalf of a B.C.-based non-profit who has twenty-six local volunteers working in Courtenay. This letter is intended to provide background to a presentation you will be hearing at the Committee of the Whole meeting on January 28, 2019.

The presentation will be given by Andrew Gage, the staff lawyer at West Coast Environmental Law (WCEL) in support of the "Climate Law in Our Hands" campaign, which asks local councils and districts across B.C. to send "Climate Accountability Letters" to twenty of the world's largest fossil fuel companies, asking them to pay for the climate costs incurred by our communities.

Our team of supporters and volunteers in Courtenay is concerned by both the lack of action displayed by federal and provincial governments to prevent climate change, as well as the costs local taxpayers will pay to defend our community from present and pending effects of climate crises. Therefore, we have unanimously decided to partner with WCEL to promote and support the intent of their "Climate Law in Our Hands" campaign, which is to unshoulder local taxpayers of the total burden of climate change mitigation and adaptation.

To date, sixteen local governments in B.C., along with the Association of Vancouver Island and Coastal Communities, have written letters. For your reference, I have attached "CLIMATE ACCOUNTABILITY LETTERS - AN INTRODUCTION FOR LOCAL GOVERNMENTS." as well as an example of what a climate accountability letter looks like.

Please join the growing number of municipalities across B.C. who are realizing the undue hardship that the effects of climate change will have on their communities. We hope that you will write a letter to the world's largest fossil fuel companies and a stand against the corporations who need to take responsibility.

Thank you for your time on this issue. I look forward to any questions you may have at next Monday's meeting of the Committee of the Whole.

Sincerely,

A handwritten signature in black ink that reads "D. Mills".

David Mills

ATTACHMENTS:

1. [CLIMATE ACCOUNTABILITY LETTERS - AN INTRODUCTION FOR LOCAL GOVERNMENTS](#)
2. [DRAFT EXAMPLE OF A LETTER - CHEVRON'S FAIR SHARE OF CLIMATE COSTS IN COURTENAY](#)



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# CLIMATE ACCOUNTABILITY LETTERS

## AN INTRODUCTION FOR LOCAL GOVERNMENTS

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Andrew Gage, Staff Counsel

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“Wildfires. Drought. Flooding. Rising sea levels. Climate change is already reshaping and impacting BC communities in profound and frightening ways. As unchecked fossil fuel pollution continues to push global temperatures ever higher, we are frightened for our communities, for communities around the world, and for the world we leave our children. Vulnerable groups - the poor, Indigenous communities, women and children - are often hardest hit by climate impacts.” – Letter from BC Community Groups to Local Governments, 25 January 2017

On 25 January 2017, over 50 community groups from around BC – organizations focused on health, faith, human rights and environment – wrote to all of BC’s local governments asking that they take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution.

In the short term, we are asking your municipality (or regional district) to send “Climate Accountability Letters” to 20 of the world’s largest fossil fuel companies asking them to pay for climate costs that are being incurred by your community. This brief will answer some questions that you may have about why your community should send these letters.

### Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for disaster relief arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpacks and aquifers disappearing, our communities are spending scarce taxpayer dollars to prepare for and respond to climate change. The situation is only going to get worse.

As it stands, the costs of building climate resilient communities fall to the taxpayer, as do the costs of re-building communities after floods or fires. Municipal governments bear much of the burden for these climate costs, because municipal infrastructure is frequently affected. In at least one case, municipalities in the U.S. were sued (by their insurers) for failing to prepare adequately for known climate impacts.<sup>1</sup>

It is time to ask whether taxpayers alone should be solely responsible to pay climate adaptation and damage costs, or whether costs should be shared with the companies that have made billions of dollars creating this situation. The products and operations of the **20 fossil fuel companies** are collectively responsible for roughly 30% of the greenhouse gases in the atmosphere today. That greenhouse gas pollution is changing the climate, and costing your community money as it is forced to respond and adapt.

It is essential that we have this conversation now. Communities need to know how much they can expect the fossil fuel industry to pay for their climate costs. The fossil fuel industry and its investors need to be able to make informed decisions about the future of the industry once they factor in the real costs of their activities.

## Why does it matter to our planet?

Fighting climate change only works when everyone does their fair share. We all share the same precious atmosphere.

Right now the world's largest fossil fuel companies are making hundreds of billions of dollars from products that cause greenhouse gas pollution and put communities around the world at risk. There are powerful economic incentives for those companies, their investors and the governments of the world to continue producing fossil fuels without regard to the consequences for our planet. In many cases these companies have known since the late 1960s that their products were likely causing climate change. Since that time many have funded climate misinformation and lobbied hard against global rules that would protect our communities from climate change.

When companies make massive profits from pollution and products that cause pollution, this is known as an “externality.” It creates an economic system where some parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay for the harm they cause, they, and their investors and governments, will start to have questions about the profitability of the industry.

Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future.

## What is a Climate Accountability Letter?

A Climate Accountability Letter is a letter written by the representatives of a community to a fossil fuel company asking them to be accountable for the harm caused to that community by their operations and products. These letters are extremely flexible. A community can decide which climate impacts they wish to highlight, whether to demand that the company pay its fair share of current, or future, climate impacts or demonstrate its accountability in some other way.

We provide templates for accountability letters for your community to adapt on the climate law in our hands website.<sup>ii</sup> We also provide a spreadsheet with the addresses and share of global greenhouse gas emissions of 20 of the world's largest fossil fuel companies.

## Is this within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent management of their financial resources requires local governments to at least consider the possibility that some of those costs can be recovered from fossil fuel companies and, if appropriate, to take steps to do so.

One of the purposes of municipalities (according to the BC Community Charter) is “fostering the economic, social and environmental well-being” of the community – so Council also has a clear mandate to play its part in addressing climate change globally.

## Why target fossil fuel companies?

Some argue that we're all responsible for climate change, but if so, surely we can agree that some of us are more responsible than others?

In 2013 a peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010"<sup>iii</sup> estimated the emissions from the operations and products of 90 entities – primarily fossil fuel companies. Just 20 of those fossil fuel companies – the 20 that we are asking you to write to – are responsible for almost 30% of the fossil fuels in the global atmosphere today.

But for the actions of these companies in extracting fossil fuels from the ground, and (in many cases), processing, transporting, marketing, and selling them for use by end consumers, these emissions would not have

ended up in our atmosphere. That's doubly true if you consider the impact of some of these companies in lobbying against action on climate change and in funding public misinformation on climate science. Had these companies acted, when they learned of the science of climate change in the 1960s, to shift the economy towards renewable energy, we would live in a very different, and more sustainable, society.

In addition, a focus on local impacts caused by fossil fuel companies creates new opportunities for local communities to have a global impact. Rather than focusing only on reducing the comparatively small amounts of greenhouse gases created in our own communities, we can also have a conversation about 30% of global emissions.

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## Shouldn't the Canadian (or BC) government be taking action?

Yes, of course all levels of government should be taking action to fight climate change. But the Canadian and BC governments still rely on the fossil fuel industry in many ways – from campaign contributions to hopes of economic growth.

The fact that the senior levels of government have not yet taken action to hold fossil fuel polluters accountable does not mean that local governments cannot take action to recover their own climate costs. Indeed, a community concerned about local costs of climate change may be more willing to show leadership to protect its residents and environment, and may be more willing to

have a discussion about the role of the fossil fuel industry in contributing to those costs.

Sometimes when people look to the provincial or federal governments for climate leadership, they are looking for regulation of sources of greenhouse gases. While such regulation is important, such laws can only regulate emissions or other activities that take place in Canada (or in BC). The claims for compensation related to climate accountability that we recommend use legal tools that can cross borders and address global sources of emissions.

**Do you drive cars (or use gas)?**

In response to the 25 January 2017 letter, three mayors independently wrote to us with variations on the message that if we use fossil fuels, we cannot ask for the fossil fuel industry to be held accountable.

We are not denying that individuals play a role in reducing their own greenhouse gas emissions (while recognizing that the options available to individuals to entirely eliminate their fossil fuel use in today's society are limited). Nor are we suggesting that fossil fuels could be eliminated tomorrow.

What we are suggesting is that the responsibility of fossil fuel companies is at least as great as that of the individual, and they should pay their fair share of the costs. We are further suggesting that once the industry realizes that it may be required to pay its fair share, there will be a powerful incentive for the system to change – creating more options for individuals seeking to reduce their greenhouse gas emissions. This is a crucial step in helping society as a whole move away from gas-powered vehicles (and uses of fossil fuels involving combustion).

In the fight to phase out ozone-destroying HFCs, no one ever told those concerned about the ozone layer: “Yeah, but do you own a refrigerator?”

**Am I signing up for a lawsuit?**

By sending Climate Accountability Letters, your community is simply initiating a conversation, not a lawsuit, about the role of the fossil fuel industry in causing climate harm to your community.

In the 25 January 2017 letter sent to your government, we did also encourage you to consider the possibility of a class action by all BC local governments against some fossil fuel companies. However, sending letters to the fossil fuel companies does not commit your government to participate in or support such a court case.

If your community is interested in exploring the possibility of a lawsuit against the fossil fuel industry, please do contact us for more information.

**How do I find out more?**

Contact Andrew Gage at [agage@wcel.org](mailto:agage@wcel.org) or 250-412-9784 or learn more on the Climate Law in our Hands initiative website at [www.climatelawinourhands.org](http://www.climatelawinourhands.org).

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<sup>i</sup> <http://www.eenews.net/stories/1059999532>; The insurance company subsequently dropped the lawsuit, but the case stands as a warning to local governments that fail to prepare for climate change.

<sup>ii</sup> [www.climatelawinourhands.org/demand-accountability](http://www.climatelawinourhands.org/demand-accountability)

<sup>iii</sup> Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y

Chevron Corporation  
6001 Bollinger Canyon Road  
San Ramon, California 94583  
United States of America

Attn. CEO of Chevron

Dear Sirs/Mesdames:

**Re: Chevron's fair share of climate costs in Courtenay, BC, Canada**

Like other communities around the world, the City of Courtenay is increasingly concerned about the harmful effects that climate change, caused by fossil fuel pollution, is having on our community. While we recognize that our community has benefited from fossil fuels and we must play a role in reducing our emissions, we write to challenge your company to recognize its role in causing climate change and to commit to taking responsibility for a share of the climate-related costs that our committee incurs.

Our community, located on the Puntledge and Tsolum rivers, has experienced several 1 in 50 year storm events in recent years, leading to flooding of parts of the downtown. In an effort to address this flood risk, we commissioned a detailed flood prevention strategy, and built a flood wall at considerable expense. While the flood wall may protect against 1 in 50 year flood events, we know that even more extreme flood events are getting more frequent. Protecting against these flood events would require still further costs.

Our water management has also been exacerbated by extreme rainfall, which results in siltation, and by drought. Comox Lake, where we get our water, is fed by Comox Glacier, which is expected to disappear in the coming decades. Clearly the challenges in preparing for these new water patterns and providing reliable and safe drinking water to our residents, while surmountable, will be costly.

In addition, as a coastal community, we are concerned about rising sea levels and ocean acidification, which will create additional challenges for our community.

We have recently joined the Together for Climate Project, offered through the International Council for Local Environmental Initiatives (ICLEI), which will allow us to better identify how climate change will change our region and design appropriate adaptations. Implementing the resulting plans will take money.

As the Mayor and Council of Courtenay, we cannot simply assume that our taxpayers will pay for 100% of the increasing costs that we face from climate change. Nor can we ignore the role that your industry has played in contributing to those costs.

Your company is a major player in the fossil fuel economy. You have made billions of dollars selling your products, knowing that financial harm would result to communities like ours.<sup>1</sup> Your industry as a whole has lobbied against climate action and spread public misinformation about climate science.

Like most communities, we have participated in the fossil fuel economy, and to a certain extent we have contributed to our own misfortune. We will probably end up paying a significant portion of the costs caused by climate change.

However, you must also pay your fair share of the costs of climate change, as your role is globally significant.

Scientist Richard Heede estimates that the emissions you're your company's products and operations amount to 3.34% of historic human-caused greenhouse gas emissions.<sup>2</sup> This is a good starting point for discussions of your company's fair share of climate costs.

In addition to paying your fair share of climate impacts, we hope to hear about your plans to take responsibility for harm caused by your products and operations going forward. It is time that you begin moving towards a different business model.

We all need to do our part to fight climate change, and to address the coming impacts caused by fossil fuel pollution. Please take responsibility for your role in climate change.

Sincerely,

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<sup>1</sup> <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

<sup>2</sup> Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at [http://climateaccountability.org/carbon\\_majors\\_update.html](http://climateaccountability.org/carbon_majors_update.html), last accessed 23 September 2016.



## MEMORANDUM

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Regional Recreation Pass

**File No.:** 7900-01 Regional  
**Date:** January 28, 2019

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### ISSUE:

The Mayor has asked for information on the options and implications of a regional recreation pass. Council is asked to give direction on the items that should be included in the staff evaluation.

### BACKGROUND:

Many regions in British Columbia have regional recreation passes. Victoria is a good example of an area with a regional pass that offers one fee to access 12 facilities. The regional pass is a non-refundable fitness pass for adults only. Greater Victoria also has a unified application process for their recreation access program which they call Leisure Is For Everyone (LIFE). Recreation access programs are programs to assist citizens living below the Statistics Canada low-income cut-offs (LICOs). This program makes leisure involvement more affordable for low income residents and removes the political boundaries as a barrier to participation for individuals living under the LICOs.

There has been interest expressed in the Comox Valley for a regional recreation pass. This coordination of this pass require the cooperation of each local government.

The CV Aquatic Centre and the CV Sports Centre are facilities managed by the CVRD and offer the only public year round indoor aquatic and winter indoor ice arena options in the valley. The majority of their programming revolves around these facilities. The Town of Comox and Village of Cumberland offer similar recreation opportunities and experiences as those offered by the City of Courtenay.

Recently there has been strong regional cooperation. The recreation guide, extreme youth recreation events, the childcare planning grant working group, physical literacy, and the regular recreation directors meetings have been good examples.

The creation of a regional recreation pass was discussed at the regional recreation directors meeting. An incremental process was developed. Staff would move through each increment based on the success of the prior step. Comox and Cumberland could chose to follow the same process if desired. The steps discussed included unification of:

1. The application process for citizens applying for the recreation access programs between Courtenay and the CVRD.
2. The recreation access program benefits between Courtenay and the CVRD.
3. The adult wellness and drop-in passes between Courtenay and the CVRD.
4. Recreation access programs, wellness and drop-in passes valley wide.

The recreation director's group prioritized unification of the recreation access program application to reduce the negative impacts of the process. Each local government has strategic documents pointing to reducing the barriers low income citizens face when trying to access recreation.

**KEY CONSIDERATIONS:**

Council is asked to reflect on the desired approach to this issue.

There are many possible configurations of a unified pass. Council is asked to comment on the following options:

- The objective of the regional pass should be clarified:
  - To make recreation options more accessible to residents
  - To reduce the cost of participation in recreation
  - To provide a more consistent process for interacting with Recreation facilities
- The pass can apply to all applicants or to a limited group.
  - Adult unified pass
  - Unify the low income pass
  - Residents of Courtenay or an open pass
- It can unify the City and Regional District facilities or all of the valley facilities.
- There can be various pricing models.
  - One pass for all facilities
  - A Courtenay pass and a regional pass
  - Pricing can include resident vs non-resident price points.
- As identified above, it can be incrementally implemented. Changing a process incrementally can ensure that it will have fewer unintended consequences.

Any unification with another local government will require changes to policies, procedures and the respective fees and charges bylaws. If a valley wide unification is Council's wish, it may be best administered by the Regional District Recreation department as a regional initiative.

Staff will pursue the desired approach and report back to Council with the operational, and policy implications.

Prepared by,



Dave Snider RLA  
Director of Recreation and Cultural Services