

DEEP BAY IMPROVEMENT DISTRICT
MINUTES OF THE REGULAR BOARD MEETING

October 20, 2022

Trustees: Tony Botica, Chair
Claire Hilscher
Bob Leggett
Colin Thompson
Robert Hale
Diane Koch
Susan Mielke

Staff: Leslie Carter, Administrator
Janine Sibley, Administrative Assistant
George Lenz, Fire Chief

Guests: 46

1. Call to Order: 7:02 pm

The chair respectfully acknowledged the Qualicum First Nation on whose traditional territory the meeting took place.

2. Introduction of late items:

New business: motion to be introduced

3. Approval of agenda for current meeting

Motion: to approve agenda as amended for current meeting

Claire Hilscher Seconded: Robert Hale Vote: Carried

4. Petitions & Delegations:

4.1. Kelsey Wright, Recreation Coordinator, RDN Area H

Kelsey provided information regarding the Recreation Services Agreement and his role as Recreation Coordinator. Kelsey can be reached at: recreation@lighthousehall.ca

5. Approval of minutes

5.1. Regular meeting minutes of September 15, 2022

5.2. Special meeting minutes of October 5, 2022

Motion: to adopt the minutes of Regular Board Meeting of September 15, 2022 and the minutes of Special Board Meeting of October 5, 2022

Robert Hale Seconded: Claire Hilscher Vote: Carried

6. Business arising from the minutes: none

7. Monthly Reports

Motion: to receive the following reports for information:

7.1. Operator's Report

7.2. Fire Chief's Report

7.3. Financial Reports

Total cheques issued for Water for September 2022: \$29,257.83

Total cheques issued for Fire for September 2022: \$362,165.49

7.4. FireSmart Program Report

Diane Koch Seconded: Robert Hale Vote: Carried

Motion: that segment of pipe from repair on Thompson Clarke Dr. East be analyzed, staff to obtain quotes from Levelton and up to two other firms

Claire Hilscher Seconded: Robert Hale Vote: Carried

Motion: that for future emergencies, residents are notified as soon as possible

Colin Thompson Seconded: Bob Leggett Vote: Carried

8. Committee Minutes

Motion: to receive the following minutes for information:

8.1. Facilities Committee meeting - September 29, 2022

8.2. Finance/HR Committee meeting – October 11, 2022

Bob Leggett Seconded: Robert Hale Vote: Carried

9. Committee recommendations

9.1. Facilities Committee

9.1.1. Chain Link Fencing installation

Motion: to accept quote from ALC Lawncare & Landscaping for \$3982.23 (early approval provided via email)

Bob Leggett Seconded: Diane Koch Vote: Carried

9.1.2. Heat pump for fire hall second floor

Motion: To install heat pump for upstairs at a cost of \$5383 + GST when funding is verified

Claire Hilscher Seconded: Susan Mielke Vote: Carried

9.2. Finance/HR. Committee

9.2.1. 2023 Fire Protection budget

Motion: for 2023 Fire Protection budget, to reduce line 53 Supplies & Equipment from \$15,000 to \$10,500, reducing loss to \$11,033 and to increase fire protection taxes by 6% for all categories

Claire Hilscher Seconded: Susan Mielke Vote: Carried

9.2.2. 2023 Waterworks budget

Motion: for 2023 Waterworks budget, to increase line 20 Insurance from \$30,000 to \$32,000, to increase line 32 CPP Expense from \$3450 to \$3650, to increase line 33 EI Expense from \$1570 to \$1800 and to increase quarterly toll rates as follows:

Base rate: increase by \$4.50/quarter (from \$45 to \$49.50)

Consumption tiers 1-50 cubic meters from \$.52 to \$.53, 51-100 cubic meters from \$.64 to \$.66 and over 100 cubic meters from \$1.06 to \$1.09.

Colin Thompson Seconded: Susan Mielke Vote: Carried

9.2.3. 2023 Parcel Tax

Motion: to increase parcel tax for 2023 for classification "Group A" (residential) from \$243 to match proposed 2023 rate for Fire Protection tax of \$336 (\$317 + 6%) and to increase all other classifications by the same corresponding percentage.

Colin Thompson Seconded: Robert Hale

Motion to amend to increase parcel tax from \$243 to \$289

Susan Mielke Seconded: Claire Hilscher Vote: Defeated

Vote on original motion: Carried

10. Correspondence In

- 10.1. September 12, 2022 – Min. of Transportation & Infrastructure, 5-lot conventional subdivision
- 10.2. September 21, 2022 – C. Kerstens, Conduct of DBID board
- 10.3. September 22, 2022 – Deep Bay Fire/Rescue Society, request to hold \$20,000 donation, to be redirected from exterior lift
- 10.4. September 27, 2022 – Ministry of Forests Water Protection, well inspections non-compliance advisory
- 10.5. October 14, 2022 – RCL – Ladies Auxiliary, Bowser, request for letter of support
- 10.6. October 17, 2022 – D. Harrison, questions to the board

Motion: to accept items 10.1 – 10.6 as correspondence in

Claire Hilscher Seconded: Bob Leggett Vote: Carried

Motion: to proceed with draft reply to Min. of Transportation & Infrastructure, including previous replies and statement that easement does not meet DBID bylaw standards

Claire Hilscher Seconded: Robert Hale Vote: Carried

Motion: to accept as late correspondence in, details of redirection of \$20,000 donation from Deep Bay Fire/Rescue Society as follows: \$15,000 for air tanks, \$1793 for computer, \$3000 for forcible entry prop

Susan Mielke Seconded: Diane Koch Vote: Carried

Motion: to send thank you letter to the Deep Bay Fire/Rescue Society regarding donation

Claire Hilscher Seconded: Robert Hale Vote: Carried

Motion: to refer Well inspections non-compliance advisory to the operations committee

Claire Hilscher Seconded: Susan Mielke Vote: Carried

Motion: to provided letter of support to the RCL, Ladies Auxiliary, Bowser

Susan Mielke Seconded: Bob Leggett Vote: Carried

11. Old Business

- 11.1. Special Public Meeting, draft agenda

12. New Business:

- 12.1. Approval of 2023 Operating Budgets and Capital Plans (Waterworks and Fire Protection)

Motion: to approve the 2023 Operating Budgets and Capital Plans for Waterworks and Fire Protection as presented

Claire Hilscher Seconded: Robert Hale Vote: Carried

- 12.2. Bylaw 251 "Taxation Bylaw 2023" to set Parcel and Fire Protection tax rates for 2023

Motion: to introduce and give first reading of Bylaw No. 251 "Taxation Bylaw 2023" to set parcel and fire protection tax rates for 2023

Bob Leggett Seconded: Diane Koch Vote: Carried

Motion: to reconsider and finally pass Bylaw No. 251 "Taxation Bylaw 2023" to set parcel and fire protection tax rates for 2023

Bob Leggett Seconded: Diane Koch Vote: Carried

- 12.3. Bylaw 252 "Water Tolls Bylaw No. 252" to set water tolls rates effective January 1, 2023

Motion: to introduce and give first reading of Bylaw No. 252 "Water Tolls Bylaw No. 252" to set water tolls effective January 1, 2023

Diane Koch Seconded: Bob Leggett Vote: Carried

Motion: to reconsider and finally pass Bylaw No. 252 "Water Tolls Bylaw No. 252" to set water tolls effective January 1, 2023

Diane Koch Seconded: Bob Leggett Vote: Carried

- 12.4. November pipeline for review (for assessment notice mail out)

Special meeting notification to be included in November mail out as a separate document.

Motion: to approve November Pipeline as presented

Bob Leggett Seconded: Colin Thompson Vote: Carried

- 12.5. Court of revision date (dependent on mail out, 2-weeks' notice required)

Court of revision date to be determined by email. Needs to be prior to tax invoices being mailed out.

- 12.6. Community Emergency Preparedness Fund

Motion: That Deep Bay Improvement District support the submission of a Community Emergency Preparedness Fund – Volunteer & Composite Fire Departments Equipment and Training grant application through the Union of BC Municipalities for the purchase of a box trailer, additional sprinkler units, portable light stands & batteries, quick connect for truck and ICS 100 course for 10 members for an amount

up to \$21,500, and that DBID trustees support the proposed activities included in the grant application and commit to provide overall grant management

Diane Koch Seconded: Claire Hilscher

Motion to amend to include additional sprinkler units at \$10,000 to increase grant amount to \$31,500

Diane Koch Seconded: Colin Thompson Vote: Carried

Motion as amended: That Deep Bay Improvement District support the submission of a Community Emergency Preparedness Fund – Volunteer & Composite Fire Departments Equipment and Training grant application through the Union of BC Municipalities for the purchase of a box trailer, additional sprinkler units, portable light stands & batteries, quick connect for truck and ICS 100 course for 10 members for an amount up to \$31,500, and that DBID trustees support the proposed activities included in the grant application and commit to provide overall grant management

Vote: Carried

Administrator left the meeting at 8:22 pm Trustee Koch started taking notes.

13. Question Period

Q. Why are some members on this board still trying to convince ratepayers to abandon our right of way and move our watermain from Mr. Cousineau's property, at a huge expense to our ratepayers? There is zero evidence that our right of way or our pipeline contributed to slope destabilization. The RDN's Geotech report nor engineers report did not say there was a need to move the pipeline or abandon our right of way. There was a motion voted on and passed by this Board not to move this pipe towards the E&N tracks. Because of Stuart McLean's support for this idea, I made some phone calls. Our RDN representative say's the RDN is not supporting moving the pipe or abandoning our right of way and there is no funding to make this happen. Another call informed me no one wants to set a precedent of abandoning our right of way, because all of the other right of way agreements, so why are members of this board asking rate payers to come to the meeting in January to try and convince the Board to move the pipeline and abandon our right of way, which we have in perpetuity. (provided by ratepayer)

A. Everything that the Board is doing or trying to do is reflected in the minutes of the meetings. What members of the board do on their own time, that's up to them. All members are aware of their civic duties as Trustees

Q. Been on a lot of Boards and when there is motion and voted on, and a decision is made that it's Black. Even those who did not vote Black should support it.

A. Normal expectations if a matter is discussed and voted on that, (unless its unanimous) if there is a difference of opinion, whatever vote passes is what the collective board would be working together as a Board. Don't agree with all things. It's normal – that's why we have motions.

Q. In the 3 years the board has been in engaged with the issue of the waterline in the ravine, has any effort been made to enquire about an alternative water supply line to service the other side of Ocean Trail? In these 3 years has any effort been made to seek an alternative solution?

A I believe there has been and as part of the new report coming from the Engineers on our System evaluation with the Geotech report its going to expand on our current water distribution system and make recommendations and provide a snapshot of where that is.

Q I haven't seen any evidence of any alternative investigation. No reports, no facts or figures or anything that an examination has been made in 3 years. Could you identify what that is? Could you please educate me on that?

A. I could open it up to other Board members if they feel they have more educational background on the topic, but I don't know if any others do.

Q Regarding this issue, there is somewhere north of \$50,000 spent to date, pursuing this singular avenue of solution for that problem. Money spent knowing there is no end cost certainty. Problematic and ongoing logistics, terrain fault that will always be in ravine. No certainty of environmental or fisheries approval for remedial work. Approval that was given was based on a report done 2 years ago. Will be starting brand new, seeking permission from environment and fisheries to try to get a go ahead. Already invested a substantial amount of money without knowing what cost is. By keeping line where it is, it offers no secondary supply to the system, no long-term security. There is only one source of water going to other side of Ocean Trail – if something were to happen – whole eastern side is without water. There is an alternative solution - no one really knows how viable - not been pursued – baffled it has not. Only 3 Trustees will answer my questions-other 4 remain incommunicado. Knowing these facts, re the ravine – you still pursue a single minded course of action. Look to alternatives, which could be the DL28. It provides cost certainty – no environmental issues to interfere- ease of install in comparison to the ravine- long term utility as terrain is suitable and level. No need to worry about mother nature continuing to push the pipe out of the way. DL28 provides system security because provides a redundant supply of water by feeding into Faye Rd. Now would have water coming from two sources in the system. If one goes down, the other continues to supply water – and DL28 is able to provide that but is sitting unused. Why has this course of action not been pursued?

A Currently, the board is waiting for a Geotechnical report from McElhanney as well it is looking for a report on the infrastructure of the system as a whole. There has been previously approved remedial work for the maintenance of the pipeline. Would like to expand on how you have reached out to other Trustees. All of us – the Board is available, but not via our personal email addresses. We do accept emails and correspondence through the DBID office. That is the avenue that needs to be taken to get information to the Board as correspondence in.

Q. Disappointing that we are seeing such an increase passed on the parcel taxes. Each property will be paying in excess of \$1000 per year for water, fire and the fire hall and 12% increase in user rates. Disappointing, but only two ways to meet budget, increase taxes or increase the tax base. The last McElhanney report indicates we should be at 800 properties at this point. Only way that is going to happen is controlled development. Question – to Fire Chief – there is a grassroots movement for the local family that was displaced by the fire last month. To gather up things they may need for their living situation. Do you have any idea, what that is or where they are living. Is it things they need or is it cash?

A. Last time I spoke to them, they were living with a son in Nanaimo. I haven't had any other communication with them other than to go over the fire and let them know that there is memorabilia that can be taken out.

A. Board / Committee did struggle with decisions and looking at the forecasted deficit Budget out to 2029, the increase provides an extra buffer for future capital expenditures. Best guess right now - still waiting for a report we requested in March. That report is crucial to help us do our budgeting, so we are doing the best we can with what we have. The forecasting for growth projections is part of the process, but the growth projections of the previous reports did not happen. The only other way to balance the budgets is to increase parcel taxes or find alternative funding sources – like grants. Tonight, we saw a request to support a Grant for the Fire Hall. We hope that some of these items would have originally been purchased with operating/capital funds – and now that money would be freed up. We are not eligible for Federal or Provincial grants in 99.9% of the cases.

Q. We spend a lot of our tax money, but could we not look at buying some extra chairs for our fellow rate payers, so they could have a seat at meetings?

A. Revisit with the board to put a capacity on this room due safety (Covid or Fire or other things), but yes additional chairs should be considered – thank you. Budgetary restrictions have allowed us to paint the room and purchase new tables. The amount of ratepayers attending meetings has drastically increased recently, so we were definitely unprepared.

Q. If the line that comes from the Cousineau property to Ocean Trail stays in place – and slope remediation takes place - who knows how many truck loads of fill – is all going over 50 year old line that is going to age out or is there more foresight? If we are going to do this, and settle feud that has been going on for 4 years about access and expropriation – are you going to change the pipe out to PVC then do the slope remediation? Or are you just going to go put a paint job on a car? It's going to get expensive. Is that the plan of board? Or are you just going to leave the old AC pipe in the ground?

A. Waiting to hear back from the Engineers as to what the recommendations are. The board will do what is fiscally responsible and makes sense at the time.

Typically, what they do when they replace old pipe – they do not dig it up – they fill it full of concrete and leave it where it is - then relocate the new pipe to a better location. Exactly what happened on Shoreline – they do not want to touch Asbestos pipe – due to the danger. On more than one occasion I have personally visited the site. The more you look - worse it gets. Pools of water go under our pipe - probes disappear into the ground. Very unstable ground. The contractor who came in to look at it with the Engineers, said that this is scary. Contractor indicated we will need to bring in large machinery and those machines are going to wipe out what is currently there – it's a tricky situation. The reason we are asking McElhanney update our water system is mostly due to changes in the ALR regulations - a lot of the build out proposed in the previous report was on ALR land. DL28 was a top priority in 2008 –but never acted on. We have not made good progress on this file and I hope we do soon. (gallery clapping)

Q. We have never suggested taking away the SROW. But because of ground conditions, there have been two suggestions. 1. Move it over to the old solid railway next to the E&N. Your Engineer and I discussed the ROW and 2. If it was to stay there, we came up a solution -to center the pipeline in a 14ft ROW. Fight has been about the width of the SROW – previous Trustees thought that you needed to have a 20ft ROW. I have over 50 years experience in logging and road building, ROW could be as little as 8 ft. Willing to go to 14ft, so don't let anyone tell you that we have not cooperated. Letter on file in the DBID office from our lawyer. Are you ever going to come and talk to us or are you going to continue to use, the lawyer and spending ratepayers money?

A. There are things the Board can talk about and can't talk about. To elaborate, there are some topics we can not talk about in public, like Human resources matters or other sensitive and confidential matters. We are working within the system and doing our best to deal with all issues before us, to be transparent and get all those items out to the public.

Q. Surprised at the comment to limit the amount of people in the room. Why don't you look at reconfiguring the room? Renting another hall? Everyone should be able to attend-not be restricted. Look at the glass half full not half empty.

A. Appreciate your comment. Regarding occupancy space, I was referring to limits set by the Fire Chief – in no way did I mean to limit the public from a meeting. Whether we go elsewhere or stay here, it's the comfort and safety that needs to be addressed – half empty was not the intent.

Q. Was a Trustee in Union Bay during the tumultuous times. You need to maintain cool heads, not irrational. Moving forward without facts is fatal. The McElhanney report is essential and undertaking a risk assessment and cost evaluation based on that report also essential. Alternative suggestions have been mentioned but not costed. I think its important that these things be looked at before a decision regarding expropriation has been made.

A. We are waiting for those reports.

Q. Earlier I asked if there were any other studies done for an alternative solution. You deferred to the other Trustees. None of which were aware of any other study or they would have stepped up. What study are you referring to?

A. May not be the answer to a study but I can speak to the DL28. The DL28 is the potential to have a pipe go across the highway, across a large property towards the school. It has been in our last few system evaluations as a potential future development. We have not collected any funds from ratepayers or gotten exacts costs, or put it on our capital plan because it is in a section of our engineering report that is for future development. We are bound by bylaw, -when we collect that parcel tax, - that we are only allowed to spend it to renew the system we already have. We are not allowed to spend it to increase capacity – An example would be the reservoir – our old one is not functioning properly and we are increase the capacity of the reservoir. The funds will be taken from two different accounts for this – from your parcel tax which is for replacement and a little bit from the CEC funds. The CEC money is collected from subdivisions and development. The DL28 was always categorized by our Engineers as development project. That is the reason it has never come into the Boards plans for renewal. Hope this is explains why it has never been considered.

Q. There has not been a study done for using DL28 as an alternate supply to the existing system. But is strictly held for development. Most of Deep Bay is not available for development. Regional plan calls for development of Bowser. Then there is not plan for an alternative solution? Here is a quote from the Provincial government general expropriate powers: "The power to expropriate private property is among a local government's most far-reaching authorities, and therefore would only be used with appropriate caution, planning and prudence and used where other reasonable alternatives have been exhausted." We have reasonable alternative. You say you are pushing for this report but the motion was made in March and it never got to the Engineers until September. Meanwhile, a 50 page doc was drafted by your lawyer to proceed with expropriation of the property – to let the property owner know that they are entitled to \$9000. Why would the board do that without exhausting all other alternatives as stated in the powers to expropriate ? Charter is at risk.

Being looked at now. The Lawyer that I gave a deposition to a few weeks ago – I asked if I was bound by any confidentiality - they said no. I am stating that that Lawyer stated our charter could be seriously at risk. I am asking that we explore every possible alternative before we expend another dime on a lawyer to expropriate property for a waterline that shouldn't be there in the first place?

A. Would like to comment on the previous reports mentioned that we received from the Engineers. There were other reports before the 2008/2014 reports received by the DBID, one was in 2003 and I think there was another one in 1998. In the 2003 report from Motherwell Engineering, I believe they actually identified DL28 as not CEC program but actually to close a loop and create redundancy in our system – which is all good for our water system. There was information out there prior to 2008 – I don't know what transpired between 2003 and 2008 for the board to change the way they were looking at the water system, but there was a change.

Delay in water system evaluation report – Trustees understanding is that Engineers were asked for the report in March but failed to provide an estimate and time frame until September.

Q. Request that at the January meeting, the entire amount of money spent on lawyers fees for this ravine water line be stated publicly to the ratepayers?

A. Thanks. There will be a communication outward, hopefully with this November mailing that will have a spot for public input – such as questions – or requests – Noted.

There being no further business the meeting was adjourned to move in-camera at 9:04 pm.

The above minutes were approved by the Board of Trustees on November 17, 2022.

By: _____
Chair of the Trustees

Officer