

COLUMBIA SHUSWAP REGIONAL DISTRICT

Minutes of the Electoral Area Directors' Committee meeting held February 7, 2017
in the Board Room of the Regional District Office, Salmon Arm, BC

Note: The following minutes are subject to correction
when endorsed by the Committee at the next Electoral Area Directors' Committee meeting.

PRESENT

| | | |
|------------|---------------------|--|
| Chair: | P. Demenok | (Electoral Area 'C') |
| Directors: | K. Cathcart | (Electoral Area 'A') (Via Teleconference) |
| | L. Parker | (Electoral Area 'B') |
| | R. Talbot | (Electoral Area 'D') |
| | R. Martin | (Electoral Area 'E') |
| | L. Morgan | (Electoral Area 'F') |
| Staff: | C. Hamilton | Chief Administrative Officer |
| | L. Schumi | Administrative Clerk |
| | L. Shykora | Deputy Manager of Corporate Administration |
| | J. Pierce* | Manager, Financial Services |
| | D. Mooney* | Manager, Operations Management |
| | G. Christie | Manager, Development Services |
| | C. Paiement | Team Leader, Development Services |
| | J. Thingsted* | Planner |
| | C. Benner* | Development Services Assistant |
| | C. LeFloch* | Development Services Assistant |
| | D. Wilson* | Bylaw Enforcement Officer |
| Other | Sgt. Gary Heebner | Chase RCMP Detachment Commander |
| | Sgt. Kurt Grabinsky | Revelstoke RCMP Detachment Commander |
| | S/Sgt. Scott West | NCO i/c Salmon Arm RCMP Detachment |
| | Sgt. Murray McNeil | Sicamous RCMP Detachment Commander |

* attended part of meeting only

CALL TO ORDER

The Chief Administrative Officer (CAO) welcomed the members of the Royal Canadian Mounted Police (RCMP) to the meeting.

The meeting was called to order at 9:37 AM by the CAO. At this time, the CAO conducted the Inaugural proceedings by presiding over the election of the Chair and Vice-Chair.

The CAO stated that if no objection by the Committee, Director Cathcart, who was attending the meeting by teleconference, be able to vote in the election of the Chair and Vice-Chair by emailing her vote to the Deputy Manager of Corporate Administration. There was no objection from the Committee.

ELECTION OF CHAIR FOR 2017

The Chief Administrative Officer called for nominations for the position of Chair for 2017.

Director Martin nominated Director Parker. Director Parker consented to the nomination.

**ELECTION OF CHAIR
FOR 2017 (cont'd)**

Director Talbot nominated Director Demenok. Director Demenok consented to the nomination.

After calling three times for nominations, the Chief Administrative Officer provided the nominated Directors the opportunity to make presentations to the Committee prior to the election by ballot.

SCRUTINEERS FOR THE COUNTING OF BALLOTS

M/S Directors Talbot/Demenok THAT:
The Administrative Clerk and the Deputy Manager of Corporate Administration Services be appointed as scrutineers for the counting of ballots associated with the election of Chair and Vice-Chair.

CARRIED

Ballots were distributed and the vote was conducted.

Following the counting of the ballots, the Chief Administrative Officer declared Director Demenok as Chair of the Electoral Area Directors' Committee for 2017.

**ELECTION OF VICE
CHAIR FOR 2017**

The Chief Administrative Officer called three times for nominations for the position of Vice-Chair for 2017.

Director Talbot nominated Director Parker. Director Parker consented to the nomination.

The Chief Administrative Officer called three times for nominations.

Hearing no further nominations for the position of Vice-Chair, the Chief Administrative Officer declared Director Parker as Vice-Chair of the Electoral Area Directors' Committee for 2017 by acclamation.

M/S Directors Martin/Talbot THAT:
the ballots for the elections of Chair and Vice-Chair held on February 7, 2017 be destroyed.

CARRIED

Director Demenok assumed the Chair at this time.

ADOPTION OF MINUTES/MATTERS ARISING**MINUTES ELECTORAL
AREA DIRECTORS'
COMMITTEE MEETING
DECEMBER 2, 2016**

M/S Directors Talbot/Morgan THAT:
the minutes of the December 2, 2016 Electoral Area Directors' Committee Meeting be adopted as circulated.

CARRIED

Chair Demenok moved the Good Neighbour Bylaw item up for discussion at this time, as to respect the time of the RCMP officer guests.

**CONSIDERATION OF
GOOD NEIGHBOUR
BYLAW FOR THE
REGULATION OF
NOISE AND PROPERTY
MAINTENANCE WITHIN
ELECTORAL AREAS A,
B, C, E AND F**

Brought forward from September 22, 2016 Electoral Area Directors' Committee meeting (deferred until after the Bylaw Enforcement Policy brought forward).

Feasibility study to help determine the effectiveness of a noise bylaw across the province has now been conducted and responses have been compiled for easy reference.

RCMP in attendance for dialogue and consultation as to the RCMP's role in enforcing a Noise Bylaw:

- Sgt. Gary Heebner, Chase Detachment Commander
- Sgt. Kurt Grabinsky, Revelstoke RCMP Detachment Commander,
- Sgt. Scott West, NCO i/c Salmon Arm Detachment
- Sgt. Murray McNeil, Sicamous RCMP Detachment Commander.

L. Shykora, Deputy Manager of Corporate Administration, reviewed her report from the September 22, 2016 Electoral Area Directors' Committee meeting. Upon consultation with other Regional Districts on how they handle noise and unsightly premises complaints, most advised a Noise or Good Neighbour bylaw is a useful tool to have.

Chair Demenok invited the RCMP members to speak at this time.

Sgt. Scott West of the Salmon Arm Detachment asked the Committee is it the Regional District's intention to have the RCMP solely enforce this bylaw due to shortage in staff? The CAO explained that the Regional District staff would certainly be involved in the enforcement process, however most noise complaints occur late in the night and it is the Regional District's thought that the RCMP would be a useful tool in enforcing the bylaws with the ability to issue tickets.

Sgt. West stated the RCMP has no objection to the RCMP being named as enforcement agency, with the cooperation of the Regional District, but not as sole enforcer, the RCMP would take issue with that. He noted that the RCMP do respond to noise complaints now, however they are lower priority in comparison to their other calls. May to September is the busiest time of year however recent years have shown even the shoulder season has been quite busy. Some areas will take priority over others, Blind Bay/Sorrento and Salmon Arm being the largest areas for noise related complaints. Officers do pay attention to all noise complaints received and prioritize accordingly as some issues can turn into physical threats. Sgt. West advised he is in support of a noise bylaw and having the ability to use discretion to issue a ticket rather than just arresting an offending person would greatly reduce costs and backlog in the Courts. That being said, the Regional District will need to take an active role in enforcement and develop an effective line of communication between the RCMP and the Regional District.

Sgt. Gary Heebner of the Chase Detachment spoke to the Committee regarding Area F and that it would be helpful to have a noise bylaw to address late night complaints. The Criminal Code offers charging an offending person with Mischief which create backlog in the courts so it is not a good tool, not to mention the cost. The RCMP operates on a very limited budget so having enough manpower to enforce is definitely an issue. Director Morgan commented that the RCMP's response rate to complaints in Area F has been good.

**CONSIDERATION OF
GOOD NEIGHBOUR
BYLAW FOR THE
REGULATION OF
NOISE AND PROPERTY
MAINTENANCE WITHIN
ELECTORAL AREAS A,
B, C, E AND F (cont'd)**

Sgt. Murray McNeil from the Sicamous Detachment provided information on previous experiences with regard to a noise bylaw. Police officers cannot force their way into someone's private residence, which make it difficult to respond to noise if they are unwilling to open the door. Police did have the opportunity in his previous detachment, however, to post a violation ticket on the front door which if left unpaid would go against their property taxes. Overall, does support a noise bylaw and would help in enforcing it.

When it comes to unsightly premises bylaw, the Columbia Shuswap Regional District's Bylaw Enforcement Officers would be expected to solely enforce as those complaints tend to happen during normal business hours.

The CAO stated the Regional District has no expectation of the RCMP to solely enforce noise or unsightly premises bylaws. The Regional District would enforce at its own discretion and suggested the costs could be shared if a complaint was considered serious enough, would be extremely less expensive than incurring the legal costs that the Regional District is currently dealing with now.

Responding to a question regarding cigar boats, it was stated that it is extremely difficult to enforce decibel noise from these boats. It is more of a Transport Canada issue.

Sgt. Kurt Grabinsky of the Revelstoke Detachment spoke to the increasing number of complaints in the Revelstoke area. There has been a great deal of growth in the area due to Revelstoke being a resort town. He also has found a good number of the complaints turn into a more serious matter, for example, physical violence, impaired driving offences etc. A noise bylaw would be useful in separating the basic noise complaints from the criminal offences. He added comment that he suspects there would be an increase in complaints should a noise bylaw be put in place. In responding to a question regarding ticketing, Sgt. Grabinsky responded that issuing a ticket is not always the first action, it would be at the RCMP officer's discretion, if the person is compliant upon first warning then no, a ticket would not be issued. If it is a chronic occurrence then yes. There was a question of what the savings are with regard to ticketing versus criminal code offences. In response, Sgt. Grabinsky stated that while ticketing is not a means of generating revenue, it is a useful tool in enforcement. Court costs can be quite high.

The CAO recognized that noise disturbances is highly time consuming for the RCMP, and reiterated that the Regional District would take an active role in enforcing this bylaw in order to make it a win-win situation.

A comment from the Electoral Area E Director was that people in this area don't call the Regional District regarding noise, they go directly to the RCMP. Most of the time the RCMP response rate is slow; if there is a response at all it is probably because it is just feuding neighbours and in these cases there needs to be a solid line of communication to handle this type of frivolous complaint.

The RCMP Officers left the meeting at this time.

Chair Demenok then advised the Committee he would like to go around the table and give each Director an opportunity to voice their views on implementing a good neighbour bylaw.

**CONSIDERATION OF
GOOD NEIGHBOUR
BYLAW FOR THE
REGULATION OF
NOISE AND PROPERTY
MAINTENANCE WITHIN
ELECTORAL AREAS A,
B, C, E AND F (cont'd)**

Electoral Area A, Director Cathcart: Area A is concerned with this. First step would be to determine how much extra work is going to be put on staff. How can we make sure staff time is being used efficiently? Do we hire more Bylaw Enforcement Officers? What would that cost look like?

Electoral Area B, Director Parker: Area B did have a noise bylaw in the past and most of the complaints were regarding barking dogs and unsightly premises. Very difficult to enforce as you have to prove what particular dog was barking. With regard to unsightly premises, Director Parker noted that she is not in favour because one person's unsightly premises is another person's paradise. Would like to see a noise bylaw however because most of the complaints that come in require RCMP attendance anyway. At least this way RCMP have the option to ticket and reduce the paperwork and time.

Electoral Area D, Director Talbot: Not in favour of a good neighbour bylaw as the cost would be too great. In order to enforce we would need to hire more Bylaw Enforcement Officers and that would be too costly to justify bringing in a noise bylaw. Director Talbot stated he would talk to the North Okanagan RCMP about a noise bylaw and ticketing methods at the stakeholder meeting in mid-February.

Electoral Area F, Director Morgan: In support of a noise bylaw, but not unsightly premises. Concerned over overtasking staff. The Manager of Development Services stated his revised Bylaw Enforcement Policy addresses these issues.

Electoral Area E, Director Martin: Does not support unsightly premises, believes it would lead to a division of community. Expressed concern over the RCMP not responding to complaints at all in Area E. Would support a noise bylaw, again expressing concerns over cigar boats. Public consultation would be needed as citizens usually have higher expectations than what the Bylaw Enforcement Officers can typically meet.

It was noted that hearing from local members of the RCMP is a good first step to see how we can go about this. Communication between the Regional District and the RCMP will be key. Director Parker stated the costs would decrease if we forego the unsightly premises clause. The ticketing method would be ideal. Director Cathcart asked about some municipalities that have unsightly premises bylaws have the authority to send their own Bylaw Enforcement Officers onto offending properties and clean it up and then charge it back to the landowner to recoup the cost. The CAO responded by saying the Regional District is not a taxing authority so therefore does not have the legal ability to do so. Municipalities have their own tax roll and are able to charge property owners with clean-up costs.

The CAO advised we could take a low cost approach, but also noted that we need to be clear on what is trying to be achieved. Overall the noise issue is fairly small; we need to find a balance and prioritize complaints accordingly. Director Morgan stated there are extreme noise issues in Area F, especially during the summer months, endless parties, boating at night etc. The CAO responded by asking would it have been handled better if the Regional District had been involved when the RCMP responded efficiently. Director Morgan said if we have a bylaw in place, it would create more awareness in the community and might deter the public because they know they could be ticketed; financial implications. Director Talbot agreed adding it is another tool in their toolbox because right now they don't have much to go on.

**CONSIDERATION OF
GOOD NEIGHBOUR
BYLAW FOR THE
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MAINTENANCE WITHIN
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B, C, E AND F (cont'd)**

Director Parker stated however it would increase the expectations of the public, especially those frivolous noise complaints between neighbours, for example mowing the lawn at an odd hour, barking dogs etc. It would put the onus on the Regional District to handle these, taking up much staff time. The CAO responded by saying we are absolutely not providing any staff time on those lawnmower complaints and the Manager of Development Services added that the new Bylaw Enforcement Policy being brought before the Committee today does address prioritizing some of these complaints.

The CAO confirmed that the recommendation would definitely be to forego an unsightly premises bylaw, and to entertain a noise bylaw. The CAO suggested that the Committee put forward a recommendation to the Board to direct staff to draft a bylaw for first reading and get public feedback.

Chair Demenok agreed also citing the unsightly premises matter will be brought back up by the public, especially in Area C. Chair Demenok and Director Cathcart wished to table the discussion on unsightly premises for now, but both wished to revisit it at a later point when costs and enforcement issues might be better understood.

Recommendation to the Board

M/S Directors Martin/Talbot THAT:

it be recommended to the Board that staff be directed to draft a Noise Bylaw pertaining to Electoral Areas A, B, C, D, E & F for first reading, to be followed up by a public consultation process in the affected communities.

CARRIED

REPORTS BY STAFF

**BYLAW
ENFORCEMENT
POLICY A-69**

Report from G. Christie, Manager, Development Services, dated October 25, 2016 referred to Electoral Area Directors' Committee from November 17, 2016 regular Board meeting.

Due to a significant increase in bylaw enforcement complaints of all types, and additional bylaws being adopted by the Board, which require enforcement (e.g. Official Community Plans and Zoning Bylaws), a review was undertaken of the Columbia Shuswap Regional District's (CSR's) existing Bylaw Enforcement Policy and Bylaw Enforcement Procedure. Both the policy and the procedure required significant changes to more effectively focus limited staff resources and budget towards priority areas of concern, namely serious complaints primarily related to health, safety, and the environment. For clarity and to avoid duplication, Bylaw Enforcement Policy A-69 details the roles and responsibilities of staff and contains all necessary procedures for setting priorities and processing complaints. It is expected that these changes will result in:

- greater staff efficiency by establishing priorities to better deal with serious complaints;
- reduction in frivolous complaints;
- providing the public with clearer expectations of the bylaw enforcement and complaints process; and,
- re-direction of complaints which do not fall within the responsibility or authority of the CSR

**BYLAW
ENFORCEMENT
POLICY A-69 (cont'd)**

Mr. Gerald Christie, Manager of Development Services, reviewed his report from the October 25, 2016 Electoral Area Directors' Committee meeting.

Discussion:

Mr. Christie stated that most bylaw enforcement complaints come out of Electoral Area C, with Electoral Area F close behind. Most are planning related, also health and safety, for example, septic and sanitation, followed by noise.

Development Services staff handle complaints on a case by case basis and currently have no policy on prioritizing these complaints. As of now anyone can make a complaint from any area on any property. There was a comment on protecting property owners, whereas there could be renters committing an offence, is there anything in the policy to reflect that? Mr. Christie advised that he will check on that.

Chair Demenok asked if the Area Director can make a complaint on behalf of a number of people with the same concerns; he has been approached by a few different people but don't want to necessarily make a formal complaint themselves, don't want to rat out a neighbour. Director Talbot and Director Morgan also expressed concerns regarding this. Mr. Christie confirmed that an individual would have to make a formal complaint in writing. The Directors agreed that if an individual is not willing to make a formal complaint then it must not be that important. While it is agreed that the Directors should express citizens' concerns to Development Services staff, the onus should not be on that Director to make a formal complaint on someone else's behalf. Once a Director becomes involved it could lead to costly legal processes, sworn Affidavits would be required etc. Directors can, however, take no position when talking with concerned members of the public and just inform them that they will pass their comments onto the Development Services staff.

In response to a question, Mr. Christie stated that certain provincial government agencies have an expectation for the Columbia Shuswap Regional District to take an active role in enforcing their regulations as well as the CSRD's, the Agricultural Land Commission being a prime example. One of the main ideas behind the revised policy is to push back on agencies like the Agricultural Land Commission and Interior Health to enforce their own regulations.

The CAO stated that he is certainly hopeful that the Committee will go ahead with Mr. Christie's recommendation to include this revised policy in the CSRD Policy Manual. Chair Demenok thanked Mr. Christie for his informative report and noted that he supports this policy change. He suggested there may be benefits to using I.T. solutions such as tracking systems as a way to automate replies to queries etc.. Secondly, Bylaw Enforcement Officers need to be well trained so they can effectively manage the workload.

Director Morgan asked if bylaw mediation would be an option, Mr. Christie responded that other regional districts are doing that and it has been proven helpful. The bylaw adjudication process is currently being looked into.

**BYLAW
ENFORCEMENT
POLICY A-69 (cont'd)****Recommendations to the Board**

M/S Directors Parker/Talbot THAT:
the Board endorse Policy A-69 "Bylaw Enforcement Policy" and approve its inclusion into the CSRD Policy Manual.

CARRIED

M/S Directors Martin/Morgan THAT:
the Board rescind Policy P-16 "Bylaw Enforcement" and Procedure PR-7 "Bylaw Enforcement Procedure" from the CSRD Policy and Procedure Manual.

CARRIED

REPORTS BY STAFF**HEAD LEASE /
LICENSE OF
OCCUPATION**

Report from G. Christie, Manager, Development Services, dated January 26, 2017.

Discussion:

Mr. Christie provided background on the outcome of the research done by Development Services staff on the possibility of taking on a Head Lease from the Province, this arising from the last Electoral Area Directors' Committee meeting where the Board asked staff to provide a report on the research.

It was noted that costs would be substantial, mostly insurance and administration expenses, as outlined in the report.

Mr. Christie explained that there are only a handful of municipalities in the interior of British Columbia that have had Head Leases. The District of Summerland let their head lease for Okanagan Lake adjacent to their District boundary lapse primarily due to costs; the City of Kelowna also had one but has scaled it back significantly to just the downtown waterfront area and eventually abandoned it all together; the District of Peachland is currently working with First Nations groups to establish a Head Lease.

With regard to the enforcement of dock and buoy regulations, a Head Lease might be a good tool but the onus is still on the Regional District to enforce and would most likely end up incurring court costs. The Province is not enforcing their regulations even though they have the tools to do so. Director Martin suggested that Development Services staff draft a resolution to the Southern Interior Local Government Association (SILGA) to get the Province to start enforcing their own rules, adding that the deadline to submit resolutions to SILGA is the end of this month. Administration staff advised that the draft resolution to SILGA will be brought forward through the February, 2017 Board Late Agenda.

Chair Demenok suggested maybe it best to remove the buoys clause for Lakes Zoning Bylaw No. 900 altogether - the Regional District doesn't have the resources to do anything about it anyway. Director Morgan disagreed stating Bylaw No. 900 should remain in place but maybe look at making a few changes due to the amendments to the Provincial Private Moorage Program and would like to make a motion to this effect.

**HEAD LEASE /
LICENSE OF
OCCUPATION (cont'd)**

Mr. Christie responded that a tremendous amount of staff time is spent on dock and buoy complaints, it is a complicated situation and the time and legal costs are just not worth it.

Recommendation to the Board

M/S Directors Morgan/Parker THAT:
the Electoral Area Directors receive the Head Lease / License of Occupation report dated January 26, 2017 for information;

AND THAT:

it be recommended to the Board that the CSRD not pursue a head lease agreement (for lakes within the Shuswap region) with the Province at this time.

CARRIED

M/S Directors Morgan/Parker THAT:
Development Services staff be directed to review the amendments to the Provincial Private Moorage Program and review its impacts to Lakes Zoning Bylaw No. 900, foreshore tenures and parcel taxes.

CARRIED

REPORTS BY ELECTORAL AREA DIRECTORS**CHANGES TO THE
PROVINCIAL PRIVATE
MOORAGE PROGRAM**

Requested by Director Morgan.

This matter is related to Head Lease/Licence of Occupation so the Committee did not discuss further.

**MEDICAL MARIJUANA
DISPENSARIES**

Requested by Director Martin.

How to respond to queries (other than to say we are waiting on senior levels of government)?

Discussion:

Director Martin spoke to this stating in Electoral Area E the smell of some known medical marijuana grow operations is quite strong. There has been some concern from citizens with regard to dispensaries in the Malakwa area.

Mr. Jan Thingsted, Planner, reported to the Committee that medical marijuana dispensaries are still illegal as they are not licensed by Health Canada and are untested as to the quality and safety of the product.

Director Talbot said that the City of Vancouver dealt with these dispensaries by refusing to issue business licenses so they had the authority to shut them down. Director Martin agreed that could be one way to become more involved in the process but the CSRD does not have that ability. Is there a way the CSRD could look at an effective way of regulating dispensaries?

**MEDICAL MARIJUANA
DISPENSARIES (cont'd)**

Mr. Thingsted reported that a Medical Marijuana Legalization Task Force has been brought forward to make recommendations to the Federal Minister. It appears that the recommendations suggest dispensaries would be a "stand alone" shop; local government would be involved in the consultation process of this federal regulation. Mr. Thingsted reiterated that medical marijuana dispensaries are not a legal use at this time. A copy of the Task Force on Cannabis Legalization and Regulation document will be circulated to the Electoral Area Directors for information.

Chair Demenok removed Implementation of the Shuswap Agricultural Area Plan from the Agenda.

ADJOURNMENT

12:10 PM

M/S Directors Morgan/Talbot THAT:
the February 7, 2017 Electoral Area Directors' Committee meeting be adjourned.

CARRIED

CERTIFIED CORRECT

CHAIR

CHIEF ADMINISTRATIVE OFFICER