



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
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Port Clements, BC
V0T1R0
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7:00 p.m. Regular Meeting of Council Monday, May 22nd, 2018

AGENDA

1. ADOPT AGENDA

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS

3. MINUTES

- M-1 – May 7th, 2018 Regular Council Meeting Minutes.
- M-2—May 9th, 2018 Special Council Meeting Minutes.

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS

BA-1—(WHARF) Progress report on getting Wharf in good serviceable conditions and getting the second set of figures for the lower load limits based on the previous engine report – CAO Ruby Decock

BA-2—(PRIORITIES) Progress report on the Council's Public Works priorities and confirmed timelines - CAO Ruby Decock

BA-3—(ALL-ISLAND MEETING) Progress report on request for meeting with all other communities on Island to attend an All-Community Meeting in Port Clements – CAO Ruby Decock

BA-4-- (RTC CLINIC) Progress report for further information regarding the Clinic Addition -- CAO Ruby Decock

BA-5—(Grant Application) Progress report on Application to the Gwaii Trust Vibrant Communities for \$10,000 to put towards the removal of the water tower – CAO Ruby Decock

BA-6—(Office) Progress report on the reduction of Office service hours – CAO Ruby Decock

BA-7—(Support letter) Progress report on the support letter for PCES's application to Gwaii Trust and to other grants for playground equipment – CAO Ruby Decock

BA-8—(WATER RESERVOIRS) Progress Report on cleaning water storage reservoirs or hiring someone to clean them – PW Supervisor O'Donoghue

BA-9—(SWABBING) Progress Report on installing a new swabbing station at the 4" water line on Well 2 and the Water Treatment Plant and swab the line with the help of the PCVFD as recommended in the McElhanney report #6 - PW Supervisor O'Donoghue

BA-10—(SWABBING) Progress Report on presenting a plan, including a timeline, to Council on what would be required for swabbing the entire water distribution system in Port Clements – PW Supervisor O’Donoghue

BA-11—(MOWER) Progress Report on researching price for a tractor attachment to mow ditches and/or look into options to outsource the work to a contractor – PW Supervisor O’Donoghue

BA-12—(SOCCER FIELD) Progress report on investigating proper equipment for the soccer field maintenance. Extend research to Prince Rupert area and at possible cost-sharing options with other communities. – PW Supervisor O’Donoghue

BA-13—Clinic Flooring & Heat Return Ventilation System – Council requested that this item be placed on agenda to reconsider past motions affecting the Clinic Flooring and Heat Return Ventilation System.

UB-1—Request for Land Transfer – email from Randy & Gloria O’Brien

5. ORIGINAL CORRESPONDENCE

C-1—Request to Apply for Funding through the Gwaii Trust Community Event Program – Tlell Fall Fair Committee.

Recommended Motion: That the Village of Port Clements applies to the Gwaii Trust Community Event Program to fund the Port Clements Canada Days for \$2000, the Tlell Fall Fair for \$1500 and The Edge of the World Music Festival for \$1500.

C-2 –Request for Reimbursement from Tourism Budget – Joan Hein

6. FINANCE

7. GOVERNMENT

G-1 – Revocation of Conflict of Interest Agreement – Report by CAO Decock

G-2 – Request for Award of Contract – CAO Decock

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

R-1 – Report on Meetings Attended – Councillor Daugert

10. ACTION ITEMS

A-1 – see Action Items list.

11. QUESTIONS FROM THE PUBLIC & PRESS

12. IN-CAMERA

13. ADJOURNMENT



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Minutes of the Public Review & Comments for the Five Year Financial Plan 2018-2022 – 6:00-7:00 PM in the Council Chambers.

Question from Manzanita Snow:

What is happening with the outdoor washrooms and why was no funding applied for this project when there is funding available for this project?

Answer from CAO Decock:

Council did not want to fund such a project because the cost for installing "Port-o-potty's" for the winter months was not feasible. Also, the consideration of installing a permanent outhouse was seen as unacceptable as there are sewer and water hookups close by. The cost of constructing a new washroom would be an expense that Council found was not a priority for 2018. In addition, the cost for winterizing the existing public washrooms were not feasible and not a priority for 2018.

Minutes of the regular meeting of the Port Clements Council held Monday, May 7, 2018 in Council Chambers.

Present:

Mayor Thomas
Councillor O'Brien Anderson
Councillor Daugert
Councillor Cumming
Councillor Stewart

CAO Ruby Decock

Members of the Public and Press Present: Joan Hein, Bev Lore, Manzanita Snow, Aaron Cunningham, Craig Beachy, Derek van Heek, Marilyn Bliss, Pat Johnston

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

1. ADOPT AGENDA.

2018-05-125 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council adopts the agenda with the amendment that the award of the Water Tower RFP be completed at the Special Council Meeting on May 9th, 2018 at 1 pm.

CARRIED

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS.

3. MINUTES.

M-1—April 10, 2018 Special Council Meeting minutes
2018-05-126 – Moved by Councillor Daugert, seconded by Councillor Cumming
THAT Council adopts the April 10, 2018 Regular Council Meeting Minutes as presented.
CARRIED

M-1

M-2 – April 16, 2018 Regular Council Meeting minutes

2018-05-127 – Moved by Councillor Daugert, seconded by Councillor Stewart

THAT Council adopts the April 16, 2018 Regular Council Meeting Minutes with a minor correction in C-1 changing “socially” to “socially”.

CARRIED

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS.

BA-1—(WHARF) Progress Report on getting Wharf in good serviceable conditions and getting the second set of figures for the lower load limits based on the previous engine report – CAO Ruby Decock

BA-2—(PRIORITIES) Progress report on the Council’s Public Works priorities and confirmed timelines -CAO Ruby Decock

BA-3—(ALL-ISLAND MEETING) Progress report on request for meeting with all other communities on Island to attend an All-Community Meeting in Port Clements – CAO Ruby Decock

BA-4– (RTC CLINIC) Progress Report for further information regarding the Clinic Addition – CAO Ruby Decock

Progress Report from CAO Decock for BA-1 – 4 and UB-1

2018-05-128 – Moved by Councillor Stewart, seconded by Councillor Daugert

THAT Council receives the report from CAO report from CAO Decock

CARRIED

BA-5—(WATER RESERVOIRS) Progress Report on cleaning water storage reservoirs or hiring someone to clean them – PW Supervisor O’Donoghue

BA-6—(SWABBING) Progress Report on installing a new swabbing station at the 4” water line on Well 2 and the Water Treatment Plant and swab the line with the help of the PCVFD as recommended in the McElhanney report #6 - PW Supervisor O’Donoghue

BA-7—(SWABBING) Progress Report on presenting a plan, including a timeline, to Council on what would be required for swabbing the entire water distribution system in Port Clements – PW Supervisor O’Donoghue

BA-8—(MOWER) Progress Report on researching price for a tractor attachment to mow ditches and/or look into options to outsource the work to a contractor – PW Supervisor O’Donoghue

BA-9—(SOCCER FIELD) Progress report on investigating proper equipment for the soccer field maintenance. Extend research to Prince Rupert area and at possible cost-sharing options with other communities. – PW Supervisor O’Donoghue

2018-05-129– Moved by Councillor O’Brien Anderson, seconded by Councillor Daugert

THAT Council receives the Public Works Superintendent report.

CARRIED

BA-10—Clinic Flooring & Heat Return Ventilation System – Council requested that this item be placed on agenda to reconsider past motions affecting the Clinic Flooring and Heat Return Ventilation System.

BA-11—Discipline Suspension and Termination Policy 17, 2018 – Still under review by legal counsel

UB-1—Request for Land Transfer – email from Randy & Gloria O’Brien

5. ORIGINAL CORRESPONDENCE

C-1 – Report from MIEDS Grant Writer – Chris Williams

2018-05-130 – Moved by Councillor O’Brien Anderson, seconded by Councillor Stewart

THAT Council receives the report from the MIEDS Grant Writer.

CARRIED.

M-1

C-2 – Letter from Minister of FLNRO & RD – Doug Donaldson
2018-05-131 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council receives the letter from Minister Doug Donaldson.
CARRIED.

6. FINANCE

F-1 – Financial Statements – Report from Auditor.
2018-05-132– Moved by Councillor O'Brien Anderson, seconded by Councillor Cumming
THAT Council approves the Village of Port Clements Financial Statements for the Year ended December 31, 2017.
CARRIED.

Councillor Cumming left the room at 7:32 pm.

F-2—Signing Authority for Deputy Clerk Elizabeth Cumming
2018-05-133– Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council approves Elizabeth Cumming as a signing authority for all Village of Port Clements accounts held with financial institutes.
CARRIED.

Councillor Cumming returned to the room at 7:33 pm.

7. GOVERNMENT

G-1- Council Resolution 2018-113 – Rescind the Readings 1-3 of Financial Plan Bylaw for the Years 2018-2022 Bylaw 447, 2018.

2018-05-134 – Moved by Councillor Cumming, seconded by Councillor Stewart
That Council rescinds motion 2018-113 – Readings 1-3 of Financial Plan Bylaw for the years 2018-2022 Bylaw 447, 2018.
CARRIED

G-2- Application to Gwaii Trust for Water Tower Removal
2018-05-135 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council applies to the Gwaii Trust Vibrant Communities for \$10,000 to put towards the removal of the water tower.
CARRIED

G-3 – Request for Budget Increase in expenses to adjust for MIEDS Administrative Costs presented in Financial Plan 2018 -2022– CAO Decock
2018-05-136 – Moved by Councillor O'Brien Anderson, seconded by Councillor Daugert
THAT Council increases the Administrative Budget for MIEDS from \$2500 from \$4651.44 for the year 2018 and from \$2500 to \$4522. 87 presented in the Financial Plan 2018-2022.
CARRIED

G-4 – Proposed Change to Office Hours for Public Service
2018-05-137 – Moved by Councillor Daugert, seconded by Councillor Stewart
THAT The Village Office reduces its current services hours of 5 days per week to 4 days per week, Tuesday – Friday inclusive, and remain open those days from 9:30 AM to 1:00 PM and that staff report back to Council on the effectiveness of this measure.
CARRIED

M-1

G-5 – Readings of 1-3 of Financial Plan Bylaw for the Years 2018-2022 Bylaw 447, 2018.
2018-05-138 – Moved by Councillor Cumming, seconded by Councillor Stewart
THAT Council completes Readings 1 – 3 of Financial Plan Bylaw for the Years 2018-2022 Bylaw 447, 2018.
CARRIED

2018-05-139 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council completes Readings 1 – 3 of Tax Rate Bylaw 448, 2018.
CARRIED

G-7 – Terms of Employment, Safety and Grievance Policy 4, 2018 – Updated.
2018-05-140 – Moved by Councillor Stewart, seconded by Councillor O'Brien Anderson
THAT Council moves this item to in-camera as per section 90 (1) (c)
CARRIED

G-8 – Education and Training Policy 18, 2018
2018-05-141 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart
THAT Council adopts the Education and Training Policy with any changes listed:

2 (a) That the clause "Unless otherwise directed by a Council Resolution" can work to the intent and allow exceptions and training agreements to adapt to the best person available.

3 (a), 3 (b), 4 (a) to include: employees training to upgrade their skills and abilities in a way that will benefit the Village may apply to have their costs and fees paid for by the Village. Should they be unsuccessful in completion of their course or certificate, the costs shall be reimbursed to the Village through payroll deduction in a term not to exceed six months.

4 (b), 4 (c) to include: employees required to attend courses or travel on their regular days off shall be reimbursed with equal time off at a date agreed to between the employee and their supervisor.

CARRIED

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

Councillor O'Brien Anderson: Nothing to report.

Councillor Cumming: Attended the all island emergency preparedness meeting on Wednesday. Note that emergency test will happen on May 9th at 1:55 pm.

Councillor Daugert: Attended the MIEDS meeting and Gwaii Trust AGM

R-1 – Report on Gwaii Trust Society 2018 AGM – Councillor Daugert

2018-05-142 – Moved by Councillor O'Brien Anderson, seconded by Councillor Stewart

THAT Council receives the report.

CARRIED

Councillor Stewart: Attended the Tourism Meeting. Still looking for photos for brochure. All Islands SPCA group – All Communities on board, the Regional District and RCMP are also in favour. Looking

CAO Ruby Decock: Completing the financial reporting, tax statements will be printed out, working on hiring a new employee.

Mayor Thomas: Coffee with the Mayor – successful meeting – addressing the staffing issues also addressing the social housing.

Resource Benefits Alliance call – looking at meeting all day with RBA.

10. ACTION ITEMS

11. QUESTIONS FROM THE PUBLIC & PRESS

M. Bliss: When are you going to have another "Coffee with the Mayor"

Mayor Thomas: June 8th, 2018

Joan Hein: Any update on the big stump?

Councillor O'Brien Anderson: It is going to happen and it is challenging getting the stump from Rennel Sound.

H-1

Joan Hein: You also had some development on the corner of Dyson? Yes, it is going to happen. There is something in the works.

Bev Lore: At the coffee with the Mayor, there was discussion about the Showers and Laundry available. Suggest that Council bring it up or look for funding for this. Also, if the SPCA is looking to be centrally located, then we need to get the business situated here. Let's increase the economic growth by bringing this initiative here. We have the land and the space. Land is more affordable in Port Clements than in Tlell.

Response from Councillor Stewart: It's all being looked at and looking at donation of the land in Tlell so that the animals can be closer to the Veternarian.

Question: Will the Village be doing anything to beautify Port Clements? Maybe that the Village be able to do some weeding of the garden beds by the fire hall and across from the Village Office. Maybe you can use the beautification budget to pay for contractor to work on weeding. CAO to look into the possibility of using the budget for this.

Marilyn Bliss: Want to let Council know that there is a Business Expo in the Senior's room. If council would like to attend they are invited.

12. IN-CAMERA as per Section 90 (1)(c) & (d)

2018-05-143 Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council move to in-camera meeting as per section 90 (1)(c) and (d) at 8:45 pm.
CARRIED

13. ADJOURNMENT

2018-05-144 – Moved by Councilor Stewart
THAT the meeting be adjourned at 10:23 PM.
CARRIED

Urs Thomas
Mayor

Ruby Decock
CAO

11-1



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Minutes of the Special Council Meeting held Wednesday, May 9, 2018 in Council Chambers.

Present:

Mayor Thomas
Councillor Daugert
Councillor Cumming
Councillor Stewart

CAO Ruby Decock

Regrets: Councillor O'Brien Anderson

No members of the public or press present.

Mayor Thomas called the meeting to order at 1:05 pm.

1. ADOPT AGENDA.

2018-05-145 – Moved by Councillor Daugert, seconded by Councillor Stewart
THAT Council adopts the agenda as presented.
CARRIED

2. ORIGINAL CORRESPONDENCE

C-1 – Request for Support Letter – Verena Gibbs
2018-05-146 – Moved by Councillor Daugert, seconded by Councillor Stewart
That the Village of Port Clements writes a support letter for the Port Clements Elementary School's application to Gwaii Trust for playground equipment funding and another support letter for other grant applications indicating that the Village of Port Clements supports the Port Clements Elementary School's grant application(s) for playground equipment.
CARRIED.

3. GOVERNMENT

G-1-- Adoption of Financial Plan Bylaw for the Years 2018-2022, Bylaw 447, 2018
2018-05-147 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council adopts the Financial Plan Bylaw for the Years 2018-2022 Bylaw 447, 2018.
CARRIED

G-2 – Adoption of Tax Rate Bylaw 448, 2018.
2018-05-147 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council adopts the Tax Rate Bylaw 448, 2018.
CARRIED

4. WATER TOWER CONTRACT AWARD

2018-05-148 – Moved by Councillor Stewart, seconded by Councillor Daugert

That Council awards the Water Tower RFP to O'Brien & Fuerst Logging Limited for \$20,000 and request for a quote for the brushing and removal of the brush and if the additional brushing quote is reasonable, to award the additional brushing work to the company.

CARRIED

ADJOURNMENT

2018-05-149 – Moved by Councilor Cumming

THAT the meeting be adjourned at 1:36 PM.

CARRIED

Urs Thomas
Mayor

Ruby Decock
CAO

DRAFT



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PROGRESS REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: May 17, 2018
Re: Business Arising Progress Report

Background: This is the progress report on how Administration has been working on passed Council resolutions that were directed to the CAO to attend to.

(2018-013) THAT Council agrees to spend the amount as quoted in the Report to Council to get the Wharf in good serviceable conditions and in order to get the second set of figures for the lower load limits based on the same considerations in the way it is written in the original report on the Rainbow Wharf.

The CAO sent an email to the Engineer on February 6th, 2018. The Engineer was out of the office until February 23rd. The CAO contacted the Engineer on March 1st and March 27th for an update. No new information was received until March 28th when an email was received. The Engineering Firm does not have time to look at the work and does not know when they will. They suggest that if we wish to use another engineering firm we can.

No new update as of May 17th, 2018.

(2018-037) THAT the CAO look at the above priorities and confirmed timelines back to the Public Works' Committee and to Council at the next Public Works' Committee Meeting and the next Council Meeting. (In regards to Feb 5th meeting with the motions made directing public works).

This is subject to Strategic Planning and commitments and is still in progress.

(2018-052) THAT Council requests a meeting with all the other communities on Island to attend an All-Community Meeting in Port Clements, as soon as it can be arranged by the CAO. The CAO requires more specific information from Council that she can present to the other communities: agenda, intent, what outcomes/expectations are to come out of this meeting.

BA-1 to BA-7
+ UB-1

(RTC Clinic) Progress Report for Further Information Regarding the Clinic Addition

The CAO met with the Lease Manager and BCHES is to prepare and present a report. As of April 12, 2018 this items is still outstanding as the CAO has not received this report. On April 30, 2018, the BC Housing and an engineer visited the Port Clements ambulance site. They anticipate having a plan for Council to review for May 22nd, 2018 meeting.

As of May 17th, 2018 there is the update that they will not have the report completed for May 22nd. They will likely send the report near the end of June after the civil design has been completed and the site related costs have been internally confirmed.

UB-1 Request for Land Transfer

The CAO is still working on this. There are other Council priorities that have continued to delay this.

(2018-05-135) THAT Council applies to the Gwaii Trust Vibrant Communities for \$10,000 to put towards the removal of the water tower.

It was discovered by the CAO that Gwaii Trust Vibrant Communities Grant has an application deadline of the 1st of every month, with approval occurring at their board meetings. The next Gwaii Trust board meeting will be June 20th. As the motion to apply to this grant was made on May 7th it missed this application deadline. The Grant Writer has submitted the application by emailing it to Gwaii Trust. The water tower removal will not start until the end of June due to this delay, and it has been confirmed with the contractor that this is an acceptable delay.

(2018-05-137) THAT The Village Office reduces its current services hours of 5 days per week to 4 days per week, Tuesday – Friday inclusive, and remain open those days from 9:30 AM to 1:00 PM and that staff report back to Council on the effectiveness of this measure.

The change in hours started on Monday, May 14th. The office closure on Monday did lead to a very productive day for office staff. Evaluation is still ongoing.

(2018-05-146) That the Village of Port Clements writes a support letter for the Port Clements Elementary School's application to Gwaii Trust for playground equipment funding and another support letter for other grant applications indicating that the Village of Port Clements supports the Port Clements Elementary School's grant application(s) for playground equipment.

The support letter has been sent and this item is completed.

Respectfully submitted:



CAO Ruby Decock

BA-1 to BA-7
+ UB-1

Council Motion Progress Report

Submitted by Public Works Superintendent

**note: Headings behind actual council resolutions are my wording, do not reflect the exact wording of the actual motions.*

**Current updates in red color. Note that recent direction from council regarding important priority changes has affected progress on previously directed council motions below. E.g. old water tower lot, paving etc.*

2018-29 – Green Sand Testing

- Clarification from engineer re: testing method received. 21 page Method report complete (Jay), available to CAO for review. Need 2 workers one entire day and proper window of opportunity for plant shutdown to complete sampling procedure. Yet to be scheduled.
- (2018-04-03) No progress

2018-30 – Water Storage Cleaning

- As reported verbally previously, this is an ongoing operational activity which happens through the year. Specific activities and actions are available for review by CAO.
- (2018-04-03) Since last report, operationally have drained sediment on Reservoir #1 and #3. Ongoing activity.
- (2018-04-13) Sediment drained on Reservoir#2. Ongoing activity

2018 -31- Install New Swabbing Stations and Swab Well 2 Supply Line

- In progress. Design reviewed, parts ordered, not yet received.
- (2018-04-03) Parts received. Scheduling yet to occur.
- (2018-04-13) Parts reviewed. Scheduling delayed due to staffing issues.

2018-32 – Plan for Swabbing Entire Distribution System

- In progress, preliminary planning considerations and review of requirements with Northern Health drinking water officer ongoing. Reminder that any activity such as this must meet the requirements of Northern Health Facility # 16094.
- Site visit with drinking water officer held March 14, 2018.
- (2018-04-03) Spoke with Fire chief re: availability of PCVFD and potential schedule. No further progress. Awaiting reply from Northern Health chief engineer re: concerns and approval.

BA-8 to BA-12

- (2018-04-13) Further discussion with Fire Chief re: PCVFD planning a swabbing event, as well as engaging PCVFD in hydrant maintenance. (Necessity for effective swabbing) Discussions with Northern Health regarding alternative procedures to their requirements for hyper-chlorination after swabbing activity. (ie: Present requirement is to isolate system and hyper-chlorinate 2mg/l for 24 hours, not feasible without disruption to residents)
- (2018-05-03) Reviewed existing swab launch station with Fire Chief. Decision made to excavate and test for viability going forward.

2018-33 – Research Tractor Attachment to mow ditches w/ options to outsource.

- Consulted VOPC Contractor/Equipment list and no such contractor/equipment listed.
- Verbally contacted local highways contractor who operates adequate boom mower/tractor combination and followed up with an email on 02-02-2018 requesting pricing and availability as well as estimate of meters/hour the equipment is capable of to achieve Ministry of Highway standards. No reply to email requests.
- Options for outsourcing: Council can resolve to develop a scope of work and put out RFP.
- (2018-04-03) Received rates and capabilities from local highways contractor regarding hiring their equipment and operator. Reminded of their priorities possibly conflicting with our scheduling needs. Further researching possible equipment purchase to aid in VOPC in house road edge and ditch line mowing.
- (2018-04-13) See 2018-69 Quotes to be reviewed with CAO when complete. Action pending budget acceptance.

2018-34 – Present a plan to repair/maintain sports turf.

- In progress
- Progress report previously submitted, resulting in single direction of Council resulting in motion #2018-51 (see heading below for further info.) No further direction provided regarding contents of progress report.
- (2018-04-03) Turf maintenance begun, aerated field with equipment on hand, spring season lime application complete, light dethatching/de-mossing accomplished with improvised equipment. Seed to be ordered shortly and applied as per Richardson's Ranch/Supplier's advice.
- (2018-04-13) Initial spring seed order placed at Richardson's Ranch as per suppliers guidance re: application methods and spread rates.
- (2018-05-03) Seed received and spring application ongoing. Turf improving.

2018 – 035 – Present a plan on how to maintain trails in Port Clements.

- (2018-04-03) On Feb. 12, 2018, entire length of trail was walked and notes taken. Major concerns are lack of adequate crush (bare spots, underlay material showing) in many areas. Awaiting purchase of equipment and supply of adequate crush to make ongoing necessary

BA-8 to BA-12

safety and maintenance improvements to trail bed. Some brushing of previously identified view areas has been completed this year with local contracted labour. More to proceed. All bridges in operable condition, but note made to monitor anti slip material for future replacement.

- (2018-04-13) Plan outstanding. Some ongoing maintenance complete.(Trail re-grading)

2018 -36 - Removal of failed Sewage Lagoon Aerator

- Not complete.
- Tentatively scheduled by end of month with other pending contracted machine work in vicinity.
- (2018-04-03) Not complete. Machine work in vicinity tentatively scheduled by end of this week.
- (2018-04-13) Task complete. Awaiting engineer's recommendation for repair or replacement with like or other system.
- Site visit by engineer scheduled for Friday 2018-05-04. CAO to verbally update.

2018 -51 – Staff investigates availability of proper equipment for Sports Turf Maintenance on islands.

- In progress.
- Contacted VOM PW: Reviewed equipment and scheduling. No dethatching or aerating equipment. 72" flat blade mower used on a 2 week cutting rotation. (Note that they do not do any sports turf, only boulevards/green spaces etc. No opinion on adjusting mowing schedule for sports turf)
- Contacted SD50 staff: No aerating or dethatching equipment used. 72" flat blade mulching mower used on a 2 week cutting rotation. Operator noted that they plan to "rehab" sports turf this year by increasing frequency and cutting shorter.
- Contacted Dixon Entrance Golf Club volunteer operator: No aerating or dethatching equipment used. 2 large (9' & 12') tow behind reel mowers used. Not very portable. Invited me up for a site visit to discuss use and availability further. Cutting schedule is as needed performed by volunteer.
- Tried contacting Willows Golf Club on Moresby island. Web site does not resolve and posted phone # disconnected.
- (2018-04-03) See motion 2018-069 below.

2018-69 – Staff looks into pricing in Prince Rupert and to look at other communities for possible cost sharing options.

- (2018-04-03) Site visit to Willows Golf Course, met with volunteer greenskeeper. All equipment is "tied up in probate or estate resolution" and greenskeeper was not interested at this time in any shared resources or activities. Phone messages left at various equipment suppliers in Prince Rupert and beyond. Some quotes received. Ongoing.

BA-8 to BA-12

- (2018-04-13) Options and quotes incoming from Northern suppliers. (Prince George – Prince Rupert)
- (2018-05-03) Recent brushing of trail edge and key areas (park bench viewpoint) well received by public.

BA-8 to BA-12



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REPORT TO COUNCIL

Author: Ruby Decock
Date: May 18, 2018
Re: Gwaii Trust Community Events Grant Application

BACKGROUND

The Community Events Grant provides up to \$5,000.00 annually for each recognized community, as defined by Gwaii Trust, on Haida Gwaii. This grant may be applied for and utilized at the discretion of the individual community governance applicants, but applications must be of general benefit to community members at large. This grant is intended to support and encourage each individual community, and the events held within their area throughout the year. Gwaii Trust has identified the Village of Port Clements as the recognized community governance body for the Graham Island Central/Tlell area and therefore is the only organization that can submit an application for this grant on behalf of the Tlell and Port Clements communities. The Village of Port Clements is also responsible for disbursement of the funds.

DISCUSSION

Historically, Port Clements has submitted the grant and disbursed the funds as follows:

- Port Clements Canada Days \$2000
- Tlell Fall Fair \$1500
- Tlell Edge of the World Music Festival \$1500

The Village of Port Clements received a request from the Tlell Fall Fair to apply for the Community Events Program. The Village of Port Clements would also like to apply for the grant as the deadline is a minimum of 1 month prior to the event occurring.

IMPLICATIONS:

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

N/A – This does not impact the OCP or the Strategic Plan

FINANCIAL (Corporate Budget Impact)

This reduces the costs that the Recreation Commission requires to operate Canada Days. Without this cost, the budget will be strained for other Recreation Commission Events.

ADMINISTRATIVE (Policy/Procedure Relevancy, Workload Impact and Consequence)

This is expected by staff to complete, the amount of reporting is minimal and the impact to staff workload is minimal.

RECOMMENDATIONS:

1. That Council approves staff to apply to the Gwaii Trust Community Events Program for the Port Clements Canada Days, the Tlell Fall Fair and the Edge of the World Music Festival. The amounts to be disbursed from this grant will be \$2000 for Canada Days, \$1500 for the fall fair and \$1500 for the music festival.

Respectfully submitted:

A handwritten signature in cursive script that reads "Ruby Decker".

Enclosure: Letter from the Tlell Fall Fair Committee

Tlell Fall Fair Committee
PO Box 497, Queen Charlotte, BC
V0T 1S0



Ruby Decock
Chief Administrative Officer
Village of Port Clements
Box 198
Port Clements, BC
V0T 1R0

Re: Gwaii Trust Funding for Community Events

The Tlell Fall Fair respectfully requests funding through the Gwaii Trust Community Event Program. As previously discussed, we request \$1500 as per agreement between the Gwaii Trust representative and you as the distributing agent for the area funding.

This year's Fair is August 5, 2018, and our theme is "Roots, Shoots and Fruits".

We hope to see you there.

Thank you on behalf of the Tlell Fall Fair Committee.

Douglas Louis
President, Tlell Fall Fair Committee

C-1

Ruby Decock

From: Berry Wijdeven <spiderslide@gmail.com>
Sent: May-18-18 11:44 AM
To: Ruby Decock
Subject: Re: Community Events Program Grant

Fully supportive! Looks great.

Thanks,
Berry

P.S. You know you don't have to use the entire \$2000 for Canada Day. In the past council has used some of the money for other events (all island seniors event or Port 100). Your call.

On Thu, May 17, 2018 at 5:25 PM, Ruby Decock <cao@portclements.ca> wrote:

Hello Berry,

The Village of Port Clements would like to apply for the Community Events Program Grant.

In the past the Village disbursed the funds as follows:

Port Clements Canada Days \$2000

Tlell Fall Fair \$1500

Edge of the World Music Festival \$1500.

Are you supportive of this application and disbursement for 2018? I am bringing this forward to Council on Tuesday, May 22, 2018 Council Meeting.

Ruby Decock

Chief Administrative Officer

Village of Port Clements

Box 198

Port Clements, BC

May 9, 2018

Hi Ruby,

After the last tourism meeting Lorette, Dale, Julia, and myself were very dissatisfied and decided to have a meeting on our own to decide how to proceed, and also wanted to discuss the amalgamation of tourism and economic development.

Last night we met and discussed many issues but the most important I think are;

- The general consensus is not to amalgamate tourism with economic development, feeling the tourism will get lost in economic development therefore needs to stand along. We could be a commission answering to the Economic committee but they were quite insistent that we stand alone.
- Can we continue to meet on our own without council representation if we take our own minutes and hand them into the village office. No minutes were taken last night as it was more of an "where do we head from here" meet.

We had considerable discussion on St Mark's and what support was needed. They want the bill for the internet hook up to be paid from tourism budget. I have already paid this personally so we can work out how to reimburse this. We also want to purchase coffee/tea room supplies that will probably be paid on my credit card but they want this also reimbursed. All the re-stock items will be purchased by me or Museum with reimbursement through sales.

We also proofed the brochure but Julia is still searching for a cover photo.

Let us know your thoughts and how we should proceed.

Joan

Joan Hein

From: Mary Lou <marylou@gwaii-comm.com>
Sent: May 8, 2018 1:06 PM
To: Joan Hein
Subject: Re: Internet for St Mark's Gift & Gallery

Hi Joan,

I have created the acct and added the equipment (see below). The account number is S11960. Gwaii Communications accepts bill payments by e-transfer (billing@gwaii-comm.com), chq and via NSCU Memberlink bill payment (online).

--
Best Regards,

Mary Lou Von Niessen
Executive Assistant
250.559.7777
marylou@gwaii-comm.com



23.235.69.249

S11960 St. Mark's Gift & Gallery
pkg: NONE street: 54 Bayview St Port Clements
postal: Box 417 Port Clements
email: pcmuseum@qcislands.ca
phone: 250.557.6809

account balance 336.00

transaction details:

tran date	message	amount	running balance
2018-05-08	wireless radio Nano-M3 ??	225.00	225.00
2018-05-08	GST (on \$225.00)	11.25	236.25
2018-05-08	PST (on \$225.00)	15.75	252.00
2018-05-08	router - wireless	75.00	327.00
2018-05-08	GST (on \$75.00)	3.75	330.75
2018-05-08	PST (on \$75.00)	5.25	336.00
account balance			336.00

On 2018-05-04 8:00 AM, Joan Hein wrote:

Sounds good. I will need a router also, and May 17th works for me. Although we are operated by the Port Clements Historical Society, I would like this set up as a separate account to make it easier for tracking. I can e-transfer the money as soon as you get me an account number.

Thanks!

Joan



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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: May 17, 2018
Re: Revocation of Conflict of Interest Agreement

BACKGROUND:

In the spring of 2017 the Village of Port Clements held a Council By-Election in which Councillor Brigid Cumming was elected by acclamation. At the same time as the election, CAO Kim Mushynsky was actively pursuing hiring a Local Government Intern to fill the yearlong internship with the Village of Port Clements, the Village of Masset and the Misty Isles Economic Development Society (MIEDS). Councillor Cumming's daughter, Elizabeth Cumming, had applied for the internship and was the successful applicant. At that time, CAO Mushynsky made a report to council on April 27, 2017 informing Council that there was the potential for a perception for a Conflict of Interest for Councillor Cumming if Intern Cumming was to be hired as the Deputy Clerk in 2018. There was no legal advice obtained regarding this matter and at the May 1, 2017 Council Meeting, Council made the following motion:

2017-104 – Moved by Councilor Daugert, seconded by Councilor Stewart
THAT Council recommends that Councilor Cumming step down from Council in June of 2018 if her daughter, Elizabeth Cumming, who is the successful applicant for the Intern position with Port Clements, is promoted to a full-time position in May of 2018, due the perception of Conflict of Interest. Further, that Councilor Cumming not run in the 2018 General Municipal Election if this chain of events comes to pass.
CARRIED

On May 5, 2018 Councillor Cumming signed an agreement to resign from Council effective June 1, 2018 as per the above motion.

DISCUSSION:

On April 16, 2018, Councillor Cumming emailed the CAO to provide notice of the revocation of her agreement with the Village of Port Clements dated May 2, 2017. Councillor Cumming had provided copies of the agreement and a report to Council dated April, 27, 2018. Her revocation was based on her correspondence with the Ministry of Municipal Affairs and Housing. The advice she received from the Ministry representative was that Council does not have the authority to order a member of Council to step down due to a conflict of interest unless it meets the requirements stated in section 110 & 111 of the *Community Charter*.

Upon discussion with the Ministry representative, he identified that it is extremely difficult to remove a Councillor from office unless the requirements of section 110 of the *Community Charter* can be met. When questioned about the agreement signed by Councillor Cumming, he identified that it would not be enforceable. The CAO also questioned as to whether Council would need to rescind the motion 2017-104 and he identified that section 131 of the *Community Charter* does allow for the Mayor to initiate a reconsideration of a resolution within 30 days of the original vote, but this is more than a year and can no longer be enforced. He suggested that for clarity sake, that the resolution should be rescinded or amended to make it compatible with the *Community Charter* on disqualification. However, he also referred to a published handbook titled *A Handbook for Municipal Councils – Under the Community Charter and the Local Government Act – November 2008*, specifically the section about Common Law Bias as a potential issue, the following excerpt was taken from page 23 the publication:

Common Law Bias

This is non-statutory pecuniary conflict of interest. It is a conflict or bias that is not pecuniary but still affects the member, apart from the objective merits of the issue. However, it is not to be confused with political bias, i.e. left, right or centre politics. This can be a situation where a friend, business associate or family member or their interest can influence the member to vote in a certain way.

While a conflict of this sort will not disqualify a member from holding office, it can result in a challenge to the validity of the individual's vote or an action of the council, such as a bylaw, resolution or contract.

(Retrieved from

https://www.civicinfo.bc.ca/Library/Elections/Municipal_Councillors_Handbook_2008--Staples_McDannold_Stewart--November_2008.pdf).

As Councillor Cumming has not partook on any votes or discussions that include or impact Elizabeth Cumming, the CAO is under the perception that Council has no authority to have made such a request of Councillor Cumming to sign the May 2, 2018 agreement; however, the CAO has requested legal counsel to review the information provided by Councillor Cumming and the agreement in which she has signed to determine if the agreement is still valid.

CONCLUSION

To date, Councillor Cumming has declared her conflict of interest regarding Intern Cumming who is now Deputy Clerk Cumming. She has not participated nor has discussed with Council any items that involved the hiring or issues where discussions about Elizabeth Cumming were brought up. Also, Council has not provided a record or reference where Councillor Cumming as breached section 110 of the *Community Charter*. Therefore, Council has no authority to prevent Councillor Cumming from partaking in governing the Village of Port Clements unless Council brings forward instances where Councillor Cumming has failed to comply with section 110 of the *Community Charter*. The CAO is awaiting further confirmation from legal counsel to ensure that the issue at hand is valid as presented in this report.

IMPLICATIONS:

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

N/A – this has no impact.

FINANCIAL (Corporate Budget Impact)

N/A – there is minor impact on requesting legal advice.

ADMINISTRATIVE (Policy/Procedure Relevancy, Workload Impact and Consequence)

This has required staff to investigate and request legal advice regarding the agreement and its validity. This has caused an increase in workload.

RECOMMENDATIONS:

1. That Council accepts Councillor Cumming's revocation of the signed agreement and carry on with VOPC business as per usual. Councillor Cumming will continue to reside on Council and will do so until June 1, 2018 and possibly longer depending on the legal advice provided by legal counsel. Council will address the issue of Councillor Cumming's Conflict of Interest Agreement at the June 4, 2018 Council meeting once the legal opinion from legal counsel is received and potentially rescind the motion 2017-104 at the June 4, 2018 meeting if necessary.
2. That Council accepts Councillor Cumming's revocation of the signed agreement and carry on with VOPC business as per usual and rescind Council Resolution 2017-104 and dissolves the agreement between Councillor Cumming and the Village of Port Clements signed on May 2, 2018.

Respectfully submitted:



Enclosures:

April 16, 2018 Notice of Revocation Email from Councillor Brigid Cumming;
Emails from Ministry of Municipal Affairs and Housing;
Community Charter [SBC 2003] Chapter 26 - Section 100, 110 & 111;
Signed May 2, 2017 Conflict of Interest Agreement;
Intern Report To Council Report by CAO Kim Mushynsky.

G-1

5/16/2018

Roundcube Webmail :: Fwd: RE: request to step down from Council

Subject **Fwd: RE: request to step down from Council**
From Brigid Cumming <b.cumming@portclements.ca>
To Ruby Decock <cao@portclements.ca>
Date 2018-04-16 18:24



- B Cumming COI agreement Village of Port Clements.pdf (~36 KB)
- Internship Conflict of Interest Info.pdf (~52 KB)

Hi Ruby,

On May 5, 2017 I signed a letter drafted May 2, 2017 by then-CAO Kim Mushynsky on behalf of the Council of the Village of Port Clements regarding Elizabeth Cumming Internship. At its meeting of May 1, 2017 members of council (Acting Mayor O'Brien Anderson, Councillor Daugert, Councillor Stewart) passed a motion, #2017-104, directing that in the event my daughter was hired by the CAO of the Village of Port Clements to work for the village at the end of her internship I would be asked to step down from Council and further, not to run for Council in the 2018 election.

At the time, believing Council had the authority to make and enforce this request, I agreed and signed the letter. While I have considerable experience with non-profit societies, I had no previous municipal experience when I was acclaimed to office, and non-profit societies may under certain circumstances remove directors from office.

Subsequently, Mr. Simon Rasmussen, Program Analyst, Governance and Structure Branch, Ministry of Municipal Affairs and Housing, has advised me that in fact the Council of the Village of Port Clements does not have the authority to request that I leave office, nor do they have the authority to request that I not run in the 2018 election. This renders Council's motion of May 1, 2017 and the CAO's letter of May 2, 2017 ultra vires, and as such, they have no validity.

I therefore revoke my agreement to the letter of May 5, 2017, copy attached. Instead, I plan to serve until the end of my existing term of office in November 2018.

thank you,

Brigid Cumming

----- Original Message -----

G1-1



The Village of
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Phone :250-557-4295
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Email : cao@portclements.ca
Web : www.portclements.ca

May 1, 2017

To: Councillor Brigid Cumming

Re: Elizabeth Cumming Internship

At the Regular Meeting of Council on May 1, 2017 the following resolution was passed:

RISE AND REPORT FROM IN-CAMERA MEETING

2017-104 - Moved by Councillor Dauger, seconded by Councillor Stewart

THAT Council recommends that Councillor Cumming step down from Council in June of 2018 if her daughter, Elizabeth Cumming, who is the successful applicant for the Intern position with Port Clements, is promoted to a full-time position in May of 2018, due to the perception of Conflict of Interest. Further, that Councillor Cumming not run in the 2018 General Municipal Election if this chain of events comes to pass.

CARRIED

It is Council's desire that there be no real or perceived Conflict of Interest insofar as the hiring and potential promotion of Elizabeth Cumming to a full time position with the Village of Port Clements. Council further wants to avoid all real or perceived opportunity for influence on her in this position.

Therefore, after the conclusion of the Internship on April 30, 2018, if the Administrator makes the decision to offer her a regular full time position with the Village of Port Clements, you will be asked to tender your resignation from Council effective June 1, 2018 so as not to trigger another by-election. Council also requests that you do not run in the November 2018 General Election if these events come to pass.

Please sign below to acknowledge receipt and agreement to this request.

Thank you.

Sincerely,

Kim Mushynsky, CAO

I, Brigid Cumming acknowledge receipt and agree to the terms outlined in this letter. Dated this 5 day of MAY, 2017.

Brigid Cumming
Councillor Brigid Cumming

Disclosure of conflict

100 (1) This section applies to council members in relation to

- (a) council meetings,
- (b) council committee meetings, and
- (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].

(2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has

- (a) a direct or indirect pecuniary interest in the matter, or
- (b) another interest in the matter that constitutes a conflict of interest,

the member must declare this and state in general terms the reason why the member considers this to be the case.

(3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].

(4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,
- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
- (c) after this, participate and vote in relation to the matter.

(5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].

(6) When a declaration under subsection (2) or a statement under subsection (4) is made,

- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and
 - (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

Division 7 — Challenge of Council Member Qualification for Office

Disqualifications to which this Division applies

110 This Division applies to the following disqualifications from holding office on a council:

- (a) disqualifications under the following provisions of this Act:
 - (i) Division 6 [*Conflict of Interest*] of this Part;
 - (ii) section 120 (1.1) [*failure to make oath of office*];
 - (iii) section 125 (5) [*unexcused absence from council meetings*];
 - (iv) section 191 (3) [*unauthorized expenditures*];
- (b) disqualifications under section 81 (2) [*persons disqualified from holding local government office*] of the *Local Government Act*, other than disqualifications referred to in section 81 (2) (h) [*disqualifications under the Local Elections Campaign Financing Act*].

Application to court for declaration of disqualification

111 (1) If it appears that a person is disqualified as referred to in section 110 and is continuing to act in office,

- (a) 10 or more electors of the municipality, or
- (b) the municipality,

may apply to the Supreme Court for an order under this section.

(2) As a restriction, a municipality may only make an application under subsection (1) if this is approved by a resolution that

- (a) is adopted by a vote of at least 2/3 of all council members, and
- (b) identifies the grounds for disqualification referred to in section 110 which the council considers apply.

(3) Sections 100 [*disclosure of conflict*] and 101 [*restrictions on participation if in conflict*] do not apply to the council member who is subject to a resolution referred to in subsection (2) of this section in relation to that resolution.

(4) An application under this section may only be made within 45 days after the alleged basis of the disqualification comes to the attention of

- (a) any of the electors bringing the application, in the case of an application under subsection (1) (a), or
- (b) any member of council other than the person alleged to be disqualified, in the case of an application under subsection (1) (b).

(5) Within 7 days after the petition commencing an application under this section is filed, it must be served on

- (a) the person whose right to hold office is being challenged, and
- (b) in the case of an application under subsection (1) (a), the municipality.

(6) On the hearing of the application, the court may declare

- (a) that the person is qualified to hold office,
- (b) that the person is disqualified from holding office, or
- (c) that the person is disqualified from holding office and that the office is vacant.

Community Charter [SBC 2003] Chapter 26. Queens Printer, BC. Retrieved from http://www.bclaws.ca/Recon/document/ID/freeside/03026_04#division_d2e10008 on May 17, 2018.

Subject: RE: RE: request to step down from Council
From: MAH LG Governance MAH:EX <LGgovernance@gov.bc.ca>
To: 'gnimmuc@qcislands.net' <gnimmuc@qcislands.net>
Date: 2018-04-17 10:00



Hi Brigid,

I think Simon's key message is well stated that a council cannot compel one of its members to resign. It is also worth stating conflict of interest rules can be found in Charter section 100. In general, the rules provide that elected officials who have a pecuniary (financial) or another interest in a matter to be discussed and voted on must declare their conflict, as you said that you have done. The key to these requirements is that the onus is on the council member to determine if they must declare themselves as being in conflict of interest. Following their declaration, the elected official may not participate in discussions, vote or exercise influence on this matter.

If there are concerns that an elected official is in a conflict of interest and has failed to follow Charter process, then 10 or more electors of the municipality or the municipality may apply to the Supreme Court for an order to address this issue under section 111 of the Charter. Only the courts are able to decide if there is indeed a conflict.

I am in the office now for the rest of the week if you want to follow up.

As an aside, we are trying to use the LGgovernance email in the event that one Analyst is unable to answer an urgent question. I apologize that this wasn't set up earlier as myself and the team were still learning the process.

Best regards,

Scott Leitch | Governance Analyst
Governance and Structure Branch | Ministry of Municipal Affairs and Housing
778-698-1167

----- Original Message -----

Subject:RE: request to step down from Council

Date:2018-04-16 15:51

From:"MAH LG Governance MAH:EX" <LGgovernance@gov.bc.ca>

To:"gnimmuc@qcislands.net" <gnimmuc@qcislands.net>

Hi Brigid,

As discussed, here is a brief recap of our conversation today:

There is no provision in the *Local Government Act* or *Community Charter* stating that council can compel one of its members to resign.

While you must conduct yourself carefully to avoid a potential conflict, the arbiter of any actual conflict is the courts, not your fellow council members.

I would strongly encourage council to seek the opinion of a solicitor who specializes in local government law on how a councillor in your situation can best avoid conflict.

If you or the CAO or Port Clements have any further questions, please don't hesitate to contact me or one of my colleagues at the phone number below, or at this e-mail address.

Simon

Simon Rasmussen | Program Analyst

Governance and Structure Branch

Ministry of Municipal Affairs and Housing

Ph: 250-387-4020 | Fax: 250-387-7972 | Simon.Rasmussen@gov.bc.ca

4th Floor, 800 Johnson St | PO Box 9839 Stn Prov Govt | Victoria, BC | V8W 9T1



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REPORT TO COUNCIL

Author: Kim Mushynsky

Date: April 27, 2017

Re: Internship

Background: Between NDI and Gwaii Trust we have 100% funding for a one year internship on Haida Gwaii with Port Clements being the lead community on the application. This is very timely for the Village of Port Clements as it allows us to work with a recent University graduate for a year to ensure that we all agree that the intern and the job are a good fit because then we are able to roll that over into a full time position as part of the succession plan for my retirement. Further, because we are doing this through NDI's internship program, if we offer this person a full time position at the conclusion of the initial internship period, NDI will fund 25% of their wages for a second year. To repeat what was previously told to Council, we are not getting a summer student this year for the office.

I have finalized the contract in conjunction with NDI and the successful applicant will probably be starting May 15, 2017 (the funding initially indicated a May 1, 2017 start date so we have managed to come really close to that start date in spite of some of the challenges in getting local applicants for the position).

In addition to an initial vetting of applicants by Renata King at Northern Development Initiative Trust, the 4 eligible intern applicants were all interviewed by a team which included myself, Trevor Jarvis – CAO Village of Masset, Lori Weideman – CAO Village of Queen Charlotte and Janine North – CAO Misty Isles Economic Development Society. As a group we made the decision on which applicant to offer the position to.

The successful applicant is Elizabeth Cumming, who graduated in 2017 from Simon Fraser University with a Bachelor of Arts specializing in comparative politics.

As this creates the potential for a perception of a Conflict of Interest, with Brigid being a Councillor, the interview team was very thorough in our thought process and followed an identical interview format with predetermined weighting for each of the questions with each of the applicants. Each interviewer then independently provided a value for each applicant and the applicant with the highest total value was chosen.

As the intern is not in a position of authority within the organization and is in fact overseen by up to four separate organizations, and is required to sign a Code of Conduct, I do not believe there will be an issue with Brigid remaining on as Councillor. However, should we decide in 2018 to permanently hire Elizabeth for the Deputy Clerk position then I would definitely suggest that Brigid not put her name forward for the 2018 Election.

However, if Council feels, as a group, that the potential for Conflict of Interest is too great then I would suggest that Brigid put forward her resignation from Council in 2018. By waiting until 2018 it allows us the remainder of 2017 with a full Council and avoids the necessity of having another bi-election.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Jim Musty". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.



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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: May 18, 2018
Re: Request for Contract Award

BACKGROUND

In 2017, the Village of Port Clements applied for to the Union of BC Municipalities (UBCM) for a \$15,000 Asset Management Grant as well as a \$44,000 Federation of Canadian Municipality Grant for Asset Management as well. In 2018, the Village of Port Clements was notified of their successful applications.

DISCUSSION

The CAO would like to award the VOPC Asset Management contract to Urban Systems; however, the Village of Port Clements has a Purchasing Policy No. 3 which states the following:

"Contracting for works valued in excess of \$15,000.00 shall be done via tender or request for proposals. The Tender process is utilized when specifications and conditions to a contract are known. The contract is built into the tender document.

Tenders will be evaluated on but not limited to the following:

- i) The lowest of any price may not necessarily be accepted.**
- ii) Must have evidence of successful performance for similar works. "**

This normally would have been done; however, the FCM grant application was written in a manner which states that Urban Systems will be working in the contract. One of the considerations for this funding is the internal and external human resources that will be completing the work. In the Village of Port Clements project, the following was submitted.

"The CAO will lead the project from the Village of Port Clements. The Village of Port Clements will be engaging Urban Systems Ltd to carry out the activities. Urban Systems (lead by John Wenginer) recently facilitated the development of the Asset Management for Sustainable Service Delivery: A BC Framework. Urban Systems also recently developed the Asset Smart assessment tool for BC, the Asset Management Business Requirements for Yukon communities as well as the Asset Management Roadmap for BC First Nation Communities for Aboriginal and Northern Development Canada."

As this company has been stated in the grant application and considered by FCM for the awarding of the grant, we would require an amendment to the agreement for the project. In addition, the time frame for the project requires that the contract be awarded as soon as possible. Under the circumstances, Council would need to award the contract as it exceeds the CAO's spending authority as well as breaks Purchasing Policy No. 3.

IMPLICATIONS:

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

This affects the strategic planning as this project helps identify VOPC's assets and provides insight as to how to strategically plan for replacement of infrastructure. If Council wishes to adhere to the purchasing policy, this would cost a delay in the project by a at least 1 ½ months.

FINANCIAL (Corporate Budget Impact)

There is no impact to the budget from this project as the funding is provided by UBCM and FCM.

ADMINISTRATIVE (Policy/Procedure Relevancy, Workload Impact and Consequence)

This saves time for the staff and the public works. The result is that the project can commence sooner rather than later. This will also help with the future plans for collecting quotes sooner, rather than later. This will save time for any grant applications which may be due in Fall 2018.

RECOMMENDATIONS:

1. That Council awards the Asset Management and Inventory Project to Urban Systems and permit that Council provides permission to staff to ignore Purchasing Policy No. 3 due to the circumstances of the Federation of Canadian Municipalities Asset Management grant application and time lines to complete the project.
2. That Council requests staff to contact the Federation of Canadian Municipalities to amend their application to remove Urban Systems as the external human resource group and advertise a request for quotes for the project from other companies to provide similar project quotes for the Asset Management Project.

Respectfully submitted:



Enclosure: Purchasing Policy No. 3

**Village of Port Clements
Purchasing Policy
Policy No. 03**

Originally prepared by Clerk/Treasurer Heather Nelson-Smith - 2009
Updated by CAO Kim Mushynsky - 2017

Adopted: 2009 by Mayor and Council
Last Reviewed and approved by Council: June 2017
Next Review: May 2019

Objective: To set guidelines for the procurement of goods and services for the Village.

Policy: For works and services approved within the adopted financial plan, the following procedures are hereby set forth.

Procedure:

AUTHORITY

The CAO and Public Works Superintendent are hereby appointed by Council as the "purchasers" of the Municipality to purchase goods and services within the scope of this policy.

The Purchasers may only expend within the approval of the current adopted financial plan and the limits imposed by the current Establishing Officer Positions Bylaw's spending limitations.

Where practical the Village will endeavor to shop locally. Preference will be given to local suppliers and contractors up to a premium of 10%.

CONTRACTING WORKS

Annually the Village of Port Clements will put out a call for a list of services and/or equipment by contractors island wide. The Village will ensure that anyone included on this list is notified either by regular mail or electronically of any quotes, tenders or request for proposals the Village puts out.

Contracting out for goods or services valued at \$5000.00 to \$15,000.00 (excluding taxes) requires written quotes. The Purchasers shall seek to obtain a minimum of three written quotations from Contractors, recognizing that we may not always succeed in receiving three quotes.

Quotes will be evaluated based on the following:

- a) Price
- b) Equipment and related experience and suitability
- c) Time frame of works

Contracting for works valued in excess of \$15,000.00 shall be done via tender or request for proposals. The Tender process is utilized when specifications and conditions to a contract are known. The contract is built into the tender document.

Tenders will be evaluated on but not limited to the following:

- i) The lowest of any price may not necessarily be accepted.
- ii) Must have evidence of successful performance for similar works.

Requests for proposals are used for the purchase of goods, services, equipment and materials when there are no specifications to work with, or when the Village is searching the

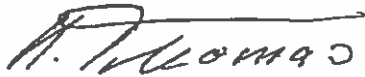
marketplace for new and innovative ideas and has made a decision not to use specifications. A contract is formed after the successful proposal has been selected.

Request for Proposals will be evaluated on but not limited to the following:

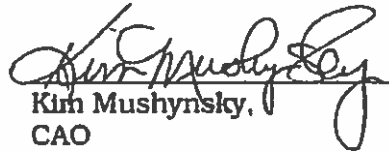
- i) The lowest of any price may not necessarily be accepted.
- ii) Must have evidence of successful performance for similar works.

The Village of Port Clements reserves the right to offset any outstanding debts owed to the Village by the Contractor against any amounts owing to the Contractor in regards to contracted works.

All Tenders and RFP's will be opened during a Council meeting, reviewed by staff and approved by Council at the next Council meeting unless an exception requires a quicker response.



Urs Thomas
Mayor



Kim Mushynsky,
CAO

ACTION ITEMS

<u>#</u>	<u>Date</u>	<u>Description</u>	<u>Lead</u>	<u>Follow up</u>
A30	06-09-2016	Weight Room Upgrades	Administration	Questionnaire distributed on equipment use - Several Turned in. Grant Writer to look for opportunities Ruth Bellamy & CAO toured facilities to determine what improvements should be made. Grant Writer searching out funding.
A31	03-04-2017	Health Clinic Ventilation	Administration	RFP put out. Received bids. Waiting for follow up regarding the cost for an HRV installation. Contacting off-island contractors
A33	18-03-2017	Health Clinic - replace flooring	Administration	RFP to be put out once clinic industrial flooring Received product description from two suppliers. Waiting for quotes from off-island supplier and from AMS. Still working on quotes.
A34	04-07-2017	Community Park - block access	Public Works Councillor O'Brien Anderson	Logs have been temporarily been blocking access Still need a long term solution.
A36	08-08-2017	Sunset Park Mgmt. Plan	Council	Review recently adopted Management plan in Nov/Dec 2017 and again in Nov/Dec 2018.
A-39	06-11-2017	Asset management	Administration	Follow up with past public work employees to ask for historical asset locations, etc. Received UBCM grant funding and received FCM matching grant funds. Will be meeting with Urban Systems on March 6th to discuss plans going forward. In progress.