



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
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Port Clements, BC
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7:00 p.m. Regular Meeting of Council Monday, September 4th, 2018

AGENDA

- 1. ADOPT AGENDA**
- 2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS**
- 3. MINUTES**
 - M-1 – August 7th, 2018 Regular Council Meeting Minutes.
- 4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS**
 - BA-1 – Progress Report & Summary of Water Study Motions – CAO Decock & Councillor Daugert
 - UB-1 - Discipline, Suspension & Termination Policy – CAO Decock
- 5. ORIGINAL CORRESPONDENCE**
 - C-1- Bylaw on Proper Disposal of Waste and Fire Size Limits Needed- Edward Lowrie
 - C-2- Campground Monthly Rate Discount – Jenny Ayotte
 - C-3- Request for funding and letter of support – Manzanita Snow
- 6. FINANCE**
- 7. GOVERNMENT**
 - G-1 – Strengthening Marine Environment
- 8. NEW BUSINESS**
 - NB-1- Tenders on Janitorial Contract – CAO Decock
 - NB-2- Clinic Flooring RFP – CAO Decock
- 9. REPORTS & DISCUSSIONS**
 - R-1—GFOA Bootcamp – Ruby Decock – Verbal Report
- 10. ACTION ITEMS**
 - A-1 - Action Items list
- 11. QUESTIONS FROM THE PUBLIC & PRESS**
- 12. IN-CAMERA**
 - As per section 90 (1) (e) & (k) of the Community Charter
- 13. ADJOURNMENT**



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Minutes of the Regular Council Meeting held on Tuesday, August 7, 2018 at 7:00 pm.

Present:

Mayor Thomas
Councillor Daugert
Councillor Cumming
Councillor Stewart
CAO Ruby Decock

Regrets: Councillor O'Brien Anderson

Members of the Public and Press Present: Craig Beachy, Teri Kish, Maureen Bailey, Marilyn Bliss, Eli Beachy

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

1. ADOPT AGENDA

2018-08-226 – Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council adopts the August 7, 2018 Council meeting agenda
CARRIED

CAO Decock left the room at 7:03 pm

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS

D-1 – Request for Information on Purchase of Lot #6 Bayview Drive at the Tax Sale held September 25, 2017 – Douglas Decock

CAO Decock returned to the room at 7:08 pm

3. MINUTES

M-1 – July 3rd, 2018 Regular Council Meeting Minutes

2018-08-227 - Moved by Councillor Daugert, seconded by Councillor Stewart

THAT Council adopts the July 3rd, 2018 Council meeting minutes which should include in C-5 – to put the addition of the boat launch with priority be the break water.

CARRIED

M-2 – July 19th, 2018 Special Council Meeting Minutes

2018-08-228 - Moved by Councillor Stewart, seconded by Councillor Daugert

THAT Council adopts the July 19th, 2018 Special Council meeting minutes.

M-1

CARRIED

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS

UB-1 – Clean Energy Proposal - SWEGE

2018-08-229 - Moved by Councillor Daugert, seconded by Councillor Stewart
THAT Council receives this information from SWEGE.

CARRIED

2018-08-230 - Moved by Councillor Daugert, seconded by Councillor Stewart

THAT the CAO draft a letter to SWEGE as per Councillor Daugert's points read aloud at the August 7, 2018 meeting. Email to be forwarded by Councillor Daugert to the CAO to draft a letter on the points. Suggestion to include the uncertainty on fibre supplies on Haida Gwaii due to the Timber Supply Review. Also should cc/ signatories on the Clean Energy agreement signed by all local governments.

CARRIED

UB-2 – Gwaii Trust Society Proposed Bylaw and Constitution Amendments – Gwaii Trust

2018-08-231 - Moved by Councillor Daugert, seconded by Councillor Stewart
THAT Council receives the correspondence.

CARRIED

2018-08-232 - Moved by Councillor Daugert, seconded by Councillor Stewart

Motion to send the following recommendations to Gwaii Trust regarding their proposed Bylaw amendments:

- 6.2 – quorum – suspicious about not putting quorum numbers down. Possibly could cause dissension because there was no representation or devalue the work of Gwaii Trust.
- Council supports the Village of Masset's resolution regarding their letter sent to Gwaii Trust on June 9, 2018.
- 7.2 – qualifications on section f & g – This is a vague standard. Members of the board have to be versed in the understanding, but there is no criterion stated as to what the qualifications are. We are concerned that the language used that is not clear and definable – ineffective way of structure. No definitions or standards and Gwaii Trust are not using them to help with this section. Also, this is exclusionary and possibly a human rights issue.
- 7.5 Date for appointment of directors – It would be more convenient if Haida Gwaii members were appointed in conjunction with the municipal elections.
- 7.9 – Council believes this is a good change for the better and recommends that alternates be elected at the same time as directors.
- 7.12 b – Council is concerned that there is no definition of what "having acted in a manner not fitting for a director" means and that this open to interpretation.
- Any by-elections should not fall on a long weekend if possible.

CARRIED

UB-3 – Business Façade Application – Land & Sea Services

2018-08-233 - Moved by Councillor Daugert, seconded by Councillor Stewart

THAT we support the application for the NDIT Business Façade improvements to Land & Sea Services subject to the conditions of the NDIT grant.

CARRIED

5. ORIGINAL CORRESPONDENCE

6. FINANCE

7. GOVERNMENT

G-1- CBC Lease Agreement – CAO Decock

2018-08-234 - Moved by Councillor Stewart, seconded by Councillor Daugert
THAT Council receives the CBC Lease Agreement report submitted by CAO.

CARRIED

M-1

2018-08-235 – Moved by Councillor Cumming, Councillor Stewart

THAT Council authorizes the CAO to renew the contract/agreement with CBC discussing and including discussing the increase the rent if possible or mutually agreeable for the property that the radio transmission tower is located on in the Village of Port Clements.

CARRIED

G-2 – Discipline, Suspension & Termination Policy – CAO Decock

2018-08-236 - Moved by Councillor Stewart, seconded by Councillor Daugert

THAT Council receives the Discipline, Suspension & Termination Policy

CARRIED

2018-08-237 – Moved by Mayor Thomas, seconded by Councillor Stewart

THAT Council tables this until we receive further advice.

DEFEATED

OPPOSED Councillor Cumming, Councillor Daugert

2018-08-238 – Moved by Mayor Thomas, seconded by Councillor Stewart

THAT Council tables this item until we receive this until September 4, 2018

CARRIED

OPPOSED Councillor Cumming

G-3 – Council Resolution for Well Development & Connection Grant Application

2018-08-239 - Moved by Councillor Daugert, seconded by Councillor Stewart

THAT Council receives the report on Well Development & Connection Grant Application for ICIP Grant Funding for Well Development & Connection.

CARRIED

2018-08- 240 - Moved by Councillor Stewart, seconded by Councillor Daugert

THAT Council makes the motion to increase budget for 2019 for this application as it requires proof that Council commits to spending these funds for the project

AND THAT staff submit an application for grant funding application for Well Development & Connection through the *ICIP – Green Infrastructure: Environmental Quality Sub-stream*;

AND THAT Council supports the project for up to (\$600,000) of the project

AND THAT Council supports the project and commits to its share (\$160,000) of the total project or 26.67% of the project, whichever is lesser.

AND THAT its share be first committed from the Gwaii Trust Vibrant Community Funds and if unsuccessful for the Vibrant Community Funds grant then from the Village of Port Clements Reserves.

CARRIED

G-4 – Council Resolution for appointment of Chief Elections Officer and Deputy Elections Officer – CAO Decock

2018-08-241 - Moved by Councillor Stewart, seconded by Councillor Daugert

THAT pursuant to Section 58(1) and (2) of the Local Government Act Ruby Decock be appointed Chief Election Officer for conduction the 2018 general local election with power to appoint other election officials as required for the administration and conduct of the 2018 general local election;

AND THAT Elizabeth Cumming be appointed Deputy Chief Elections Officer for the 2018 general local election.

CARRIED

M-1

G-5 – Paving of Parking Lot Project.

2018-08-242 - Moved by Mayor Thomas, seconded by Councillor Stewart

THAT we approve all paving options as outlined and the funding to come from Gas Tax Fund, then Gwaii Trust Funding and finally the Village Reserves

CARRIED

Suggestion that CAO look into getting a second opinion from Dennis Reindl.

8. NEW BUSINESS

NB-1 – Request to Install Trailer for Ambulance Station – BC Emergency Health Services

2018-08-243 - Moved by Councillor Stewart, seconded by Councillor Daugert.

THAT Council receives the request to install a trailer for Ambulance Station.

CARRIED

2018-08-244 - Moved by Councillor Stewart, seconded by Councillor Daugert.

THAT Council tentatively approve the modular to the right of the vehicle access provided that the trailer for the Ambulance Station is installed on the clinic property and not infringing on the Millennium Park.

CARRIED

9. REPORTS & DISCUSSIONS

Councillor Cumming – information centre is open – attendance is down but on par with 2016; attended the all island protocol meeting. Telus completing their notification to those that reside within 90 metres of the proposed Telus Tower.

Councillor Daugert – nothing to report.

Councillor Stewart – met with Shane Windat and that Haida Gwaii SPCA now has a branded vehicle to gather up animals. Golden Spruce sapling grew 4 inches this summer.

Mayor Thomas – phoned engineer, Arvid, that completed the assessment on the government wharf – discussed with him about the additional work and confirmed that the information. Identified that another engineer from PR to come up with a plan/quote when she visits Masset at the end of the week.

2018-08-245 Motion by Mayor Thomas, seconded by Councilor Stewart

That Council contact the engineer from Prince Rupert to come over to assess the Rainbow Wharf.

CARRIED

Send invite to Council. If she attends

CAO Decock – Working on elections, RFP's for Janitor &

10. ACTION ITEMS

A-1 – see Action Items list.

11. QUESTIONS FROM THE PUBLIC & PRESS

Marilynn – question about the Vibrant Community Fund – concern that the fund isn't used.

Answer – using the \$10,000 and for the well development & connection.

12. IN-CAMERA

13. ADJOURNMENT

2018-08-246 - Moved by Councillor Cumming, seconded by Councillor Stewart

THAT Council adjourns at 8:43 pm.

CARRIED

M-1

Urs Thomas
Mayor

Ruby Decock
CAO

DRAFT

M-1



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PROGRESS REPORT TO COUNCIL

Author: Ruby Decock, CAO

Date: August 31, 2018

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.

On August 7, 2018 Council decided to approach an Engineer from Prince Rupert. She had mentioned that she could visit the Rainbow Wharf; however, her trip to Masset was cancelled. The CAO requested Council's decision on how to proceed with approaching the use of her services; however, only one member of Council decided that it was okay to approach her. Action is still outstanding

(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 Monday closures have helped; however, there are still challenges in the office due to the backlog of work (filing, etc.) and unanticipated work assignments.

GENERAL PROGRESS

- There have been challenging conditions this summer with reduced production of water do to extended dry spell. Water shortage has been remediated by balancing wells and public notice of water conservation. Operator notes declining production from Well #2.
- Sewer study in progress however anomalies indicate P. Turje, P.Eng. may have to site visit again.
- Turf rehabilitation may suffer from dry spell. Over seeding and liming to proceed in fall wet season.
- New equipment aiding in efficiency of all operations. (Note that mowing reduced drastically due to dry spell).
- Trail maintenance ongoing, well appreciated by public.
- Testing for Iron Reducing Bacteria between Well #2 and WTP and WTP to reservoirs shows **NO IRB's present.**
- Preparations for paving nearly complete. (Placement of a drainage basin To be Decided by Adventure.)
- Operational issues with Chlorinator malfunction and repairs as well as Reservoir leaks have consumed a substantial amount of PW time.
- Water Tower Removal – The water tower removal was anticipated to start in the last week of June; however, it was decided to delay this removal until after Canada Days. Staff had challenges in getting contractor to commence; however, Contractor signed the agreement to be completed by September 30, 2018. Pre-work was completed on August 31, 2018 and Contractor plans to start work beginning of September.
- Clinic Trailer Install – Public Works continues to work with Clinic Project manager on install.
- Grant Application for New Well and Connection submitted on August 29, 2018.
- Administration Staff – in addition to Council government requirements - working on 2017 Tax Sale Redemption, Preparation for 2018 Tax Sale, 2018 Council Elections, ongoing lease agreements, and public inquiries.

Respectfully submitted:



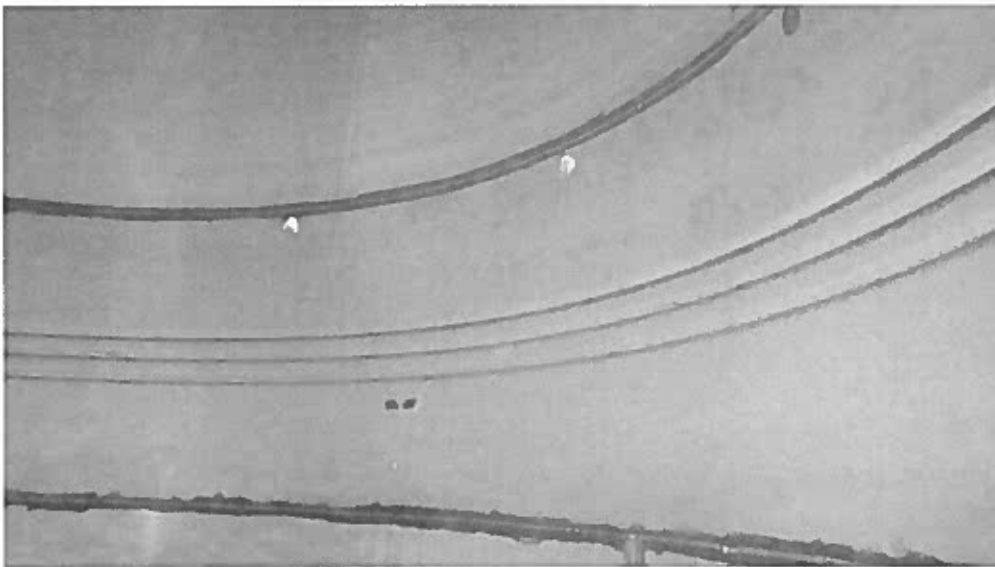
IN PROGRESS CLEANING



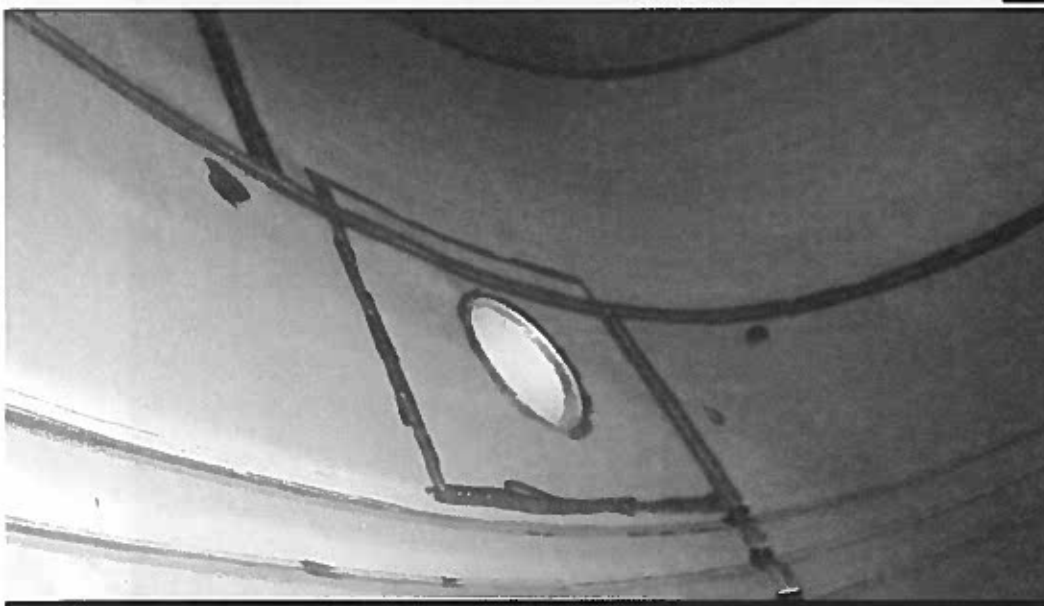
Clean Completed



FLOOR



WALL 1



WALL 2

Issues Identified in the McElhanney Water Study and Actions to Date – Summary Completed by Councillor Doug Daugert

Item	Priority	Activity
1	HIGH	Well Casing Seals
2.	MEDIUM	Well #1 Pump Submergence (possibly increase production from well#1)
3.	HIGH	Well Maintenance (to extend the productivity of the well and keep in check issues such as irb)
4.	MEDIUM	Greensand + filter Media cleaning
5.	MEDIUM	Storage Reservoir Cleaning
6.	HIGH	Watermain Swabbing
7.	MEDIUM	Filter Unit Operations (operate filter units simultaneously)
8.	MEDIUM	SCADA System Improvements
9.	HIGH	Chlorination Injection System Replacement with Sodium Hypochlorite System
10.	MEDIUM	Post Chlorination Location
11.	MEDIUM	Automatic Flushing Points
12.	MEDIUM	Well Replacement

Actions to date:

1. Well Casing Seals. This needs an update from Pw.
2. 2. Pump submergence-Tried by PW. No change in well production.
3. Well Maintenance- Well #2 was hyperchlorinated and flushed by PW. Results showed no increase in production.
4. Greensand + Media cleaning-Two motions were made around this item, 2018-29 "That Public Works take samples of the Green Sand filter media and send it to Cleartech as recommended in the McElhanney report and report back to the Public Works Committee." And 2018-152 "That Public Works outsource the green sand testing as soon as possible." These motions are contradictory and one need to be rescinded.
Public Works Update – We can schedule this for shipment of samples by the end of October, but this testing is subject to adequate water supply. There is a very small chance of inadequate water supply by October if we continue to have low rainfall events.
5. Storage reservoir cleaning- Two motions were made around this item, 2018-30 "Motion to clean the water storage reservoirs or hire someone to clean them." And 2018-153 "That the water storage cleaning be contracted out." Not only are these motions overlapping and partially contradictory, Council has been informed several times that this cleaning is routine and ongoing annually and provided Council with photos showing the relatively little buildup of films and other organics in the reservoirs. 2018-153 is probably bad advice and should be rescinded.
Public Works Update – this is entirely unnecessary. Public works had to complete a repair on the one of the reservoirs. The cleaning was completed on one of the reservoirs – see Pictures to be provided.

6. Water main Swabbing-

2018-31 "That Public Works install new swabbing stations at the 4" water line on well #2 and the water treatment plant and swab the line with the help of the PCVF as recommended in the McEhanney report #6." Parts to do this have been received, but plans were interrupted by staffing issues and summer water levels. Council could use an update on this item [will the services of a pipefitter or plumber be required?]
Public Works Update - On hold, to be scheduled after development of new well. Testing results suggest this is an unnecessary activity.(see Progress Report – Public Works Section)

2018-32 "That Staff present a plan, including a timeline, to Council on what would be required for swabbing the entire water distribution system." Earlier in the year PW and the PCVFD did an experimental swabbing on the section of water line at the East end of Bayview Drive. This experiment provided some information on the buildup of biofilms and the mechanical problems involved in swabbing. However, the test did not follow the full protocols that would be required by Northern Health for isolation and disinfection when the Village swabs the entire system, so we lack actual information on the time and manpower required to meet all the criteria. However, even very rough estimates including required conditions for volume of water required, shutoff periods to homes, will some sections of town need to be shut off twice or more to swab lines both near to the plant and at the ends of runs, etc., will need to be made whether the work is to be done by PW or contracted out through a RFP. Realizing that some of the physical work is unpredictable in nature, and finding and operating shutoffs not used since the original installation (1976) may be unpredictable, Council needs information to make reasonable decisions. We need to answer the questions "Would we have enough water to swab and flush all the lines at once? If yes, how long would it take PW to find and test all the service shut offs? If we need to swab part of the system at a time, how many events would be required to complete the job? Are we better off swabbing only the long end runs on Bayview, Jasper, and Cedar until such time as the Cement Asbestos line is replaced when Tingley will have to be shut down and hyperchlorinated anyhow? The result of this report would be to inform Council as to what direction would be most useful.

Public Works Update – Meeting with Northern Health to discuss swabbing plan to occur on first week of September during the Drinking Water Officer's visit to Port Clements and more information will be presented by October 1, 2018 meeting.

2018-154 "That an RFP for the swabbing of the lines be put out as soon as possible, unless the Public Works Superintendent is opposed to this idea." See above.

2018-155 "That a written report be received by Northern Health all the requirements for swabbing for the next Council Meeting." The wording of this motion as written is incorrect, and was corrected in the review of the minutes from the Council meeting where it was proposed. Village records need to reflect this. A response received from Northern Health outlined the requirements for disinfecting water lines and provided general criteria for any swabbing plan.

7. Filter Unit Operations-Completed

8. SCADA System Improvements-Not yet discussed in depth. PW has not identified this as a priority, and it might be best to wait on the acquisition of a new well when that is tied into the system.

9. Chlorination Injection System replacement-Not recommended by PW. Ease of transporting and storage of the current system, its successful use in VOQC, and lack of problems in VOPC indicate this recommendation is probably not useful here.

Public Works Update – replacement of the solenoid and other repairs to this have been completed on this in the last 2 weeks.

10. **Post Chlorination Location**-This recommendation might have little or no effect. The water leaving the treatment plant has appropriate chlorine levels now. Could be looked at again after other recommendations are completed.
11. **Automatic flushing points**-This would be done last, after swabbing, and may be impractical because of the volume of wasted water. PW is currently flushing frequently manually as water is available.
12. **Well replacement**- Currently grants are applied for with rough engineering estimates for this work. Plans are for a new well in 2019. Supported by motion 2018-26 "That staff approached the MIEDS Grant writer to look into funding for a new well."

Public works Update – Grant Application Submitted August 29, 2018.

Other Motions:

2018-37 "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." Disregarding the specific wording which is not particularly clear, it addresses the concerns around the swabbing issue and deviation from expectations around other work.

CAO Update – CAO has indicated that the timelines are challenging to meet in 2018. There

2018-188 "That all outstanding motions in the PW report come back to Council with estimated final completion dates." This is an update on 2018-37, and more precisely worded. If Council wishes, we could rescind 2018-32, while letting this motion stand since it clearly states the information requested.

2018-27 "That staff approached the MIEDS grant writer to look into funding to replace the asbestos water lines on Tingley Street."

CAO Update – Still in Progress.

Village of Port Clements

DISCIPLINE, SUSPENSION AND TERMINATION POLICY

DATE ADOPTED: MONTH •, 2018• APPROVAL DATE: MONTH •, 2018

EFFECTIVE DATE: MONTH •, 2018 LAST REVISED: MONTH •, 2018

Purpose

The Village of Port Clements ("Village") has a Discipline, Suspension and Termination Policy ("Policy") in place to address poor performance and/or misconduct in the workplace.

The purpose of the disciplinary procedure is to ensure that concerns about performance or misconduct are dealt with fairly and objectively. The Policy assumes that with proper counseling on the part of the Village and efforts by the individual, performance and/or conduct will improve to acceptable levels.

General Principles

The disciplinary procedures will be guided by the following principles:

1. Issues should be raised and dealt with promptly and individuals involved should not unreasonably delay meetings, decisions or confirmation of those decisions.
2. The Village will carry out any necessary inquiry or investigation to establish the facts of the misconduct at issue.
3. The Village will inform you of the basis of the problem and give you an opportunity to respond and/or meet the stated expectation or standard before any decisions are made.
4. It may be necessary to suspend you with pay (if applicable) pending an inquiry or investigation. This will be for as short a period as possible and carries no inference of guilt.
5. The Village reserves the right to take disciplinary action to any stage of the disciplinary procedure having regard to the severity of the poor performance and/or misconduct at issue.

Application

This Policy forms part of other Village policies and applies to all full-time, part-time, permanent or temporary employees, students, volunteers and contractors working or volunteering for the Village. Where this Policy conflicts with the terms of an employment agreement, contract for services, or the *Community Charter*, WCB, the terms of said agreement or legislation will prevail.

Discipline

For the purpose of this Policy, disciplinary action for Village employees may include verbal or written warnings, training or education, transfer, suspension or termination of employment.

Comment [CA01]: This should be Worker's Compensation Act and Occupational Health and Safety Regulation. WCB = Workers Compensation Board – which is a body, not legislation.

US-1

Village of Port Clements

DISCIPLINE, SUSPENSION AND TERMINATION POLICY

DATE ADOPTED: MONTH •, 2018•

APPROVAL DATE: MONTH •, 2018

EFFECTIVE DATE: MONTH •, 2018

LAST REVISED: MONTH •, 2018

Disciplinary action for volunteers may include warning or discontinuation of volunteer opportunities and associated privileges.

Levels of Discipline

Progressive discipline is used as a corrected measure when performance or conduct needs correcting. The type of discipline that may occur is as follows, in order of increasing formality and seriousness:

Level 1 – Informal Verbal Warning: given for a minor offence, and intended to be cautionary in nature.

Level 2 – Formal Verbal Warning: given for a minor offence, or if an informal verbal warning failed to resolve an ongoing problem. In the case of a formal verbal warning, a note will be placed in your employee file stating that you were provided with a verbal warning.

Level 3 – Written Warning(s): given if poor performance or misconduct is repeated and has not been resolved by a prior level of discipline or if poor performance or misconduct is on its own sufficiently serious. In the case of written warnings, disciplinary action will be communicated in the form of letter or memo and will also be copied to your personnel file and to the Chief Administrative Officer ~~and Council~~. You will be provided with a copy of such letter or memo and you will be required to acknowledge receipt of same with your signature. You will also be given the opportunity to indicate in writing on the letter if you do not agree with the reprimand. ~~Your file will be reviewed by the Mayor and or Council and a potential hearing be requested by Council. If the discipline is to the Chief Administrative Officer, Council will request another VOPC staff member to submit a letter on behalf of Council to the Chief Administrative Officer. The Chief Administrative Officer will be given the opportunity to indicate in writing on the letter if she/he does not agree with the reprimand.~~

Level 4 - Final Written Warning and/or Suspension without Pay: given if poor performance or misconduct is repeated and has not been resolved by a prior level of discipline, or if poor performance or misconduct is on its own sufficiently serious. If you receive a final written warning, you will be informed that further poor performance or misconduct will result in the termination of your employment for just cause.

Level 5 - Termination for Just Cause: the final level of progressive discipline, a termination for just cause (without notice or pay in lieu of notice) will be effected where performance has continued to be unsatisfactory after a period of performance management, and/or where an instance of poor performance or misconduct has caused an irreparable breach of the employment relationship. The CAO may consult with Council prior to a dismissal for cause.

Comment [CA02]: Council does not receive personnel information, only information about the action taking place. The written warnings remain in office. The only time Council will be receiving information is if the written warning was presented to their employee, the CAO.

Comment [CA03]: Again, this is a personnel issue and Council will not be involved in this issue, unless it involves the CAO. There would not be a public hearing for staff or the CAO as this is discussion about an employee as per section 90 (1) (c) labour relations or other employee relations. This is a staff item and the public do not get involved in staffing issues.

UB-1

Village of Port Clements

DISCIPLINE, SUSPENSION AND TERMINATION POLICY

DATE ADOPTED: MONTH •, 2018• APPROVAL DATE: MONTH •, 2018

EFFECTIVE DATE: MONTH •, 2018 LAST REVISED: MONTH •, 2018

Disciplinary Procedures

Between levels 1 and 4 of the disciplinary procedures listed above, your supervisor will:

- a. conduct an inquiry or investigation into the misconduct or poor performance which has given rise to a concern;
- b. explain to you the nature of the misconduct or poor performance;
- c. provide you with an opportunity to state your case and explain your actions;
- d. if your explanation is not considered satisfactory when weighed against the results of the overall inquiry or investigation, warn you (in a form appropriate to the level of discipline) that repetition of the offence will lead to further disciplinary action; and
- e. explain the corrective action you must take to resolve the situation.

At level 5, your supervisor will:

- a. conduct an inquiry or investigation into the misconduct or poor performance which has given rise to a concern;
- b. explain the nature of the misconduct or poor performance to you;
- c. provide you with an opportunity to state your case and explain your actions; and
- d. if your explanation is not considered satisfactory when weighed against the results of the overall investigation, advise you of the termination of your employment without notice or pay in lieu of notice for just cause, and the reasons for such termination.

As noted above, although different levels of progressive discipline are listed, the level that the Village chooses to employ will depend on the circumstances of each case. The Village reserves the right to bypass the steps listed and base its disciplinary action on the severity, frequency or combination of infractions when circumstances warrant immediate action.

In relation to conduct or activities that may constitute criminal behaviour, the Village reserves the right to notify the police.

Suspension

A suspension with or without pay may be effected for up to five (5) working days.

UB-1

Village of Port Clements

DISCIPLINE, SUSPENSION AND TERMINATION POLICY

DATE ADOPTED: MONTH ●, 2018● APPROVAL DATE: MONTH ●, 2018

EFFECTIVE DATE: MONTH ●, 2018 LAST REVISED: MONTH ●, 2018

The CAO has the authority to suspend an employee, contractor or volunteer and must notify the Mayor when ~~done this action is taken.~~ "The Mayor will be notified of the CAO's intention to suspend an employee, contractor or volunteer before this action is taken and then once the action has been taken, the Mayor will be notified of the completion of such action ».

Only the Mayor can suspend a municipal officer and such suspensions must be reported to Council at its next meeting, at which time council may reinstate, confirm the suspension, confirm and extend the suspension, or dismiss the officer or employee. Municipal officers must be afforded an opportunity to be heard prior to dismissal.

If a public holiday falls within the period of suspension without pay, then the suspension period will be extended by the number of public holidays falling within such period. Periods of suspension may be extended as necessary.

Gross Misconduct and Summary Dismissal

Gross misconduct is misconduct which, in the opinion of the Village, is serious enough to prejudice the business or reputation of Village, or irreparably damages the working relationship and trust between you and the Village. Such misconduct will constitute a fundamental breach of the employment agreement or services contract and may, consequently, lead to dismissal or termination without notice or payment in lieu thereof notice for just cause.

The following non-exhaustive list provides examples of offences that are regarded as gross misconduct:

- a. incompetence, serious neglect of duties or substandard performance of the services required under the employment agreement or services contract;
- b. a violation or material breach of any of the provisions of the employment agreement, services contract or of the Village's workplace policies;
- c. theft, fraud, failure to report same, providing false or misleading information, or any act of dishonesty;
- d. a serious act of insubordination, foul or abusive language, insolence or willful disobedience;
- e. acts of violence, harassment or intimidation, including sexual harassment, of your co-workers, supervisors, management, or other individuals associated with the Village in or outside of the workplace;
- f. repeated and unjustified lateness, absenteeism, or failure to report for work;
- g. breach of duty of good faith and fidelity, including unauthorised use or disclosure of confidential information or the falsification of official records or documents;

Comment [CA04]: Suggestion by Councillor Daugert

Comment [CA05]: Suggestion by Councillor Stewart – Councillor Daugert made the following comments "My concerns with notifying the Mayor prior to implementing a suspension are 1. The suspension may need to take place immediately; 2. It undermines the authority of the CAO to direct staff." THE CAO agrees with Councillor Daugert. There may be instances, ie. Drunk or medically unfit personnel that insists on working. This may be necessary. Also, the CAO needs to protect staff and the public if there is a need to do so. It also undermines the CAO's authority.

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Village of Port Clements

DISCIPLINE, SUSPENSION AND TERMINATION POLICY

DATE ADOPTED: MONTH •, 2018• APPROVAL DATE: MONTH •, 2018

EFFECTIVE DATE: MONTH •, 2018 LAST REVISED: MONTH •, 2018

- h. improper use or abuse of Village property;
- i. acting or purporting to act on behalf of the Village without proper authorisation;
- j. on or off-duty conduct that prejudices the Village's reputation, services or morale or which the Village considers may adversely affect the relationships with employees and clients;
- k. any other cause or circumstances for which no notice, pay in lieu of notice, and severance pay is required by law; or
- l. possession, use or attempted supply of non-prescribed drugs.

l.m. under the influence of alcohol or drugs while at work

Comment [CA06]: Suggestion by
Councillor Daugert and Councillor Stewart

Date Policy Adopted

Resolution #

Mayor

CAO

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PROGRESSIVE DISCIPLINE POLICY
Council Policy No. 64/01

COPY

OBJECTIVE:

The objective of this policy is to correct unsatisfactory performance or conduct, and through the efforts of the Supervisors and Managers, to instruct, guide, counsel and direct employees to comply with the City of Fort St. John's standards, rules and policies as they relate to conduct, accident prevention and safety within the structure of the City work force.

It is the desire of the City to

- Provide a productive and safe place to work.
- Provide safe equipment and proper materials.
- Establish rules and regulations so that each employee will know what is expected of him and his fellow employees.
- Hold supervisors accountable for the enforcement of the rules and regulations concerning the conduct and safety of employees.
- Administer discipline fairly, reasonably, consistently and impartially.
- Maintain necessary records of violations and disciplinary actions administered with regard to all employees.

DEFINITION OF DISCIPLINE:

Discipline is action taken to correct unsatisfactory conduct or performance that requires a change. Generally the Municipality views "discipline" as a positive process which has the purpose of correcting an unsatisfactory situation.

AUTHORITY LEVELS:

The City believes that determining the discipline is the responsibility of the supervisor or manager directly affected. The Manager of Human Resources maintains records of all disciplinary actions and advises Departments in the correct application of the policy and procedures. When suspension or dismissal is being considered, the Human Resources Division must be consulted. This is not intended to restrict or limit supervisory responsibility in the progressive discipline system, but to ensure consistency of application of the disciplinary system throughout all departments.

LEVELS OF DISCIPLINE:

Reasonable standards of job performance and personal and professional conduct are expected of all City employees. Failure or refusal to meet those standards shall constitute just cause for disciplinary action including oral or written reprimands, suspensions and dismissal.

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COPY

PROGRESSIVE DISCIPLINE POLICY
Council Policy No. 64/01

LEVELS OF DISCIPLINE: (continued)

The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable labour contract, City policy or procedure as well as local, Provincial or Federal laws and regulations. Types of corrective actions may include:

Oral Warning/Reprimand:

The oral warning should be applied to infractions of a relatively minor degree or in cases where an employee's performance needs to be discussed. Managers should indicate that this is an oral warning and that the employee is being given an opportunity to correct the condition and if the condition is not corrected the employee will be subject to more severe disciplinary action. Although it is an oral reprimand, the basic information should be documented and copied to the employee's personnel file.

Written Reprimand:

Written notice of an infraction is issued in the event that the employee disregards an oral warning or if the infraction is serious enough to warrant a written reprimand. The reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline. A copy of the written reprimand is to be given to the employee at the time of the discussion of the discipline.

Suspensions

These forms of discipline are administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, a suspension is often given after the employee has received a written warning or warnings. If an employee has been charged with a violation where the prescribed penalty is suspension of over two days or termination, the Manager involved will conduct an investigation in consultation with the Department Head and the Manager of Human Resources.

An employee will be suspended when the offense is of a serious nature or when a written warning has not corrected an employee's conduct. Suspensions may range from one day to an indefinite period. Indefinite suspensions should only be used when an internal investigation (or external in the case of criminal charges pertaining to work related offenses) is taking place and the misconduct is considered serious enough to warrant it. If the employee is found in violation, the appropriate disciplinary action will take effect on the date that the investigatory suspension began. An employee who is suspended may not take any type of paid leave, and is not allowed on the employer's premises except to carry out normal business or if he is specifically requested to report at the employer's request for investigation purposes.

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PROGRESSIVE DISCIPLINE POLICY
Council Policy No. 64/01

COPY

LEVELS OF DISCIPLINE:

Suspensions (continued)

An employee of the City may be suspended pending investigation of allegations of misconduct when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be required to complete an investigation or legal action.

Dismissal:

Immediate removal of an employee from the job site pending review for dismissal may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, major safety infractions or other substantial reasons deemed appropriate. An employee may also be dismissed after repeated offenses of a less serious nature where appropriate behavioral changes have not resulted from previous progressive disciplinary action.

APPEALS:

Warning, reprimands, suspensions and dismissals may be appealed under the provisions of the applicable collective agreement, in the case of Union staff, or the applicable management policy or legislation, in the case of exempt staff.

POLICY REVIEW:

This policy may be amended or supplemented in whole or in part from time to time in order to meet the requirements of the workplace and/or to be used in conjunction with other City policies.

Excerpt from Collective Agreement

COPY

ARTICLE 1 MANAGEMENT RIGHTS

1.01 Direct the Working Forces

Without restricting the rights of the employees under the terms of this Agreement, the Union recognizes the right of the Village to manage its affairs and operations and to direct its working forces, including the right to discipline or suspend or discharge for proper cause, and the right to hire, promote, assign work, demote, lay off, transfer, determine job content and evaluate jobs, and the foregoing shall not be deemed to exclude other functions of management not specifically covered in this Agreement. The Village shall not exercise, in a discriminatory manner, its right to direct the working force.

1.02 Management's Delegate

The parties agree that the foregoing enumeration of management's rights shall be vested in the Chief Administrative Officer or his/her delegate. Such a delegate shall not be a member of the Union.

ARTICLE 10 GRIEVANCE PROCEDURE

10.01 Settling of Grievance

In the event that any difference arises out of the interpretation, application, operation or any alleged violation of this Agreement, including any difference arising from the suspension or dismissal of any employee, and including any question or difference as to whether any matter is arbitrable, such question or difference shall be finally and conclusively settled without a stoppage of work in the following manner:

Step 1

The aggrieved employee, with or without his steward, shall seek to settle the difference with the employee's immediate supervisor within ten (10) working days of the incident which gave rise to the grievance or within ten (10) working days from the time the employee or the Union became aware of the grievance.

Step 2

Failing satisfactory settlement at Step 1, the Union shall submit the grievance, in writing, within ten (10) working days, to the Chief Administrative Officer who shall **hold a meeting with the Union to discuss the grievance and will** render his decision within ten (10) working days after receipt of the grievance.

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Step 3

Failing satisfactory settlement at Step 2 the Union may submit the grievance in writing within five (5) working days to council who shall **hold a meeting with the Union to discuss the grievance and will** render their decision within ~~three-(3)~~ **seven (7)** days following the next regularly scheduled council meeting.

Step 4

Failing satisfactory settlement at previous Steps, the Union may submit the grievance to a Board of Arbitration. The Union shall notify the Village of its decision within five (5) working days.

The Board of Arbitration shall have the power to allow all necessary amendments to the grievance and the power to waive formal procedural irregularities in the processing of a grievance, in order to determine the real matter in dispute and to render a decision which it deems just and equitable.

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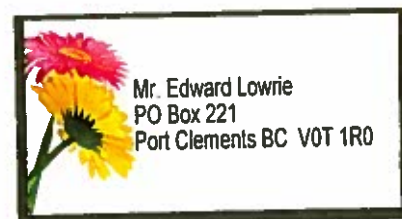
PORT CLEMENTS VILLAGE OFFICE TO THE
MAYOR AND COUNCELLOR'S AND STAFF
THE REASON FOR THIS LETTER IS TO
ASK THAT A BYLAW / POLICY BE
WRITTEN UP SO INDIVIDUALS AND OR
PROPERTY OWNERS CANNOT THROW AND
BURN IN LARGE PILES GARBAGE OR
YARD DEBRIS ON VILLAGE OWNED
PROPERTY, IN ALLEY WAYS ETC... THIS
HAS BEEN THE CASE FOR YEARS CAUSING
PERSONAL AND PROPERTY DAMAGE WITH
NO REPROCUSSIONS. THIS KIND OF NEG-
ATIVE DESTRUCTIVE BEHAVIOR SHOULD NOT
BE TOLLERATED OR ALLOWED IN OUR
COMMUNITY. THE NATURE OF ITEMS BEING
BURNT THAT CAUSE DAMAGES TO THE
AIR, ENVIRONMENT AND PERSONAL PROPERTY
ALSO A BYLAW AND OR POLICY NEEDS
TO BE WRITTEN UP AND ENFORCED ON
THE SIZE OF FIRE YOU CAN LIGHT HAVE
ON YOUR TOWN / COMMUNITY LOT AND

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AUG-20-18

OR PRIVATE PROPERTY AND THE ITEMS
THAT ALLOWED TO BE BURNED IN
OR AROUND A RESIDENTIAL AREA...
THESE ARE VERY IMPORTANT TOPICS
THAT NEED TO BE ADDRESSED, AND
WRITTEN ACCORDINGLY TO HOLD A
GREAT WEIGHT OR MERIT TO NEW
AND OLD PROPERTY OWNERS THAT
WORK HARD TO FIX / MAINTAIN THEIR
INVESTMENT AND MAKE OUR SMALL
TOWN ATTRACTIVE.

THANK YOU



(-1)

Ruby Decock

From: Jennifer Ayotte <jennie.ayotte4@gmail.com>
Sent: August-24-18 1:36 PM
To: cao@portclements.ca; deputy@portclements.ca
Subject: Monthly Rate - Port Clements Campground

Hello Ruby, Elizabeth, and all others concerned,

Having spoken on the phone with you, am following up with a formal written request.

It is with great pleasure I plan to situate myself in Port Clements this Fall as a wild mushroom buyer. As an island resident of nearly eight years with experience in the industry as a harvester, I have noted the need for the return of a buyer in the community to support both locals and local businesses.

This request is in regards to rates for prolonged stays. Wishing to be set up for the months of September and October (potentially a few days prior to the commencement of September). Looking for an RV site due to the need for space and electricity. Will set up a temporary shelter-- a car port-- as a buying station. Electricity will only be required for lights in the evening and the charging of small electronic devices. I will have my personal vehicle on site as well as a 5x10 cargo trailer for storing and transporting the mushrooms. Will be present every evening, and either in the forest harvesting during the day or delivering product to Queen Charlotte.

You have my guarantee for respectful use of the space as I strongly believe in camp cleanliness and consideration of nature and other campers present.

Look forward to your reply, as well as this opportunity to become more familiar with the community of Port Clements.

Howa'a, thank you for your time.

Jennie Ayotte

Aug 29/2018

Dear council members;

I am requesting financial help (\$250.00) to enable me to continue my ongoing art work series at the Port Clements Library. Last March 2018 I began free art lessons supplying all the working materials myself. Room available was up to eight people for a one hour period. I wanted to encourage the arts as a source of satisfaction and possible income for the participants. Many people came and went including out of town visitors. I have talked to Gwaii Trust and am ~~forward~~ ^{Sept 30} been very encouraged to continue these classes as a community all-round benefit. I am going to apply for funds from Gwaii Trust for a workshop - however brushes, easels etc cannot be covered.

Thank you for your consideration (3

(P.S. a support letter for the application would be appreciated.)

Maryanita Snow

Strengthening Marine Environmental Protection and Response Potential Legislative Amendments

Discussion Paper

August 2018

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1.0 PURPOSE

The Government of Canada's **Oceans Protection Plan**¹ aims to build a world-leading marine safety system that will protect the marine environment and coastal communities from the potential impacts of shipping and navigation. As part of the **Oceans Protection Plan**, the Government of Canada is considering changes to key pieces of legislation to strengthen marine safety and environmental protection.

The purpose of this discussion paper is to seek comments from the public, Indigenous communities and groups, industry, and stakeholders on the direction of the potential legislative changes.

Comments received on this document will inform future government discussions and decisions. The contents of this paper, and any comments received are for discussion purposes only and are not binding on the Government of Canada or on any other party.

2.0 BACKGROUND

Canada has the longest coastline in the world. Our coasts enable the export of our goods overseas and the import of foreign goods into Canada. They are home to Canadian fisheries, attract tourism, support coastal communities' livelihoods and Indigenous communities' cultures and ways of life, and play a key role in growing the Canadian economy.

Thousands of tonnes of goods, including agricultural and grain products, natural resources, and consumer products, are transported daily along all of Canada's coasts, as well as in the Great Lakes and the St. Lawrence Seaway. In 2017, ports and marine shipping handled \$101 billion (19%) of Canada's exports to world markets and \$116 billion (21%) of Canada's total imports by value. Petroleum products represented the largest marine export and import commodity travelling through Canadian ports and on Canadian waters; 24% of our marine exports and 17.8% of our marine imports by value were petroleum products. Marine trade employs approximately 250,000 Canadians and injects more than \$25 billion to Canada's economy.

To ensure safe and environmentally responsible shipping, the Oceans Protection Plan will strengthen Canada's already well-established marine safety system, which is designed to protect life, health, property and the marine environment. The marine safety system is designed to prevent incidents from happening. This is achieved through a number of regulations and standards governing the construction and operation of vessels, on-board equipment and systems, crew and passengers, cargo handling and shipping, and navigation within Canadian waters.

Under Canadian law ship owners and the marine transportation industry are responsible for preventing oil spills. For example, the marine transportation industry must put in place procedures for safe operations onboard their ships, follow international rules for preventing collisions at sea, have up-to-date nautical charts, have a passage plan for each trip, be equipped with technology that allows Canada to monitor the ship's progress, and ensure that their officers and crews are properly trained, qualified, and competent.

¹ For more information about the Oceans Protection Plan, visit: <https://www.tc.gc.ca/eng/oceans-protection-plan.html> and <http://www.tc.gc.ca/eng/improving-marine-safety-through-the-oceans-protection-plan.html>

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A key component of Canada's marine safety system is the Marine Oil Spill Preparedness and Response Regime², which aims to protect marine environments and communities from the risk and impacts of oil spills from ships and oil handling facilities that transfer oil to or from ships. This Regime has three components:

- **Prevention:** avoiding accidents and incidents;
- **Preparedness and response:** being ready and able to quickly and effectively respond to a pollution incident; and
- **Liability and compensation:** based on the polluter pays principle.³

Responsibilities within the Marine Oil Spill Preparedness and Response Regime are shared between the shipping industry and the Government of Canada, with several federal departments playing key roles:

- Ship-owners and operators of oil handling facilities are responsible for preparedness and response to oil spills. As well, regulated vessels and oil handling facilities located south of 60°N must have an arrangement with a Transport Canada-certified Response Organization that would respond to a spill on their behalf. These Response Organizations maintain strategically located response equipment, trained responders and response plans, and conduct exercises on a regular basis;
- Transport Canada is responsible for ensuring alignment of the Marine Oil Spill Preparedness and Response Regime with international standards, policy-making, regulatory development, and enforcement;
- The Canadian Coast Guard is responsible for ensuring that responses to ship-source pollution incidents are effective, efficient and appropriate. The Canadian Coast Guard is also responsible for ensuring an appropriate response to ship-source and mystery-source spills in Canadian waters and within Canada's exclusive economic zone (up to 200 nautical miles). As well, the Canadian Coast Guard is responsible for maintaining oil spill response capacity in the Arctic;
- Environment and Climate Change Canada and Fisheries and Oceans Canada provide scientific expertise to support response decision-making.

Canada's Marine Oil Spill Preparedness and Response Regime is built on:

- Shared responsibility between government and industry;
- International and domestic cooperation;
- Comprehensive and effective legislation and regulations;
- The polluter pays principle.

The number and volume of ship-source oil spills in Canadian waters have been declining consistently since the 1980s due to improvements in vessel design, technology, shipping practices, and the establishment of Canada's Marine Oil Spill Preparedness and Response Regime in 1995. However, vessel traffic and cargo

² For more information about the Marine Oil Spill Preparedness and Response Regime visit:
<http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-menu-1780.htm>

³ For more information about liabilities and compensation related to oil spills from ships visit:
<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>

volumes have grown, and are expected to continue to grow over the next few years on all of Canada's coasts as overseas trade and the movement of goods and cargo continues to increase. With increases in vessel traffic and cargo volumes, there may be increased risk of marine safety accidents and pollution incidents.

In addition, as vessel traffic continues to increase on Canada's coasts, the impact of shipping and navigation on the marine environment may increase, too. A number of impacts stemming from the operation of vessels and vessel equipment in Canada's waters during the course of everyday shipping and navigation has the potential to adversely affect marine life and degrade marine habitats, including vessel collisions, vessel-generated underwater noise, vessel wake, and emissions.

The **Oceans Protection Plan's** goal is to protect Canada's coasts in a modern and advanced way that ensures environmental sustainability and promotes safe, responsible shipping. As part of implementing the **Oceans Protection Plan**, the Government is considering changes to key pieces of legislation, including the *Canada Shipping Act, 2001* and the *Marine Liability Act*, to:

- enhance marine ecosystem protection;
- strengthen environmental response;
- modernize Canada's Ship-Source Oil Pollution Fund; and
- support research and innovation.

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3.0 ENHANCE MARINE ECOSYSTEM PROTECTION

3.1 *Enable Increased Regulatory Safeguards to Better Protect Marine Ecosystems*

Vessels of all sizes can have impacts on the environment beyond spills, such as vessel strikes on marine mammals, shoreline erosion, vessel wake, underwater noise, and emissions. For example, vessel-generated underwater noise can disrupt the ability of whales to find prey, feed, communicate, and find mates, as was shown through studies on the Southern Resident Killer Whale population in British Columbia's Salish Sea⁴. Vessel strikes, often associated with higher vessel speed, were a factor in some of the 12 reported deaths of North Atlantic Right Whales in the Gulf of St. Lawrence in 2017. Slowing down vessels reduces vessel-generated underwater noise and reduces the risk of vessel-whale collisions.⁵

Under the *Canada Shipping Act, 2001*, Transport Canada can regulate shipping, navigation, and vessel operations to protect marine environments. However, Transport Canada's authorities to do so are focused on pollution prevention and response, and are limited in their ability to prevent or mitigate other environmental impacts of shipping and navigation such as negative impacts on marine life. Therefore, the Government is considering strengthening the Minister of Transport's authorities to put in place regulatory safeguards to better protect marine ecosystems from the potential impacts of shipping and navigation.

Seeking Your Views:

From your perspective,

- If the government were to regulate shipping and navigation to mitigate broader environmental risks, what would you consider to be the top priorities for regulation and why?
 - What are the potential impacts and implications if the government puts in place regulations to better protect marine ecosystems?
 - What non-regulatory approaches could be taken to better protect marine ecosystems?
-

⁴ Fisheries and Oceans Canada, *Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada*, "Species at Risk Act Recovery Strategy Series, Fisheries and Oceans Canada, Ottawa, 2011, 27, http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_epaulard_killer_whale_v02_1011_eng.pdf

⁵ Statement by Ministers LeBlanc and Garneau on report released on this summer's North Atlantic Right Whale deaths https://www.canada.ca/en/fisheries-oceans/news/2017/10/statement_by_ministersleblancandgarneauonreportreleasedonthissum.html

3.2 *Enable Rapid Intervention by Transport Canada to Address Marine Safety and Environmental Risks*

At times, situations arise that may pose immediate marine safety or environmental risks, and which require the federal government to take quick action to protect marine environments, or reduce marine safety risks. Examples include the need to impose vessel slowdowns in the Gulf of St. Lawrence to address vessel strikes on North Atlantic right whales, or impose vessel slowdowns in the Salish Sea to address the impacts of vessel-generated underwater noise on the Southern Resident Killer Whales. Although the federal government currently has a mix of binding and voluntary measures it can put in place to address urgent marine safety and environmental risks, it needs to improve its authority to respond quickly to urgent situations.

To strengthen its authority to act quickly, the Government is considering giving the Minister of Transport the authority to issue time-limited orders to mitigate risks to marine safety and/or the marine environment. These orders would provide immediate short-term protection and provide the Government the time needed to determine the appropriate longer-term solution.

Seeking Your Views:

From your perspective, what are the potential impacts and implications if the government proceeds with this potential amendment?

3.3 *Enhance Deterrence and Enforcement*

It is far more effective to prevent marine safety accidents and pollution incidents, than to manage their effects. To promote safe and environmentally responsible practices, the Government can impose administrative monetary penalties on those who do not comply with shipping regulations and standards as established by the *Canada Shipping Act, 2001*. However, the maximum amount of these penalties is relatively low (\$25,000), and has not been updated in over a decade. This small penalty is no longer an effective deterrent to bring repeat offenders into compliance.

To enhance compliance and encourage safe and environmentally responsible shipping, the Government of Canada is considering increasing the maximum potential administrative monetary penalty for infractions against marine safety and environmental requirements. The current graduated enforcement approach for administrative monetary penalties would be maintained.

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Seeking Your Views:

From your perspective, what are the potential implications and impacts of raising the maximum amount of administrative monetary penalties for violations of shipping regulations and standards?

4.0 STRENGTHEN ENVIRONMENTAL RESPONSE

4.1 *Enable Early Intervention during a Pollution Incident*

The Canadian Coast Guard is responsible for ensuring that responses to pollution from ships or oil handling facilities are effective, efficient, and appropriate. If the Canadian Coast Guard believes that a vessel or oil handling facility has discharged, is currently discharging, or is likely to discharge a pollutant such as oil, it can:

- take measures necessary to repair, remedy, minimize, or prevent pollution damage from the vessel or oil handling facility;
- monitor the measures taken by any person; or
- direct any person or vessel to take any necessary measures.

The Government is considering changes to legislation to strengthen and clarify the Canadian Coast Guard's ability to intervene earlier when there may be a spill from a ship. This may include issuing mandatory directions, on a precautionary basis, to a vessel or oil handling facility to avoid escalation of a potential pollution incident, while working closely with all response partners.

Polluters remain liable for any consequences associated with taking or refraining from taking any measures directed by the Canadian Coast Guard, as well as any costs or expenses incurred from following those directions to prevent or respond to a real or potential pollution incident. This would include complying with any directions issued by the Canadian Coast Guard on a precautionary basis.

Under the Oceans Protection Plan, we want to strengthen environmental response so that action can be taken earlier, faster, and more effectively.

Seeking Your Views:

From your perspective, what would be the potential impacts and implications of the Canadian Coast Guard being able to intervene earlier during a marine pollution incident to prevent or minimize a potential spill?

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4.2 *Enable Rapid Response to Marine Pollution Incidents*

4.2.1 *Support Rapid Response*

As outlined in Section 2.0 (Background), different federal departments and agencies have different roles, mandates, and authorities within the Marine Oil Spill Preparedness and Response Regime. However, during a marine pollution emergency, timely decisions and well-defined lines of authority are essential to avoid confusion, delays, and further environmental damage. To ensure consistent federal direction is provided to responders, the Government is considering legislative changes so that roles and responsibilities are clear, including that the Canadian Coast Guard is the lead federal agency responsible for responding to marine pollution incidents that have happened or are at risk of happening. The responsibilities of other government departments, and those of the ship owners/operators and response organizations would not change. As well, provincial/local authorities would continue to exercise their authorities within their mandates.

When responding to marine pollution incidents, the Canadian Coast Guard must be able to set up operations quickly and efficiently. Sometimes, this means that the Canadian Coast Guard must move equipment over and/or set up coordination activities on private land. Both circumstances require advance approval by the property owner, which can delay response to a marine pollution response.

To support rapid response to marine emergencies and pollution incidents, the Government is considering changes to legislation to allow the Canadian Coast Guard, and any persons accompanying them such as external experts, to enter, use, or pass through private property when conducting marine pollution prevention and response activities without first getting the property owner's approval. Provisions to fairly compensate property owners for any loss or damage caused by the use of the property during the environmental response are also being considered.

4.2.2 *Ensure the open sharing of expert advice during an environmental response*

During an environmental response, additional scientific, local, and technical expertise and advice may be required from parties that are external to the federal government. However, there is a risk that these parties may be reluctant to provide their expert advice out of concern that they will be held personally liable for any damages that may occur as a result of their advice.

To ensure responses to marine pollution incidents are informed by the best expert advice possible, the Government is considering legislative amendments to extend immunity from liability to external parties providing advice and expertise to the Canadian Coast Guard and other federal departments in support of a ship-source oil spill response. Immunities would remain the same for industry and industry response representatives. The Government is focusing its consideration on those individuals, such as scientists, local experts, and other external advisors, who would be working with the federal departments in response related decision-making.

Seeking Your Views:

From your perspective, what are the potential implications and impacts of:

- **Enabling the Canadian Coast Guard, and any accompanying external experts, to cross over and use private lands to support an environmental response; and**
 - **Extending immunity from liability to external parties providing advice and expertise to the Canadian Coast Guard and other federal departments in support of an environmental response?**
-

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4.3 Support More Effective Response to Oil Spills in Water: Alternative Response Measures

By law, certain substances are prohibited from being introduced into Canada's waters because they may cause harm to marine ecosystems, human health, and marine resources such as fish stocks and aquaculture. These are important protections and are vital to the sustainability of Canada's marine environments. However, these laws may also limit the effectiveness of environmental responses to oil spills by preventing the use of some products or techniques that could help when cleaning up after an oil spill.

At present, conventional containment and recovery techniques, such as booms, skimmers, and sorbents, are used when responding to oil spills from ships and oil handling facilities. While these tools and techniques work well in some situations, their effectiveness is limited by factors such as the type of oil, the size of the spill, and environmental and weather conditions (e.g. rough waters). Large oil spills or spills in remote locations, for example, may exceed the capacity of booms or limit the window of opportunity to successfully use conventional containment and recovery techniques.

Alternative Response Measures are products, processes, and techniques that offer an expanded range of options for responding to oil spills and mitigating their effects. They can be used alongside conventional containment and recovery techniques to enhance the effectiveness of the response. Alternative Response Measures include techniques such as burning the spilled oil off the surface of the water, and products such as spill-treating agents that change the behavior of spilled oil to reduce the overall impact of an oil spill on the environment. Scientific research has found Alternative Response Measures to be effective tools for cleaning up oil spills, and are currently being successfully used in other countries to respond to marine oil spills, e.g. the United States, Norway.

Increasing access to a broader range of response tools would enable those responding to an oil spill to use the most effective tools and techniques to address oil spills and mitigate their impacts. To increase the effectiveness of oil spill response, the Government of Canada is considering legislative amendments to:

- Allow the use of Alternative Response Measures as additional tools to respond to oil spills from ships and oil handling facilities, only when the Minister of Fisheries, Oceans and the Canadian Coast Guard determines that there is likely to be a net environmental benefit and authorizes their use;
- To enable the Minister of Environment and Climate Change to establish, by regulation, a central list of Alternative Response Measures that may be authorized for use; and
- Allow the same range of Alternative Response Measures to be used to respond to oil spills from ships, oil handling facilities, pipelines, and offshore drilling platforms.

6-1

Seeking Your Views:

From your perspective, what are the potential implications and impacts of allowing the federally-regulated use of Alternative Response Measures to clean up oil spills?

G-1

5.0 MODERNIZE CANADA'S SHIP-SOURCE OIL POLLUTION FUND

The *Marine Liability Act* is the principal legislation dealing with liability and compensation in the event of pollution damage from a ship. Its intent is to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident. The *Marine Liability Act* is based on the polluter-pay principle and there are various tiers of compensation available from multiple sources. It incorporates both international conventions to which Canada is party, and domestic compensation provisions, and provides for various levels of liability, depending on the type of oil causing the pollution damage and the type of vessel involved in an incident.

Generally, ship-owners are strictly liable for costs, losses or damage related to a discharge or threat of discharge from their ship. Canada is party to four international conventions that are implemented in the *Marine Liability Act*. The International Oil Pollution Compensation Funds provide compensation in the case when the ship-owner is not liable, unable to meet their liability or the damage surpasses their limit of liability.

Canada's domestic *Ship-Source Oil Pollution Fund* (the Fund)⁶ was established in 1973 as the first domestic fund in the world providing additional coverage for oil spills. The Fund provides compensation for pollution damage of all types of oil from all types of ships in Canada, and also covers marine mystery spills (i.e., spill from an unidentified source). It was originally financed by levies imposed on oil receivers and shippers in Canada.

The Fund is both a fund of last resort if claims are above and beyond the ship-owner's liability, and of first resort where the claim can be filed directly to the Administrator of the Fund who will assess claims, make an offer of compensation, and once accepted, seek to recover the amount paid from the polluter or other responsible party.

As the Canadian marine transportation industry continues to evolve, it is important that Canadian legislation and regulations also evolve to ensure Canadians are well protected from the risks associated with the transportation of oil by ship. While Canada has never suffered a catastrophic oil spill, there is still a need to be prepared should this unlikely event occur. Canada's *Ship-Source Oil Pollution Fund* needs to be suitably adapted to provide effective and adequate compensation to all Canadians.

5.1. *Lifting the Ship-Source Oil Pollution Fund's Per-Incident Limit of Liability*

The *Marine Liability Act* establishes a per-incident limit of liability for the *Ship-Source Oil Pollution Fund* that specifies the maximum amount of compensation that can be paid out from the Fund for a single oil spill incident. The current per-incident limit of liability of the Fund is \$174,611,294; an amount adjusted annually for inflation.

If a major pollution incident were to occur, despite the significant amount of compensation available from the ship-owner and the insurer, as well as the International Oil Pollution Compensation Funds (should they apply), totaling some \$1.5 billion, this limit may prevent responders and victims from being fully compensated. In these circumstances, the total amount of compensation would be pro-rated across

⁶ For more information about the Ship-Source Oil Pollution Fund, visit: <http://sopf.gc.ca/en/>

claimants, meaning that only a percentage of the amount claimed would be paid to all claimants, for example at 30 per cent.

The Government is considering eliminating the *Ship-Source Oil Pollution Fund's* per-incident limit of liability so that unlimited compensation would be available for eligible claims from victims and responders of oil spills from ships. Lifting the limit would mean that, in the unlikely event of a catastrophic oil spill, the Fund would fully compensate any eligible costs above the amounts available from ship owner's insurance and the international funds (as these limits are set out in international conventions and will not change), instead of pro-rating compensation based on the total amount of claims and the amount of funding available. Should the Government remove the Fund's limit of liability, it will build on the current strengths of the regime of covering a broad range of reasonable costs, actual losses and damage set out in established criteria.

5.2 Modernized Levy Mechanism and Fund Replenishment

In the unlikely event that there is insufficient funds in the *Ship-Source Oil Pollution Fund* to compensate for all eligible costs related to an incident, the federal government is proposing to amend the *Marine Liability Act* to allow the Fund to be temporarily funded by the Government of Canada. Any funds temporarily provided by the federal government would be repaid through a levy paid by oil receivers and exporters.

The Government of Canada is considering legislative amendments to ensure that the *Ship-Source Oil Pollution Fund* can be replenished through levies:

- First, an annual levy on oil receivers and exporters is proposed that would be used to replenish the *Ship-Source Oil Pollution Fund*. The administrative burden of this new modernized levy for industry would be minimized by aligning it with the existing reporting obligations for contributions to the international funds; and,
- Second, amendments are proposed to create a supplementary levy. In the event that funds are temporarily provided by the Government of Canada, a supplementary levy could be imposed on industry to ensure the Government of Canada is reimbursed, if the annual levy is insufficient.

It is important to note that the Government of Canada is not proposing to reinstate the annual levy unless the Fund was depleted.

5.3 Quickly Providing Funds

Oil spill responders are expected to assume the financial risk of a response up-front. When a response is mounted, responders must cover its costs, which can be significant in the case of a major oil spill, and seek reimbursement from the responsible ship-owner or their insurer, the international funds, and the *Ship-Source Oil Pollution Fund* after the fact. This process can create financial difficulty when the amounts are substantial.

The Government is considering enabling up-front emergency funding from the *Ship-Source Oil Pollution Fund* to the Canadian Coast Guard, as the lead federal agency responding to ship-sourced spills.

Separately, the Government is also considering developing a fast track process for small claims submitted to the *Ship-Source Oil Pollution Fund*. Any person with a small claim would be able to submit to the Fund

6-1

Administrator under the fast-track claim process. The threshold and basic criteria that would guide this process has yet to be determined. This process would be available to any organization, community, business, or individual who has suffered actual damage or losses due to oil contamination, or has eligible expenses related to the clean-up of oil as well as preventative measures.

Seeking Your Views:

From your perspective, what are the potential implications and impacts of the above potential changes to modernize the Ship-Source Oil Pollution Fund?

6.0 SUPPORT RESEARCH AND INNOVATION

A world-leading marine safety system requires a solid foundation of research and evidence. Research and development are crucial to formulating policy, understanding the environmental risks and impacts of pollution, and ensuring that the most effective tools and techniques are available to enhance marine safety and environmental protection. As well, new innovations and technologies are emerging that could enhance marine safety and environmental protection, e.g. new vessel designs, technologies and systems, and on-board equipment.

Research and the testing of innovative technologies and techniques under real-world conditions are essential to expand our knowledge base and to develop and assess the effectiveness of new tools and techniques to improve safety and mitigate environmental risks. However, current environmental and/or marine safety regulations may limit the ability to conduct research and development under real-world conditions.

To support research, the Government of Canada is considering legislative amendments to enable the Minister of Environment and Climate Change to authorize the research and testing of substances, techniques, equipment and related processes and procedures for the purpose of enhancing scientific knowledge to support environmental emergency policy making and operational decision making.

The Government of Canada is also considering legislative amendments to enable the Minister of Transport to provide time-limited exemptions from regulatory requirements and standards for the purpose of promoting innovation in, for example, vessel design, systems and on-board equipment to enhance marine safety and environmental protection.

Seeking Your Views:

From your perspective, what are the potential implications and impacts of enabling the Government of Canada to permit research and testing in Canada's waters for the purpose of enhancing marine safety and environmental protection?

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7.0 SHARE YOUR VIEWS

Transport Canada is interested in receiving written feedback from all interested parties on the topics contained in this document. Comments received will be used to support future government discussions on the potential legislative amendments.

Interested parties are invited to share their views at: TC.OPPLegis-LegisPPO.TC@tc.gc.ca.

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ANNEX A LINKS FOR MORE INFORMATION

Marine Oil Spill Preparedness and Response Regime:

<http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-menu-1780.htm>

Oceans Protection Plan: The Plan

<https://www.tc.gc.ca/eng/oceans-protection-plan.html>

Improving marine safety through the Oceans Protection Plan: Fact Sheets

<https://www.tc.gc.ca/eng/improving-marine-safety-through-the-oceans-protection-plan.html>

Liability and Compensation - oil spills from ships:

<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>

Ship-Source Oil Pollution Fund:

<http://sopf.gc.ca/en/>

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The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: August 29, 2018
RE: Janitorial Contract Results

BACKGROUND:

School District #50 contacted the Village of Port Clements to determine if Council would like to have them administer the Janitorial/Custodial Contract for the Multipurpose Building Complex. The Village of Port Clements Council decided that the VOPC staff would continue to administer the custodial contract.

DISCUSSION:

Staff advertised the RFP for the Janitorial/Custodial Contract with a closing date of August 17, 2018 at 1 pm. The RFP was advertised in the Haida Gwaii Observer, the bulletin board, and on the Village of Port Clements Website. We had no inquiries about this contract.

On August 17, 2018, a public opening of all the bids took place at 1:05 pm in the Village of Port Clements Municipal Office. There was only one bid from the existing custodian and the contract requirements were met.

IMPLICATIONS:

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

Not Applicable.

FINANCIAL (Corporate Budget Impact)

This will impact the budget as new staff did not anticipate the contract renewal occurring in 2018. The existing contract is 16% lower than submitted tender, so the budgeted janitorial contract services for 2018 will increase by 6% above what was budgeted.

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

Workload had increased by several hours for staff as this required reports to Council, advertising and administrative review of existing contract and contract

RECOMMENDED MOTION:

THAT Council awards the Janitorial/Custodial Contract to Shirley Weigum as presented in her tender and has the Chief Administrative Officer sign the contract on behalf of Council.

Respectfully submitted:

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The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

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REPORT TO COUNCIL

Author: Ruby Decock, CAO
Date: August 29, 2018
RE: Clinic Flooring Contract Results

BACKGROUND:

The Village of Port Clements Health Clinic flooring needs to be replaced. Council approved the budget to account for the clinic flooring being replaced.

DISCUSSION:

Staff advertised the RFP for the Replacement of the Clinic Flooring with a closing date of August 22, 2018 at 1 pm. The RFP was advertised in the Haida Gwaii Observer, the bulletin board, and on the Village of Port Clements Website. No inquiries were made about this contract and no bids were submitted.

Staff has informed the Northern Health Administrator that the VOPC has not received any bids and has requested his input on any preferred installation dates.

CONCLUSION:

Staff cannot proceed with the install of the new flooring in the Health Clinic without a contractor.

RECOMMENDATION(S):

1. Council requests staff to re-advertise the RFP for replacing the clinic flooring. The implication on this is that this will cause delays in replacing the flooring and there is a possibility that no bids will be received which will cause additional delays.
2. Council requests staff to direct award the contract to a local contractor with experience in vinyl flooring installation. The implication on this is that it will save money on advertising and the flooring will be installed sooner. The cons for this is that the municipality will have to accept the contractor's conditions for install – i.e. project completion timeline (install date & completion dates), rate (hourly/piecework), etc.

IMPLICATIONS:

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

Not Applicable.

FINANCIAL (Corporate Budget Impact)

This is subject to change depending on whether the install of the flooring can occur this fiscal year. The impact to the budget can go either way depending on how Council chooses to proceed. It is all subjective to the bids (if re-advertised) or on the contractor's rate.

NB-3

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

Staff workload has already increased due to the lack of ability to award this contract. By re-advertising and awarding the contract based on bids, staff will have to return to Council to permit the award of the contract to the contractor and thus delaying the time for install. If direct award of contract as per the recommended motion, the workload for staff would less and the install of the clinic flooring will likely be completed sooner.

RECOMMENDED MOTION:

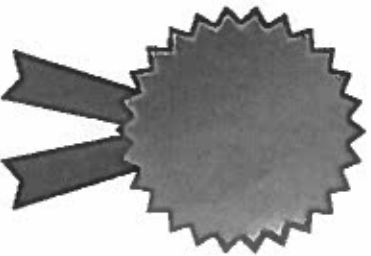
THAT Council permits staff to direct award the contract to a local contractor experienced in installing vinyl flooring and that Council authorizes staff to enter into a working contract with the contractor up to the amount approved for this project in the 2018 budget.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Ruby Decker". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

The Government Finance Officers' Association of British Columbia

Ruby Decack, Village of Port Clements



has been nominated for the

Deb Humphrey Scholarship

15 August 2018

Kala Harris, GFOABC Executive Director



GFOABC
Better Together.

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	<p>Questionnaire distributed on equipment use - Several Turned in.</p> <p>Grant Writer to look for opportunities</p> <p>Ruth Bellamy & CAO toured facilities to determine what improvements should be made.</p> <p>Grant Writer searching out funding.</p>
A31	03-04-2017	Health Clinic Ventilation	Administration	Sullivan Mechanical has completed a site visit and will present a plan for a fitting for a HRV & quote.
A33	18-03-2017	Health Clinic - replace flooring	Administration	Contacted Masset NH Administrator and he will be coordinating a schedule as to when the flooring can be completed (He is on holiday for 2 weeks). RFP has been advertised for the next paper and closing date is in a couple of weeks.
A34	04-07-2017	Community Park - block access	Public Works Councillor O'Brien Anderson	<p>Logs have been temporarily been blocking access</p> <p>Still need a long term solution.</p>
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	<p>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.</p> <p>Contract Awarded & Contractor has started.</p>
A-40	18-06-2018	Order new Conference Phone System	Administration	Still investigating - tried ordering one, but having difficulty finding one compatible with our Panasonic phone system.