



DISTRICT OF PORT HARDY

AGENDA REGULAR MEETING OF COUNCIL 7:00 PM TUESDAY, JANUARY 24, 2012

MUNICIPAL HALL COUNCIL CHAMBERS

Mayor: Bev Parnham
Councillors: Janet Dorward, Jessie Hemphill, Al Huddleston, Rick Marcotte,
Nikki Shaw, John Tidbury

Staff: Rick Davidge, Chief Administrative Officer
Gloria Le Gal, Director Corporate Services
Deb Clipperton, Director of Financial Services
Trevor Kushner, Director of Operations

**DISTRICT OF PORT HARDY
AGENDA FOR THE REGULAR MUNICIPAL COUNCIL MEETING
7:00 pm TUESDAY JANUARY 24, 2012
Council Chambers - Municipal Hall**

- A. CALL TO ORDER** **Time:**
- B. APPROVAL OF AGENDA AS PRESENTED (or amended)**
- Motion required* 1. 2.
- C. ADOPTION OF MINUTES**
- 1-2 1. The minutes of the Committee of the Whole meeting held January 10, 2012.
- Motion required* 1. 2.
- 3-9 2. The minutes of the Regular Council Meeting held January 10, 2012.
- Motion required* 1. 2.
- D. DELEGATIONS AND REQUEST TO ADDRESS COUNCIL**
- 10-12 1. Staff Sgt. AnneMarie Mallard re: RCMP Quarterly Report.
- 13-14 2. Rick Kirkpatrick re: Privacy concerns of Smart Meters.
3. Brian Arsenault, Construction Director, Cape Scott Wind Farm Inc. re: Presentation on Cape Scott Windfarm.
- E. BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS**
- 15 1. Council Action Items. For information.
- F. CORRESPONDENCE**
- 16-17 1. Ted Olynk, Manager Vancouver Island Community Relations (Jan.11/12) re: Thank you for opportunity to present Smart Meter information to Council and update on meter exchange dates. For information.
- 18 2. David Black, President, Canadian Office and Professional Employees Union (COPE) Local 378 (Jan.12/12) re: Request to present Smart Meter information to Council.
- Motion / direction* 1. 2.
- 19 3. Yana Hrdy, Manager, Port Hardy and District Chamber of Commerce (Jan.19/12) re: Partnership with March 31 Community and Business Awards event and request for donation of \$200 towards Civic Center rental costs.
- Motion / direction* 1. 2.
- G. NEW BUSINESS**
- 20-21 1. G. Le Gal, Dir. Corporate Services (Jan.19/12) re: Request to close a portion of Gibraltar St.
- Motion / direction* 1. 2.
- 22 2. Gloria Le Gal, Dir. Corporate Services (Jan.19/12) re: Cape Scott Windfarm Development Permit Application.
- 23-30 Brian Arsenault, Director Construction Cape Scott Wind Farm Inc. (Dec. 19/11) re: Development Permit Application for Transmission Line - Cape Scott Windfarms
- Motion / direction* 1. 2.

H. COUNCIL REPORTS

Verbal reports from Council members.

I. COMMITTEE REPORTS

- 31 1. Minutes of the Parks & Recreation Commission meeting held January 17, 2012. For information.
- 32-33 2. Minutes of the Operational Services Committee meeting held January 18, 2012. For information.
- 34-35 3. Minutes of the Joint Advisory Planning / Harbour Commission meeting held January 18, 2012. Note: One recommendation to Council. For information.

J. STAFF REPORTS

No staff reports in agenda package.

K. CURRENT BYLAWS AND RESOLUTIONS

- 36 1. District of Port Hardy Additional Hotel Room Tax Levy Bylaw 01- 2012. For Adoption
- Motion required* 1. 2.
- 37-49 2. District of Port Hardy Water Regulations Bylaw 02-2012. For Adoption.
- Motion required* 1. 2.
- 50-51 3. District of Port Hardy Gibraltar Road Closing Bylaw 03-2012. For First, Second and Third Reading.
- Motion required* 1. 2.

L. PENDING BYLAWS

Neighbourhood zero emission vehicles.

M. INFORMATION AND ANNOUNCEMENTS

January 25 Emergency Planning - Noon, Council Chambers
January 25 - 27 Elected Officials Seminar, Parksville, BC
January 31 Economic Development Committee - 1:00 pm, Council Chambers
February 4 N. I. Community Forest AGM - 9:00 am, Council Chambers
February 7 Sustainability Committee - 3:00 pm, Council Chambers *to be confirmed*
February 8 Legislative Review Committee - 2:00 pm Council Chambers *to be confirmed*
February 14 Port Hardy Revitalization Committee - 9:00 am, Council Chambers
February 14 Regular Council Meeting - 7:00 pm, Council Chambers

N. NOTICE OF IN-CAMERA MEETING

No In-Camera Meeting scheduled at this time.

O. ADJOURNMENT

1. Time:

DISTRICT OF PORT HARDY
MINUTES OF THE COMMITTEE-OF-THE-WHOLE MEETING
HELD ON JANUARY 10, 2012

CALL TO ORDER: Mayor Parnham called the meeting to order. Time: 6:00 pm

PRESENT: Mayor Parnham, Councillors Dorward, Hemphill, Marcotte and Huddleston (by telephone)

REGRETS: Councillors Hemphill, Shaw, Tidbury

ALSO PRESENT: Rick Davidge, CAO
Gloria Le Gal, Director Corporate Services
Patti Smedley, Economic Development and Community Coordinator

Media: None

Citizens: None

C2012-001
APPROVAL OF
AGENDA

APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

PRESENTATION

1. Mr. Karsten Henrickson, Associate Regional Director, North Island College Re: Update on North Island College / Mt. Waddington Regional Campus

Mr. Henrickson advised Council the Port Hardy campus name has been changed to Mount Waddington Regional Campus.

Mr. Henrickson spoke on tuition, revitalization and service delivery programs, building partnerships, university transfer agreements, Practical Nursing access and Employment Skills access.

Registration increased by 23% in 2011 and there appears to be continued increase in 2012.

Mayor Parnham thanked Mr. Henrickson for his presentation.

2. Khri Singh, Ministry of Jobs, Tourism and Innovation re: Update on the District of Port Hardy Communities First Agreement.

Mr. Singh spoke to Council on the Communities First Agreement through the Ministry of Jobs, Tourism and Innovation.

Mr. Singh provided status updates on the Downtown Revitalization, Business Retention and Expansion Program, Asset Mapping for Foreign and Domestic Investment and the Review of Marine Transportation Infrastructure.

He feels the remaining projects - District of Port Hardy and Quatsino First Nation Economic Forum and exploring economic development opportunities with the Central Coast - are still doable over the next six to eight months.

Mayor Parnham thanked Mr. Singh for his presentation

The Committee of the Whole rose to the regular meeting of Council.

Time: 7:00 pm

CERTIFIED CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR

MINUTES OF THE DISTRICT OF PORT HARDY
REGULAR MEETING OF COUNCIL JANUARY 10, 2012

CALL TO ORDER: Mayor Parnham Time: 7:00 pm

PRESENT: Mayor Parnham, Councillors Dorward, Marcotte, Huddleston (by telephone)

REGRETS: Councillors Hemphill, Shaw, Tidbury,

ALSO PRESENT: Rick Davidge, CAO
Gloria Le Gal, Dir. Corporate Services
Patti Smedley, Economic Development and Community Coordinator
Leslie Driemel, Recording Secretary

Media: North Island Gazette

Citizens: 6

2011-001
APPROVAL OF AGENDA
AS PRESENTED

APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

ADOPTION OF MINUTES

1. The minutes of the Committee of the Whole meeting held December 13, 2011.

2012-002
MINUTES OF
COMMITTEE OF THE
WHOLE COUNCIL
MEETING DECEMBER
13, 2011 APPROVED

Moved/Seconded/Carried
THAT the minutes of the Committee of the Whole meeting held December 13, 2011 be approved as presented

2. The minutes of the Regular Council Meeting held December 13, 2011.

2012-003
MINUTES OF REGULAR
COUNCIL MEETING
DECEMBER 13, 2011
APPROVED

Moved/Seconded/Carried
THAT the minutes of the Regular Council Meeting held December 13, 2011 be approved as presented.

DELEGATIONS

1. Rick Kirkpatrick, re: BC Hydro Smart Meters and Health concerns.

Mr. Kirkpatrick requested that the District of Port Hardy call for a moratorium on Smart Meter installations in the community until all health, privacy and security issues are independently identified and satisfactorily addressed.

DELEGATION:
R. KIRKPATRICK RE: BC
HYDRO SMART
METERS

DELEGATION:
R. KIRKPATRICK RE: BC
HYDRO SMART
METERS

Council was advised areas of concern include:

- health issues regarding exposure to the types and levels of radiation emitted by the radio frequencies and the distances they can travel.
- access points for the collection of data.
- mandatory installation, no opt out option.
- no wired IP based smart meter or old meters allowed.
- no recourse in place, Smart Meters exempted from BC Utilities Act.
- no proven cost savings or energy reduction as shown by the Ontario Smart Meters installation.
- installation costs estimated at \$1billion.
- job losses.
- locating meter bases near circuit breakers may causing arcing, causing additional expense to homeowners to relocate electrical panels.
- installation of meters by unsupervised contracted installers with two weeks of training who will be doing work normally done by a qualified electrician.
- privacy issues regarding data collection, implied consent, computer hacking and personal privacy
- no say in stopping a constant source of radiation in the home.

2. Ted Olynk, BC Hydro, Manager, Vancouver Island Community Relations re: Smart Meters.

Mr. Olynk advised Council that there is great discussion and debate regarding Smart Meters and that there is a great deal of misinformation being circulated regarding them. Smart Meters are the new world standard with 200 million currently installed world wide.

Benefits of the meters were discussed including:

- keeping hydro rates low by providing operational efficiencies
- voltage optimization will provide the right amount of electricity in the system when needed.
- greater sustainability, less need to develop other sources of electrical power
- consumers can have feedback tools in home to measure usage on electrical products
- immediate pinpointing of power outages and power on
- a modernized electrical grid with two way communication
- home generated electricity such as solar and wind can be utilized and excess sold to BC Hydro
- pinpoint and stop electricity theft (e.g. by grow-ops)
- estimated cost benefits to be \$1.6 billion over 20 years

Mr. Olynk discussed with Council concerns regarding:

- radio frequencies and the amount and time of emissions and cited Planet Works, BC Disease Control and physicists that agreed there is no evidence that WiFi exposure is a threat to health
- the current wide use of WiFi emissions in communities at a much higher level than Smart Meters will be.
- Cell phone emissions being ten times stronger than meter emissions.

DELEGATION:
T. OLYNK, BC HYDRO
RE: BC HYDRO SMART
METERS

- Old meters failing and not meeting current Measurement Canada standards
- Job loss, meter reading is contracted out in most communities and BC Hydro is working with the contractor to mitigate job losses
- Installation of meters, property owners can put a note on the meter to not install and BC Hydro will contact them to discuss concern.
- Ontario experience with Smart Meters, advised billing costs were high due to installation and first usage during peak summer times and introduction of HST.
- Access points will be located on hydro poles, similar to transformers

Mr. Olynk thanked Council for their time and advised that there is a more information on Smart Meters on the BC Hydro website.

BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

1. Brought forward from November 22, 2011 Regular Council Meeting, Association of Vancouver Island Municipalities (AVICC) re: Resolutions Notice and Request for Submissions, Call for Nominations for AVICC Executive and Program Presentation Proposals or Other suggestions.

Councillor Hemphill joined the meeting.

Time: 7:55 pm

Council discussed attendance at AVICC and UBCM Conventions. A resolution for AVICC was discussed regarding the cost of living in the North Island (food, fuel, etc and Revenue Canada reinstating the Northern Living Allowance to the Port Hardy and Mount Waddington Regional District. The resolution would be taken to the Regional District Board for review and then to AVICC.

Moved/Seconded/Carried

THAT staff draft a resolution for AVICC regarding the reinstatement of the Revenue Canada Northern Living Allowance for residents of the Mount Waddington Regional District

2. Council action items were received as information.

CORRESPONDENCE

1. Copy of letter from Cindy Denomme, Deputy Clerk Town of Sidney (Dec.20/11) re: Developing Geographic Response Plans for Oil Spills was received as information.
2. S/Sgt Tom Norton, Acting Officer in Charge, Crime Prevention & Program Support Services, RCMP (Dec 8/11) re: Crime Prevention through Environmental Design was received as information.

P. Smedley, Economic Development and Community Coordinator discussed with Council the basis of Crime Prevention through Environmental Design for the Stink Creek enhancement project.

2012-004
STAFF DRAFT AVICC
RESOLUTION RE:
NORTHERN LIVING
ALLOWANCE

Councillor Huddleston (by telephone) left the meeting. Time: 8:02 pm

3. Al Baronas, Chief Executive Officer, Island Coastal Economic Trust (ICET) (Dec.12/11) re: ICET Board Election was received as information.

Mayor Parnham advised she will be attending the ICET Board meeting

4. Autumn Cousins, Project Assessment Manager, Environmental Assessment Office (Dec.22/11) re: Issuing Environmental Assessment Certificate to Nomis Power Corp. for the Nahwitti Windfarm Project was received as information.
5. Rosemary Bonanno, Executive Director, Vancouver Island Regional Library (Jan.4/12) re: Revised Facilities Policy was received as information.

Council discussed the Port Hardy library facility and agreed it is a good facility and size.

Moved/Seconded/Carried

THAT staff write and advise that the District has no current plans or concerns regarding the Port Hardy Branch of the Vancouver Island Regional Library.

NEW BUSINESS

No new business.

COUNCIL REPORTS

Councillor Dorward

- Attending the Port Hardy Revitalization Committee meeting and advised committee goals and objectives as well as a memorandum of understanding with First Nations for a Class A First Nations Museum are being drafted.
- Attending the upcoming Truck Loggers Convention in Victoria as well as a meeting with the new BC Ferries chief administrative officer.

Councillor Marcotte reported on:

- Attending the Hardy Bay Seniors Society meeting and advised that paid membership is low.
- Attending the Fire Department meeting and advised of the Fire Chief's request for criminal record checks for existing and new members, concerns regarding the need for fire practise on 3 to 4 floor buildings and the supply of paper products to the Fire Department.

Staff was directed to discuss the request for criminal record checks with the Fire Chief and resolve paper products supply concerns.

Councillor Hemphill reported on:

- Attending the Port Hardy Revitalization Committee meeting by telephone call in and advised of discussion for a First Nations Museum and exploring funding sources available to First Nations.

2012-005
VIRL RE: LETTER
REGARDING FACILITIES
POLICY

COUNCIL REPORTS

COUNCIL REPORTS

- Attending upcoming Twinning Society, Heritage Society and Sustainability Committee meetings.

Mayor Parnham reported on:

- Attending the Vancouver Island Health Authority Local Working Group meeting and advised they are looking at working models for primary health care and physician payment schedules. Council was advised there is a locum in place for one week per month, January to March, and that there should be no more emergency room closures during that time. Council was advised that the scope of allowable practises available to registered nurses and pharmacists is fairly extensive and needs to be better utilized.
- Attending the upcoming Truck Loggers Convention in Victoria and will be meeting with the new BC Ferries CAO, Michael Corrigan.
- Attending the upcoming Island Coastal Economic Trust Board meeting.

COMMITTEE REPORTS

1. Operational Services Committee, Minutes of the meeting held December 14, 2011 and two recommendations to Council.

The Operational Services Committee recommends to Council that the District of Port Hardy enter into a three year contract with Koers & Associates Engineering to provide ongoing engineering support for 2012-2014.

2012-006
3 YR CONTRACT WITH
KOERS & ASSOC FOR
ENGINEERING
SUPPORT APPROVED

Moved/Seconded/Carried

THAT the District of Port Hardy enter into a three year contract with Koers & Associates Engineering to provide ongoing engineering support for 2012-2014.

The Operational Services Committee recommends to Council that the District proceed to tender for Storey's Beach Waterline Section Replacement (Beaver Harbour Rd. / Scotia Street).

2012-007
PROCEED TO TENDER
FOR STOREY'S BEACH
WATERLINE SECTION
REPLACEMENT
APPROVED

Moved/Seconded/Carried

THAT the District proceed to tender for Storey's Beach Waterline Section Replacement (Beaver Harbour Rd. / Scotia Street).

STAFF REPORTS

1. Accounts payable, month of December, 2011 was received as information.
2. Patti Smedley, Economic Development and Community Coordinator (Dec.15/11) re: Resolution for grant application to Celebrate Canada! Program for Canada Day celebration.

2012-008
CELEBRATE CANADA !
GRANT APPLICATION
APPROVED

Moved/Seconded/Carried

THAT the District of Port Hardy submit a grant proposal to the Celebrate Canada! Program for \$2,375 to hold a Canada Day Celebration at Storey's Beach Park on July 1, 2012.

2012-009
COUNCIL CP7.6
JOB DESCRIPTION, DIR
OF OPERATIONS
APPROVED

3. R. Davidge, CAO (Dec 16/11) re: Update to Council Policy CP7.6 Job Description, Director of Operational Services to correspond with new Director of Operations position.

Moved/Seconded/Carried

THAT Council approve the revised Council Policy CP7.6 Job Description, Director of Operational Services to correspond with new Director of Operations position as presented.

4. Gloria Le Gal, Dir. Corporate Services (Jan.6/12) re: Bear Cove Recreation Site Water Lot Lease application.

Gloria Le Gal, Dir. Corporate Services advised Council that the nominal rent tenure application may be in question. Recent correspondence from Front Counter BC advised the lease application may be classified as commercial lease rather than a nominal rent tenure which may result in an annual fee of \$500 plus a percent of income for the lease.

Council discussed charges for use of the boat ramp and moorage at Bear Cove Recreation site and was advised no fees are in place at that facility as the purpose is to take pressure away from Fishermans Wharf launching and parking facilities.

2012-010
BEAR COVE
RECREATION SITE
WATER LOT LEASE
APPLICATION
APPROVED

Moved/Seconded/Carried

THAT Council approve an application to Front counter BC, Forests, Land and Natural Resources Ministry for a water lot lease adjacent to the existing District Lot 2336 at Bear Cove.

BYLAWS

1. Memo from G. Le Gal, Dir. Corporate Services (Dec.22/11) re: Additional Hotel Room Tax Levy Bylaw was received as information.

Gloria Le Gal, Dir. of Corporate Services advised Council that the wording for Additional Hotel Room Tax Levy is from the Provincial Government and that this bylaw is to extend current hotel room tax levy, not another tax on top of the existing one.

2. District of Port Hardy Additional Hotel Room Tax Levy Bylaw 01- 2012 for First, Second and Third Reading.

Moved/Seconded/Carried

THAT the District of Port Hardy Additional Hotel Room Tax Levy Bylaw 01- 2012 receive First, Second and Third Reading

3. Memo from G. Le Gal, Dir. Corporate Services (Jan.5/12) re: Water Regulations Bylaw was received as information.

Council was advised the changes to the Water Regulations Bylaw were directed by Vancouver Island Health Authority regulations to prevent cross contamination into the water supply and will be applied to new building permit applications and to existing buildings as needed.

2012-011
BYLAW 01- 2012
ADDITIONAL HOTEL
ROOM TAX LEVY 1st, 2nd
3rd READING

2012-012
BYLAW 02- 2012 WATER
REGULATIONS 1st, 2nd
3rd READING

4. District of Port Hardy Water Regulations Bylaw 02-2012 receive First, Second and Third Reading.

Moved/Seconded/Carried
THAT District of Port Hardy Water Regulations Bylaw 02-2012 for First, Second and Third Reading.

ADJOURNMENT

2012-013
ADJOURNMENT

Moved
THAT we adjourn.

Time: 8:30 pm

CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Royal Canadian Mounted Police -Port Hardy
7355 Columbia Street, P.O. Box 86
Port Hardy, BC V0N 2R0

Your File - Votre référence

Our File - Notre référence

Port Hardy District Mayor and Council
7360 Columbia Street P.O. Box 68
Port Hardy, BC
V0N 2R0

Date

January 17, 2012

Quarterly Report October, November and December, 2011

Mayor and Council Members

Port Hardy RCMP Detachment continues to focus on the Strategic Priorities of Substance Abuse, Traffic, Crime Reduction and Maintaining a presence in our First Nations Communities.

During the third quarter of 2011, Port Hardy Detachment opened 920 files. There were 233 prisoners who spent time in cells, 38 Judicial Justice of the Peace Hearings done, and of those 38, 18 people were remanded in custody.

A break down of the files generated during this quarter, includes 30 Assaults, 6 Sexual Assaults, 6 Impaired Driving, 13 Missing Persons, 3 Break and Enters to Business, and 3 Break and Enter to Residences, 40 reports of Mischief and 31 Mental Health Act files.

There were 11 Shoplifting / Theft Under investigations, 16 False Alarms and 23 Bylaw Noise complaints.

There were 96 complaints of Intoxicated in Public Place, 45 complaints of Breach of the Peace, 18 reports of Cause Disturbance, 46 Bail Violations, 6 Unspecified Assist files (often to assist EHS) and 39 Abandoned 911 calls.

During this quarter, members conducted foot patrols at known areas frequented with people in violation of the Liquor Control and Licencing Act. Members conducted regular Bar Walks in our licenced establishments and coordinated joint road checks with neighboring detachments.

A greater presence of police officers worked on Hallowe'en and every available police car was on the street during peak times for children going door to door. Members participated in the Remembrance Day service in Red Serge.

Victim Services is actively involved in many of our investigational files. Victim Services works closely with the Crisis Center to ensure the best service delivery of resources.

In keeping with our strategic priorities, we are consistently working to

Objective # 1 Substance Abuse/Drug Trafficking

Reduce the number of Intoxicated people in public areas.

Identify the most popular locations for public intoxication and monitor those areas by increased Foot Patrols. As well, we will schedule Bike Patrols in the popular areas as well as trails around Port Hardy.

We will develop drug intelligence and address some of the illicit drug use in Port Hardy. Members will conduct regular Bar Walks at the local licenced establishments.

We have met this benchmark this quarter with regular bar walks, a number of drug seizures as a result of search warrants. Quantities of cocaine and substantial amounts of cash were seized from three residences during this quarter. Charges are pending on all offenders for Possession for the Purpose of Trafficking.

Objective # 2 is Traffic:

Continue efforts to reduce traffic related offences by maintaining a presence on Highway 19 and school zones.

Members are dedicated to traffic related infractions and during this quarter, were successful in taking 6 impaired drivers off the road.

Objective #3: Crime Reduction

Continued efforts to reduce crimes against persons with a focus on domestic violence, prohibited drivers and drug dealers. Safe homes is a priority, and by focusing our resources on habitual offenders, a reduction in crimes against persons will be realized.

One prolific offender has been identified and regular checks are being done. Police continue to monitor curfews and conditions related to Community Sentence Orders.

We continue to see public assistance in solving crimes and ask that people call the Port Hardy Detachment or Crime stoppers to report crime.

If you have any questions, please feel free to contact me at your convenience.

Best Regards,

Anna Marie Mallard (S/Sgt)
Detachment Commander, Port Hardy

Port Hardy Detachment Fourth Quarter Total Files October, November, December 2011	920 files
Assault	30
Sexual Assault	6
Intoxicated in Public	96
Breach of Peace	45
Cause Disturbance	18
Mischief	40
Bail Violations	46
Bylaw Noise	23
False /Abandoned 911	39
Break and Enter Business	3
Break and Enter Residence	3
Theft from Motor Vehicle	4
Theft / Shoplifting Under \$5000.00	11
Missing Persons	13
Unspecified Assistance	6
False Alarms	16
Impaired Driving	6
Mental Health Act	31

Prisoner Held	233
JJP Hearings	38
Detentions from JJP Hearings	18

Municipal Presentation II

Personal Privacy

Elizabeth Denham, B.C.'s Information and Privacy Commissioner, released a report assessing the privacy and security of BC Hydro's smart meter program, stating the Crown Corporation is not fully in compliance with the Freedom of Information and Protection and Privacy Act.

"Hydro is not currently meeting this requirement, and we've made some recommendations to help them improve their customer notification."

Denham launched the investigation into the smart meter program in July after receiving some of 600 complaints and correspondences from the public about BC Hydro's plan to replace 1.8 million older meters with so-called smart meters. *600 complaints from customers? How many customers have any idea what B.C. Hydro is doing?*

Denham said that hourly power use updates would reveal patterns of household consumption and information about customers' daily lives, but said BC Hydro is taking adequate measures to safeguard this information.

"It is clear from my investigation that BC Hydro is taking privacy and security seriously as it develops a framework for the implementation of smart meters and a smart grid," Denham said. "But there are areas for improvement."

Denham's report makes 14 recommendations for BC Hydro to improve privacy and security practices. She said BC Hydro **has committed** to create plans to address these recommendations. *When will this be done? SOON?*

The only way to get any kind of privacy is to have a NetMeter installed and generate your own power. I can not see how the average person could spend that kind of money for privacy we already enjoy now. The rich will be able to have their privacy and the rest of us can not afford it.

Hacking concerns

The smart meters measure residents' power consumption by the hour, and then use wireless signals to relay that information back to BC Hydro.

But critics of the program are concerned that smart meters could be hacked to give away information that could pose a personal security risk, like indicating when residents are home and when houses are empty.

Also in the era of electronic information, restricting the freedom of the press is as easy as turning off the light. They can also turn off radios, televisions and computers. Now, restricting the freedom of the press is as easy as turning off your Smart Meter.

What is required under the Clean Air Act and regulations is a **secure, digital, two-way communication**. Secure? Any kid with a \$10.00 baby monitor or cordless phone will be interfering or monitor all of this private information.

Smart Meters and collectors operate at a maximum nominal power of 1 Watt in the Industrial- Scientific-Medical (ISM) frequency band (900 – 928 MHz) in order to permit communication from the collector to the smart meters. Once a Smart Meter grid starts in your neighborhood, the whole ISM band is being used by BC Hydro. All your privately

own devices will be bullied off the air waves by BC Hydro and they will tell you that you do not have the right to use them. WRONG.

Smart Meters are Turning Off Appliances and Restricting Energy in Switzerland:
(Posted by Patrick Wood on 3/3/2010 11:12:06 AM From a reader who lives in Switzerland)

In Aargau (Canton of Switzerland) where we live the power supplied to our apartment is restricted for several hours (late morning to early afternoon). We can use all electronic devices

except the washing machine. How they do it, I don't know. But the washing machine cuts off if

it was started just prior to a certain time and resumes working when the restricted time period is over.

This was totally freaky to us at first when we moved from Germany to Switzerland. Now Joy

had to adjust her washing habits accordingly. Interestingly enough, there is an atomic power

plant just up the road from us. We were not told of this when we moved here, and a Swiss friend of ours who helped us to move in didn't know about it either. But he lives in a different Canton.

ITEM	ACTION – REGULAR MEETING OF JANUARY 10, 2012	WHO	STATUS /COMMENTS
AVICC - Resolutions - Submissions, Nominations	Draft resolution regarding reinstating northern living allowance to RDMW residents	RD	In progress
VIRL re: Facilities Policy	Advise Council has no plans or concerns regarding PH Library Branch of VIRL	GL	Done
Council Reports - C/Marcotte re Fire Chief request for criminal record checks for current and new members and paper supply issues	Discuss with Fire Chief requests as presented	GL	Done
Engineering Support for District	Approved . 3 yr contract with Koers & Assoc Engineering. Prepare contract.	TK	Contract prepared, given to CAO
Tender for Storey's Beach Waterline Section Replacement (Beaver harbour F/ Scotia St.	Proceed to Tender. Prepare tender	TK	Done - Tender out Feb 1/12
Grant application for Celebrate Canada! Program	Grant application to Celebrate Canada! Program approved. Apply as presented.	PS	Done
Update to Council Policy CP7.6 Dir. Operations Job Description	Approved. Update and distribute policy	LD	In progress
Bear Cove Recreation Sites Water Lot Lease application	Apply for water lot lease.	GL	In progress
ITEM	ACTION – REGULAR MEETING OF DECEMBER 13, 2011	WHO	STATUS /COMMENTS
Animal Control Bylaw to Legislative Review Committee	Set up Legislative Review Committee meeting	GL	In progress
Community Recreation Program grant application (Port Hardy Connectivity and Trail Enhancement Project)	Proceed with grant application as presented	PS	Done
Tourism Port Hardy 2012 Budget Additional Hotel Tax Room Levy	Approved as presented. Advise Tourism Port Hardy	DC	Done
ITEM	ACTION – REGULAR MEETING OF NOVEMBER 22 2011	WHO	STATUS /COMMENTS
Water Wise Report 2011-2012 and recommendations	Approved as presented. Implement recommendations	RD	Done
ITEM	ACTION – REGULAR MEETING OF NOVEMBER 8 2011	WHO	STATUS /COMMENTS
Recommendation to Council from the Committee of the Whole meeting held November 8, 2011 re: Adoption of the Human Bear Conflict Management Plan 2010.	Strike Committee to review Port Hardy Human Bear Conflict Management Plan 2010 and report back to council for cost effectiveness and practicality. Strike Committee as directed.	GL	In progress
ITEM	ACTION – REGULAR MEETING OF OCTOBER 25, 2011	WHO	STATUS /COMMENTS
G. Le Gal, DCS re: neighbourhood zero emission vehicles	DCS to prepare a bylaw for the use of neighbourhood zero emission vehicles in Port Hardy, subject to the regulations of the MVA	GL	In progress
ITEM	ACTION – REGULAR MEETING OF AUGUST 9 2011	WHO	STATUS/COMMENTS
Seagate Wharf emergency repairs	Approved estimated cost of \$35,875.79. Start repairs Amend Financial Plan to include cost of repairs	RD DC	Contractors advised In progress
ITEM	ACTION – REGULAR MEETING OF APRIL 26, 2011	WHO	STATUS/COMMENTS
Fireplace / woodstove inspection rates	Bring to next budget/financial planning meeting	DC	In progress

Ted Olynyk
Community Relations Manager
Vancouver Island Region
Telephone: (250) 755-7180
Fax: (250) 755-7120
Email: ted.olynyk@bchydro.com

Jan. 11, 2012

Mayor Bev Parnham
District of Port Hardy
7360 Columbia Street
Port Hardy, BC V0N 2P0

Dear Mayor Parnham,

Thank you for the recent opportunity to present to council on Smart Meters. As I mentioned, the replacement of existing analog meters with a digital smart meter is the first step in modernizing the grid. A more modern grid will provide a more reliable, safe and cost-effective supply of power and provide customers with more choices to manage their electricity. The Smart Metering Program will also help keep BC Hydro's rates among the lowest in North America, and contribute to a clean energy future.

Starting in July 2011 through December 2012, BC Hydro and Corix, our BC-based contractor, is exchanging more than 1.8 million meters. **Meter exchanges in your community will commence in February 2012 rather than March as I had stated in my presentation and are scheduled to be completed by the end of April 2012.**

BC Hydro customers in your community will receive a letter a few weeks prior to their meter upgrade. The letter will notify customers when their meters will be exchanged and what they can expect during the process:

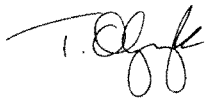
- Customers do not need to be home so long as there is safe, clear access to their meters.
- In most cases the meter exchange will take less than 10 minutes to complete.
- Most customers will experience a short power interruption, lasting no longer than 60 seconds.
- Installers will be identified with BC Hydro and Corix logos on their trucks and uniforms, and will have photo identification badges.

- Installers will leave written notification for customers to let them know the work has been completed.

If you have any questions or would like more information please let me know.

For more information on the Smart Metering Program, please read the [straight facts on smart meters](#), or download the [Business Case from our website](#)

Sincerely,

A handwritten signature in black ink, appearing to read "T. Olynyk". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a large loop at the end.

Ted Olynyk
Manager, Vancouver Island Community Relations



Canadian Office and Professional Employees Union Local 378
 2nd Floor, 4595 Canada Way, Burnaby, BC V5G 1J9
 TEL 604-299-0378 TOLL FREE IN BC 1-800-665-6838 FAX 604-299-8211 www.cope378.ca

Agreed

DISTRICT OF PORT HARDY

JAN 17 2012

Our File No. LF/COPE/Committees/PA

January 12, 2012

District of Port Hardy
 Box 68
 Port Hardy, BC V0N 2P0

Dear Mayor and Council,

Over the past year as BC Hydro has started to install Smart Meters, we've seen strong reactions from people in communities across BC.

I'm sure you're hearing – as we are – from people in your communities concerned about potential health, environmental, cost, and privacy impacts. That's part of what led to last fall's UBCM convention passing a resolution calling for a moratorium on Smart Meter installation.

I am writing to you as the president of COPE 378, the union representing the meter readers who will be put out of work by Smart Meters, to ask your council/board to consider one further key impact of the Smart Meter Initiative – the loss of nearly 400 jobs in communities around this province. Meter Readers have valuable institutional knowledge and are proud of the work they do in service of our public utility and communities.


COPE 378 has been doing presentations before municipal councils and public community meetings on the job impact of Smart Meters, and we would like to extend the offer to come before your council to present our information.

Among all the other issues that come with Smart Meters – the impact on the meter readers is the most immediate and measurable. These layoffs will have a devastating impact on families and communities across BC.

To date, the provincial government has simply ignored the issue. COPE 378 has tried several times to get an 'anywhere, anytime' meeting with various premiers and ministers of energy to discuss Smart Meters and meter readers, to no avail.

I hope you will contact us at 604-299-0378 or by emailing communications@cope378.ca if you would like to discuss setting up a presentation to your council.

Sincerely,


 David Black
 President, COPE 378



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Port Hardy & District Chamber of Commerce
P.O Box 249, Port Hardy, BC V0N 2P0 Canada
Tel: (250) 949-7622 • Fax: (250) 949-6653
Email: phcc@cablerocket.com • Website: www.ph-chamber.bc.ca

January 19, 2012

Re: Partnership at Community & Business Awards event

Dear Gloria

The Port Hardy & District Chamber of Commerce is very pleased with your interest for partnership with the Chamber at the Community & Business Awards event. The event is scheduled for March 31, 2012 and the theme is "western"

The reason for this letter is to ask the District to help us offset the cost to rent the Civic Centre for this event. Donation of \$200.00 will be much appreciated

Sincerely,

Yana Hrdy, Executive Director
Port Hardy & District Chamber of Commerce



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Request to close a portion of Gibraltar Street
DATE: 19 January, 2012

Keltic Seafoods has purchased a section of land across Gibraltar Street from their plant. They have requested that the District close a portion of Gibraltar Street and sell it to them to enable them to join the new property with their current lot. The road does not hold any District infrastructure.

An appraisal has been completed by Jackson & Associates Ltd. The appraised value on this portion of road, were it closed, is \$9,300.00. Keltic Seafoods has offered to pay the full appraised value plus all appraisal, legal and advertising costs. We are required, by law, to provide access to the beach and Keltic Seafoods has agreed to establish a statutory right of way over the closed road and to build a staircase to the beach.

All statutory advertising of the proposed road closure and disposition of the land has been completed.

Recommendation

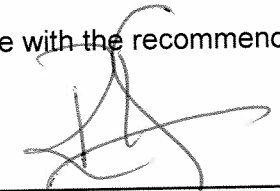
1. That the District of Port Hardy agree to close a 770.5m² section of Gibraltar Street as shown on the attached sketch.
2. That the closed road be sold to Keltic Seafoods for \$9,300.00 plus the costs for all appraisal, legal and advertising costs on the condition that:
 - i) Lot 6 of Plan 15229, the closed section of road and the newly created Lot A as shown on the attached sketch be consolidated into one lot;
 - ii) a statutory right of way be established over the property to permit beach access and a staircase be built to the beach; and
 - iii) a rezoning be completed to rezone the closed section of road and the newly created Lot A to a Marine Industrial (M-2) zone.

Respectfully submitted,



Gloria Le Gal, DCS

I agree with the recommendation.

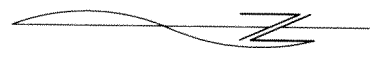


Rick Davidge, CAO

SKETCH PLAN SHOWING PROPOSED ROAD
CLOSURE OF PART OF GIBRALTAR STREET,
DISTRICT OF PORT HARDY.



SCALE 1:500



SECTION 36
TOWNSHIP 9
Rem 1
PLAN
VIP66118
EPP

HARDY BAY

DISTRICT LOT
2041

BLOCK C
DISTRICT LOTS
2267 and 2297

A
PLAN
EPP

ROAD TO BE
CLOSED
Area = 770.5 m²

SRW PLAN
VIP2169

GIBRALTAR
STREET

PLAN

4

LEGEND

All distances are in metres and decimals thereof.
All dimensions subject to final survey.



H1664SK1-ROAD.dwg
September 29, 2011

This plan lies within the District of Port Hardy and
the Regional District of Mount Waddington.

BAZETT LAND SURVEYING INC.
1025 HORNACREIFE AVENUE
PORT HARDY, B.C. V9N 2P0
PH: (250) 945-7821
WWW.BAZETT.SURV.BC.CA

FILE: H1664

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DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Cape Scott Windfarm Development Permit Application
DATE: 19 January, 2012

Cape Scott Windfarm has applied for a Development Permit for construction of a transmission line on District of Port Hardy lands. Their permit application is attached detailing the proposed construction.

All statutory advertising has been completed.

Recommendation

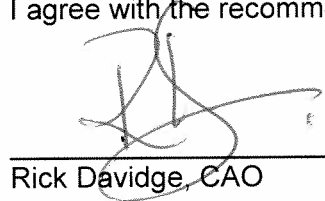
I recommend that a development permit be issued for the proposed construction.

Respectfully submitted,

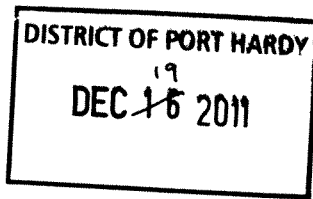
I agree with the recommendation.



Gloria Le Gal, DCS



Rick Davidge, CAO



File: _____

December 19, 2011

Mr. Rick Davidge
Chief Administrative Officer
District of Port Hardy
PO Box 68, 7360 Columbia Street
Port Hardy, B.C. V0N 2P0

**RE: DEVELOPMENT PERMIT APPLICATION for TRANSMISSION LINE
DISTRICT OF PORT HARDY**

Dear Mr. Davidge:

The purpose of this letter is to provide information to the District of Port Hardy in support of an Application for a Development Permit for the electrical transmission line crossing of the District of Port Hardy lands some 1km southwest of downtown Port Hardy. The transmission line is being constructed to transmit the electricity produced by the Cape Scott Wind Farm, previously known as the Knob Hill Wind Farm to the BC Hydro Port Hardy Substation.

On November 8, 2011 Cape Scott Wind Farm Inc. (CSWF) received its Amended Environmental Assessment Certificate for the Cape Scott Wind Farm. This Amendment application, which explicitly considered the transmission line from the Cape Scott Wind Farm to the BC Hydro Substation in Port Hardy, was approved following considerable environmental impact review, engagement with First Nations, and consultation with key stakeholders and the general public including the District of Port Hardy. Representation from the District of Port Hardy was included in the review of the Amendment. The EA Amendment Application, including the scientific studies regarding potential impacts as well as the EAO Assessment Report documenting the process and supporting rationales for approval, are available on the EAO website at: http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_219.html.

1.0 Proponent Contact Information

The contact information for the Cape Scott Wind Farm is:

Mr. Brian Arsenault, P. Eng.
Director, Construction
Cape Scott Wind Farm
IPR-GDF SUEZ North America, Inc.
9250 Trustee Road – Unit#10
PO Box 819
Port Hardy, BC V0N 2P0

E: Brian.Arsenault@gdfsuezna.com
M: 250-527-1411
PH Office: 250-949-7780

2.0 Legal Description of Property

The proposed transmission line location is shown on the attached map. As the map shows, the transmission line crosses the District of Port Hardy fee-simple parcel (legal description 45TR4 Rupert) as well as Crown lands. The fee-simple parcel has a Land Use designation of Comprehensive Development (CD1) in the Official Community Plan. Additional Crown land to the west of the fee-simple land is also crossed and has a Land Use Designation of RR Rural Resource.

3.0 Property Location and Access

The District of Port Hardy lands and the transmission line crossing are shown in the attached map. Current access to the property exists along the Trustee Road and the Duval Road and resource roads to the east and south, as well as existing forestry roads to the north. Some reconstruction of these roads will be necessary for construction access, and some limited access will be required for maintenance activities along the transmission line after construction. Construction required at the BC Hydro substation will be carried out using the existing BC Hydro access road or from the Duval Road along the new transmission line corridor.

4.0 Size of Property

The lot size of the District of Port Hardy lands for the private/fee simple parcel crossed by the transmission line is estimated as 145.2ha. The corridor identified for the transmission line route is 200m wide, equating to an area of 39.16ha. The final alignment for the transmission line will be selected to limit the environmental impacts and the overall length of the transmission line. Once the final alignment of the transmission corridor is selected, the exact clearing width can be determined. Given the nominal clearing width of 40m, the cleared area within the District of Port Hardy fee-simple land is expected to be 7.47ha. The legal boundaries and rights for this land will be negotiated and set out after clearing is completed in a statutory right of way document.

5.0 Information from Official Community Plan

Information contained in the Official Community Plan indicates this area is classified as forest lands. Two Environmentally Sensitive areas identified in the Official Community Plan will be crossed by the transmission line. These are the riparian areas of two small unnamed streams. Two additional stream crossings not in the Official Community Plan were identified during field reconnaissance.

6.0 Present Zoning

The proposed transmission line crosses lands zoned for development.

7.0 Official Community Plan Land Use Designation

The area between the private / fee simple District Lands and the BC Hydro substation are designated as Comprehensive Development (CD-1) in the 2011 Official Community Plan. Specific comments regarding the CD-1 area are:

- CD-1: primary use residential with intention of incorporating mixed residential densities, typologies, useable open space, trails, and small commercial opportunities.

The Crown lands are designated as Rural Resource.

8.0 Description of Existing Use

The area is currently undeveloped, with natural and second-growth forest in many areas. The intake for the water supply for the town of Port Hardy is located north of the area, and the buried water supply pipeline crosses this area north to south.

Based on discussions with District staff, future development of an additional water reservoir on these lands may occur. Acceptable potential locations were identified that will not conflict with the transmission line routing.

9.0 Description of Proposed Development

Proposed use is the development of an electric power transmission line from the proposed Cape Scott Wind Farm on Knob Hill to an existing substation within the District of Port Hardy boundaries. The transmission line has been named the "Georgie Lake Transmission Line".

An expansion of the BC Hydro Substation to the west may be required if the equipment cannot be accommodated on the existing lands owned by BC Hydro.

The original EA Application approved in August 2004 was the subject of an EA Amendment Application submitted on June 3, 2011. The District of Port Hardy provided comments on the Amendment Application, as well as the approved November 8, 2011. The scope of the Amendment was determined to be substantive, and thus the EAO required a major amendment to the original Certificate. The process for government agency review was comparable to the review of a full Application for the revised components, including the transmission line. As part of these studies, the EAO convened a Technical Working Group of government agency representatives (provincial and federal), local government, and First Nations. The assessment report prepared by the EAO outlines the process and the determination regarding the potential environmental impacts, as well as the consultation process for the Amendment Application.

This development permit application is based on a 200m wide corridor that has been identified for the transmission line within the Port Hardy municipal boundary. The final cleared width of the transmission line will be 40m, and up to 60m in some specific areas, and it will be located somewhere within the 200m corridor (see attached map). Final design will be provided once detailed engineering is complete. This approach will allow for the most efficient design to reduce both costs and environmental impacts based on detailed site information is not yet available.

As part of the Cape Scott Wind Farm commitment to public consultation, Open Houses were held to inform the public regarding the changes in the Project as outlined in the Amendment and update the public on the status of the Project. The EAO also provided a public comment period regarding both the scoping document and the Application as submitted.

10.0 Proposed Variation and/or Supplement to Existing Regulations

Variation of the zoning bylaw will not be required. Pursuant to part 5.1.1 b2 and 5.14 of the land use bylaw, no variation of existing zoning regulations are required as the proposed use is a public utility which is exempted from the bylaw. In discussion with District staff and given the technical aspects of the proposed transmission line across District lands, no variation to the land use bylaw or supplements to existing regulations are required.

Pursuant to Section 5.2.1 of the Official Community Plan (OCP), "the District shall incorporate the practices outlined in Land and Development Guidelines for the Protection of Aquatic Habitat..." An Environmentally Sensitive Area Development Permit (ESA DP) is needed as required in Section 7.4, Specific Guidelines for Environmentally Sensitive Areas, in the OCP for two riparian areas plus an additional two riparian areas currently not identified in the OCP. It is anticipated that the approach to these areas as outlined in the Amendment Application, namely retaining understory vegetation and small trees within 30m of fish habitat, is an acceptable approach to reducing, to the extent practical, the environmental impacts in these limited areas.

It is understood that the transmission line development complies with land development guidelines for the District of Port Hardy.

Cape Scott Wind Farm Inc. will require a statutory right of way for the transmission line corridor in order to access the BC Hydro grid at the Port Hardy Substation.

11.0 Approximate Commencement Date

Based on the current development and construction schedule, work on the wind farm would begin in early 2012. Work on the District Lands along the final alignment for the transmission corridor is anticipated to begin in February 2012.

12.0 Reasons in Support of Application

Cape Scott Wind Farm Inc. (CSWF) and Sea Breeze Energy, Inc. (Sea Breeze) propose to develop a wind farm near the northern tip of Vancouver Island, on a plateau of known locally as "Knob Hill". The project is called the "Cape Scott Wind Farm" (the "Project"), and was previously called the Knob Hill Wind Farm. The first 99MW of the Project is currently being developed toward construction by IPC-GDF-SUEZ North America Inc., under the project-specific company Cape Scott Wind Farm Inc.

The development of the Cape Scott Wind Farm would provide new economic stimulus and stability to the area. Wind energy is a multi-billion dollar industry and is the fastest growing source of electricity in the world with a total installed capacity of almost 200,000 MW at the end of 2010 (GWEC, 2011). Wind energy is now prominent in Europe, Asia, and North America..

The Cape Scott Wind Farm Project would harness the energy present in the wind and convert it into electricity. The Project will use 55 Vestas V90-1.8 wind turbine generators, which each have a nameplate capacity of 1.8 MW. Vestas currently has 35,500 turbines installed worldwide and is the world's leading turbine supplier. This technology is readily available in commercial markets, and as of June 2008, there are 259 V90-1.8 MW turbines installed worldwide, representing a capacity of 466.20 MW. To transmit the electricity from the wind farm to the BC Hydro system, a transmission line is needed from Knob Hill to the BC Hydro Substation near Port Hardy.

This Project is being developed to meet domestic electricity demand on Vancouver Island as well as to promote the development of a new green energy industry in British Columbia. The Project was a recipient of an Electricity Purchase Agreement in BC Hydro's Clean Power Call which ran from 2008 to 2010. The Clean Power Call was a competitive bid that looks at clean energy projects put forth by independent power producers using proven technologies such as run-of-river hydro, wind, and solar. The Proponent believes the Cape Scott Wind Farm can play a significant role in meeting need for new electricity demand while at the same time reducing greenhouse gas (GHG) emissions inherent in the development of thermal power plants, particularly coal generation.

A new route has been identified for the construction of the transmission line that will bring the electricity from the Project to the BC Hydro's Port Hardy Substation. Electrical studies conducted since 2004 concluded that the amount of electricity generated at Knob Hill can best be transmitted to BC Hydro via a direct connection to the substation at Port Hardy. This transmission route was compared with the original proposed route as discussed in the EA Amendment for the Project.

A new corridor for the transmission line was identified based on a review of desktop data and several field studies. The new route runs in a relatively direct line from the wind farm on Knob Hill in the west to the BC Hydro Port Hardy Substation in the East. The transmission line has been named the Georgie Lake Transmission Line (or "GLTL") because it runs to the North of Georgie Lake. This transmission line will be located on Crown land except for the easternmost section, approximately 2km long, which will be located on lands that are owned in fee simple by the municipal District of Port Hardy.

Significant economic, social and ecological benefits will result from the construction and operation of the Project. The development of the Project would provide new economic stimulus and add new jobs to the area. Total estimated capital costs for the Cape Scott Wind Farm project over the two-year Phase 1 build-out is approximately \$300 million. Phase 1 construction is estimated to include 200 worker-years of employment and generate approximately \$80 million in local spending. Annual employment for Phase 1 is estimated to be 12-15 jobs during the 20 year operations phase. This estimate is based on the proportion of operating and maintenance costs associated, as well as the number of trades worker and supervisor positions created.

Economic benefits will include:

- ✓ Construction spending in the Province of approximately \$80 million.
- ✓ Creation of 12-15 full time jobs in the area; and
- ✓ Revenues to government from taxes and lease payments associated with the project.

Social benefits to the Province include:

- ✓ Job-creation on northern Vancouver Island for local trades-people, loggers, road builders, etc., note that this region is subject to low employment rates;
- ✓ Possibility of increased revenues in the region associated with tourism and other spinoffs; and
- ✓ Meets Provincial energy and climate change policy objectives.

Ecological benefits include:

- ✓ Renewable, non-extractive fuel source;
- ✓ No contribution to air pollution during the operation of the Project; and
- ✓ No contribution to greenhouse gases during the operation of the Project, which can contribute to the global effort to combat climate change.

Respectfully Submitted,



Brian Arsenault
Director, Construction
Cape Scott Wind Farm Inc.

APPENDIX A: TECHNICAL INFORMATION & REPORTS

Specific Reports:

The following specific reports relate to the recently completed EAO approval process.

1. EA Amendment Application

The EA Amendment Application outlines the information regarding the environmental assessment of the transmission line for the Project, including considerations of alternate routing. The Amendment Application was intended to supplement existing information contained in the original Knob Hill EA Application of 2004 – the recent amendment was approved by the EAO on November 8, 2011. The Amendment Application also contains additional information regarding public consultation that was carried out for the Project, including Open Houses in Port Hardy. The Amendment Application presents information regarding the potential environmental impacts of the Project, as well as legally binding commitments that must be followed for the planning, construction, and operation of the Project in order to mitigate potential environmental impacts.

The EA Amendment Application can be found on the EAO website at:
http://a100.gov.bc.ca/appsdata/epic/html/depoy/epic_document_219_33402.html

2. EAO Amendment Assessment Report

The EAO Assessment Report on the Amendment Application (November 2, 2011) contains a thorough discussion of the Project as it relates to the necessary approvals for the Project, the First Nations consultation carried out and the process of review for the Provincial Amendment. The report contains the government assessment of the potential environmental impacts of the project as determined by government agency specialists, in consultation with First Nations and others to verify information and conclusions.

The EAO Assessment Report to the Executive Director for signature can be found at:
http://a100.gov.bc.ca/appsdata/epic/html/depoy/epic_document_219_33837.html

3. Project Design Update

This document provides an updated description of the Cape Scott Wind Farm and the changes that have been made since the original environmental assessment (EA) in 2004. Specifics on the project are included in this document, including changes to the project, consultation and the potential for environmental impacts. Attachments include a map of the transmission routes as well as the anticipated permits, licenses, and approvals for the Project.

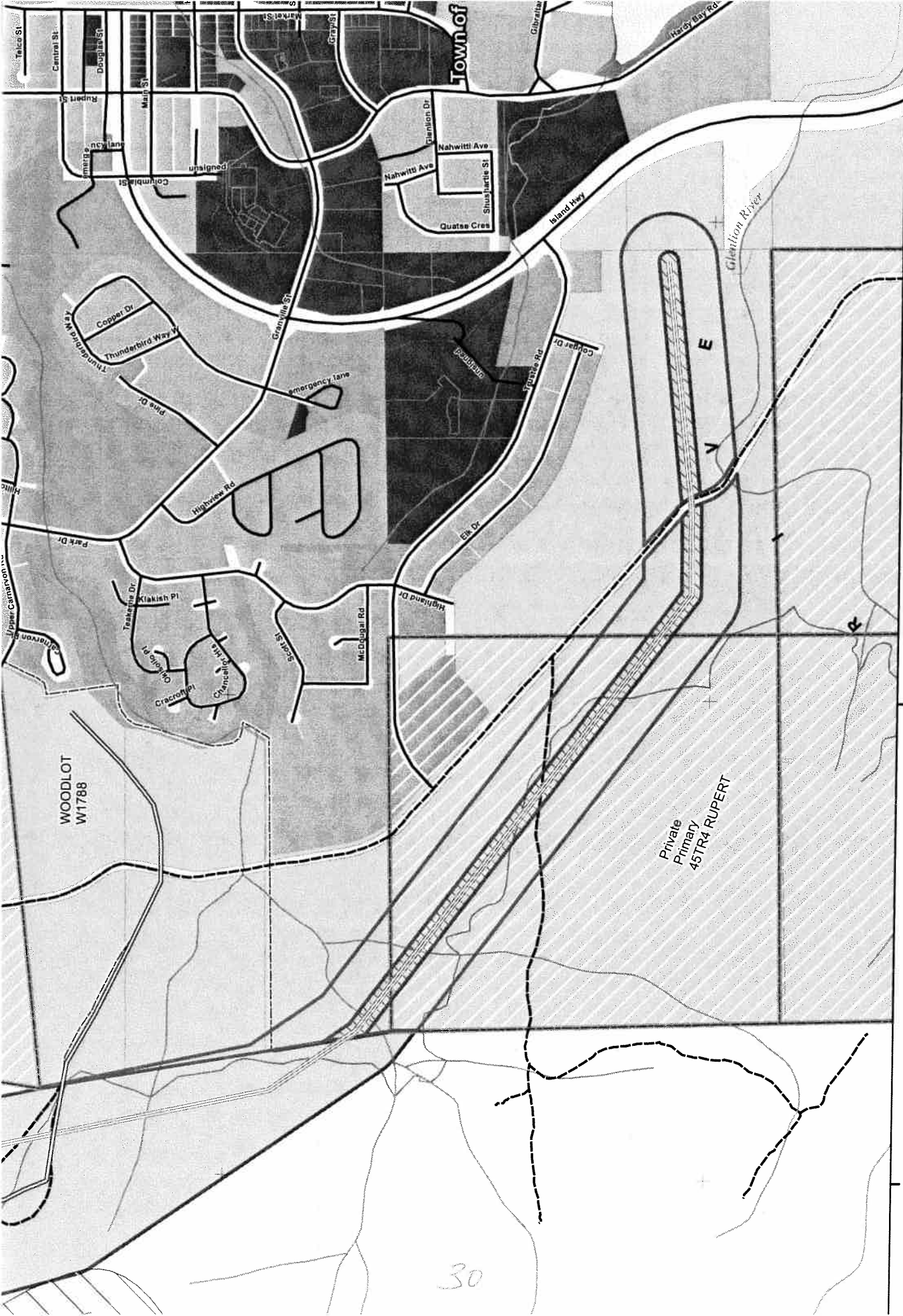
The current design of the transmission line involves crossing 4 unnamed streams within the District of Port Hardy. These crossings will occur at/near the following locations (coordinates in UTM, Nad83, z9):

Table: Known stream crossings in Port Hardy.

<u>Crossing</u>			<u>Waterbody</u>
<u>ID</u>	<u>Easting</u>	<u>Northing</u>	<u>Type</u>
1	605107	5619133	Unknown
2	604721	5619419	Wetland
3	604469	5619601	S3
4	604331	5619705	S2/S3

Environmental mitigation measures have been developed with DFO in order to protect water quality, fish, and fish habitat at stream crossings. During the review process, the transmission line route was revised to accommodate concerns that the crossing of the transmission line be downstream of the water intake for Port Hardy.

The Project Design Update can be found on the EAO Project website (E-PIC) at:
http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_219_33526.html



Map Projection: UTM Zone 9 NAD 83
 Date: November 30, 2011
 Path: H:\Cape Scott Wind Farm\mxds\TOPH_Municipal_Map.mxd

Cape Scott Windfarm Port Hardy

Land Use Class	
	Nominal Clearing Width (40m)
	Transmission Line Corridor (200m)
	TFL
	Community Watersheds
	Commercial
	Forest
	Industrial

604000 605000 606000

DISTRICT OF PORT HARDY

PARKS AND RECREATION COMMISSION
Minutes of the meeting held Tuesday, January 17, 2012

Call to Order:

Time: 7:12 pm

Present

Members: S. Ogren, B. Sedola, J. Davidson, R. Tucker
Councillor: J. Dorward
Staff: P. Smedley, Gord Wolden
Regrets: N/A
Public: N/A

Approval of
Agenda

Approval of Agenda

S. Ogren / J. Davidson

THAT the agenda be approved as presented.

Carried

Approval of
Minutes

B. Sedola / J. Davidson

THAT the minutes from the Nov. 15, 2011 meeting be approved with one change. The Community Recreation funding was amended to read "\$400,000" instead of the "\$450,000" as posted in the minutes.

Carried

Community
Recreation
Grant

Old Business

P. Smedley updated the committee on the status of the Community Recreation Grant, outlining the focus on connectivity. Commission members agreed with this focus and discussed their interest in adding further amenities, such as a band stand or amphitheatre to Stink Creek Park. They also discussed the importance of implementing Crime Prevention Through Environmental Design standards for any project. Commission members would also like to see park benches and picnic tables added to the upper section of Stink Creek Park.

Bear Cove
Recreation
Site

P. Smedley updated Commission members on the current status of Bear Cove. She discussed the current progress on permitting and engineering.

Queen's
Jubilee

New Business

Commission members were briefed by P. Smedley on the components of the proposed grant to hold a Queen's Jubilee the month of August. Members were excited about the possibilities and expressed support for holding events the month of August as there is often a lack of activities for tourists during that time period.

Adjournment

R. Tucker - that we adjourn

Time: 8:32 p.m.

.../1

DISTRICT OF PORT HARDY
OPERATIONAL SERVICES COMMITTEE
Minutes of the meeting held January 18, 2012

Present: Councillors Marcotte, Tidbury
Regrets: Councillor Huddleston

Also Present Rick Davidge, CAO
Trevor Kushner, EPCOR
Leslie Driemel, Recording Secretary

	<p>In the absence of the Councillor Al Huddleston Chair, Councillor Tidbury agreed to preside over the meeting.</p>
	<p>1. Call to Order: Councillor Tidbury Time: 9:00 am</p>
	<p>2. Minutes of the meeting held December 14, 2011 were reviewed as information.</p>
ACTION ITEMS	<p>3. Operational Services Action Items</p> <p>Strategic Watershed Management Plan was provided as information. Adoption of the plan by Council was discussed.</p>
WATERSHED MANAGEMENT PLAN BRING INFO TO NEXT MEETING	<ul style="list-style-type: none">• Staff will confirm adoption for the next meeting.• T. Kushner advised he will ask Dennis Dugas, Watershed Manager to come to the next meeting and update the committee on the Watershed Management Plan.
ENGINEERING SERVICES - KOERS & ASSOC	<p>4. RFQ Engineering Services - Koers & Assoc.</p> <p>T. Kushner advised that Koers & Associations Engineers have been in town and reviewed various areas and projects. They will be valuable in providing a hierarchy and process for project planning and implementation.</p>
BRIDGE PROJECTS 2012	<p>5. Bridge projects 2012.</p> <p>T. Kushner advised of two bridge projects, Upper Glen Lyon Bridge on Duval Forestry Road and a box culvert replacement on road to the Water Treatment Plant. Discussion included bridge priorities, budget prices, PEP funding, project deadlines and Fisheries and Oceans windows of opportunity for scheduling work.</p>
	<p>6. Storey's Beach waterline project.</p> <p>T. Kushner advised a draft tender is in process and will be completed and issued shortly. Construction is expected in mid to late February. At this time a landline is in place and EPCOR staff are addressing any freezing issues that may arise during the current cold spell.</p>

Discussion was held on the waterline project not being tied in with the recently completed sewer line. Those present were advised that funding criteria was involved and that the future use of engineering services for project planning will help with better timing of projects.

7. Yard / Safety update.

PUBLIC WORKS
WEEK PUBLIC
TOURS

Discussion was held on the successful Council tour and it was suggested that during Public Works Week public tours be offered. T. Kushner will move forward with the suggestion.

PUBLIC WORKS
SAFETY UPDATE

T. Kushner advised that yard safety procedures are in place with 'tailgate' safety meetings being held with the appropriate agendas and minutes as part of the process. Workplace BC requires ongoing training and documentation to be in place. Terry Duncan, Safety Consultant has helped and continues to bring the Public Works yard and crew up to the necessary standards.

8. Personnel review (organizational chart for public works).

PUBLIC WORKS
REORGANIZATION

T. Kushner advised of an organizational and personnel review of public works. It is proposed that the parks area of operation be separated from the general public works, with R. Veloso becoming Superintendent of Parks. The change is to provide better organization, resources and planning for the parks areas which are often missed under the public works umbrella.

The proposed organizational chart would be:

Director of Operations

- Public Works

- Public Works Foreman

-Public Works Crew

- Parks

-Parks Superintendent

- Parks crew

9. Other Items

a. Snow Removal - A discussion was held on the equipment and policies in place for snow removal.

b. Next meeting - R. Davidge suggested at the next meeting the Committee look at goals and objectives, priorities, past and present budgets, equipment reserves and invited the Councillors to bring forward items of discussion

10. Adjournment

Time: 9:30 am

DISTRICT OF PORT HARDY

JOINT ADVISORY PLANNING / HARBOUR COMMISSION
Minutes of the meeting held Wednesday, January 18, 2012

Present: Ken Knopp, Chair; David Lang; Gordon Patterson; Councillor Marcotte

Staff: Gloria Le Gal, DCS

Regrets: Ernie Knopp

Call to Order by: K. Knopp

Time: 5:15 pm

Approval of Agenda

Approval
of Agenda

THAT the agenda be approved as presented.

Moved/Seconded/Carried

Approval of Minutes

1. Minutes of the meeting held June 16, 2011

Approval
of Minutes

THAT the minutes of the meeting held June 16, 2011 be approved as presented.

Moved/Seconded/Carried

Old Business

1. An update was provided on the rezoning applications that were reviewed in June, 2011.

- 5056 Peel Street the rezoning has been completed
- 8080 Goodspeed Road the application was withdrawn

New Business

1. The new Harbour Regulations Bylaw was distributed for inclusion in the member's binders. The members were pleased with the bylaw, stating that it was finalized in the spirit that they intended.

2. Proposed road closure, Gibraltar Street. Gordon Patterson declared he is in conflict.

G. Le Gal presented information on the application: Keltic Seafoods is purchasing a portion of upland to District Lot 2041 that fronts the end of Gibraltar Street. Closing this portion of the street and permitting Keltic Seafoods to purchase the closed portion will permit them to consolidate all parcels together with their current lot. They are required by law to provide access to the beach and they will do that by providing the District with a Statutory Right of Way and a staircase to the beach.

A consensus was reached that this is a good project for the community and it should proceed.

DISTRICT OF PORT HARDY

JOINT ADVISORY PLANNING / HARBOUR COMMISSION
Minutes of the meeting held Wednesday, January 18, 2012

3. A general discussion was held on the proposed Zoning Bylaw re-write. The Commission would like an active role in that process.

Recommendations to Council

1. That the Gibraltar Street road closure proceed.

Adjournment

THAT we adjourn

Time: 5:45 pm

Certified correct.

Director of Corporate Services

Commission Chairman



**DISTRICT OF PORT HARDY
BYLAW NO. 01-2012**

**A BYLAW TO REQUEST THE IMPOSITION OF
AN ADDITIONAL ACCOMMODATION TAX UNDER THE PROVISIONS
OF THE *HOTEL ROOM TAX ACT***

WHEREAS The Council of the District of Port Hardy wishes to raise revenue for the purposes of financing external tourist promotions;

AND WHEREAS under Section 43 of the *Hotel Tax Act*, Chapter 207, R.S.B.C. 1996 a municipality may request, by bylaw, that the Lieutenant Governor in Council make a regulation providing for an additional tax levy, not exceeding two percent on sales of accommodation within the municipality;

NOW THEREFORE the Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

1. The Lieutenant Governor in Council is hereby requested to make a regulation under Section 43(2)(e) of the *Hotel Room Tax Act* declaring that Section 3(1) of the said Act applies in respect to accommodation purchased within the District of Port Hardy.
2. The tax to be imposed under the provisions of the regulation is requested to be two percent of the purchase price of the accommodation.
3. The tax to be imposed under the provisions of the regulation will be collected within the entirety of the District of Port Hardy.
4. The funds paid to the District of Port Hardy under provisions of the regulations shall be applied exclusively to tourist projects, programs or marketing.
5. The effective date of the tax is to be July 1, 2012.
6. This bylaw may be cited as the "District of Port Hardy Additional Hotel Room Tax Levy Bylaw 01-2012".

Read a first time the 10th day of January, 2012.

Read a second time 10th day of January, 2012.

Read a third time the 10th day of January, 2012.

Adopted the _ day of _, 2012.

Director of Corporate Services

Mayor



**DISTRICT OF PORT HARDY
BYLAW NO. 02-2012**

**A BYLAW TO REGULATE THE TERMS AND CONDITIONS
UNDER WHICH WATER FROM THE MUNICIPAL
WATER UTILITY MAY BE SUPPLIED AND USED**

WHEREAS it is deemed advisable that the District of Port Hardy establishes regulations for the operation of a water system;

NOW THEREFORE, the Council of the District of Port Hardy, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "District of Port Hardy Water Regulations Bylaw 02-2012".

2. DEFINITION

In this bylaw unless the context otherwise requires,

APPROVED BACKFLOW PREVENTION ASSEMBLY means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and installation criteria requirements of the CAN/CSA standards B64.10-07 / B64.10.1-07 or most current edition;

AUTHORIZED AGENT includes a person, firm or corporation representing the District of Port Hardy;

AUXILIARY WATER SUPPLY means any water available on or to a premise originating from a source or system other than that from the District Waterworks System;

BACKFLOW means the flow of water or other liquids, gases or solids from any source in the reverse direction back into the private water system or the District Waterworks System;

BACKFLOW ASSEMBLY TEST REPORT means a form provided by or approved for use by the District of Port Hardy to be used when testing backflow assemblies to record all pertinent information and test data;

BACKFLOW ASSEMBLY TESTER means a person holding a valid certificate from the American Water Works Association, British Columbia Section for testing backflow prevention assemblies and approved by the District;

BACKFLOW PREVENTER means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable Waterworks System and to meet the design and installation criteria requirements of the CAN/CSA standards B64.10-01 / Series-01 or most current addition;

CONSUMER means any person, company or corporation or agent for the owner of any premises to which water is supplied or made available from the works and also any person who is the occupier of any such premises and also includes any person who is actually a user of water supplied to any premises or by a service from the said works.

CONTAMINANT means any physical, chemical, biological or radiological substance or matter in water which may render the water non-potable according to the Province of British Columbia *Drinking Water Protection Act* and Regulations.

CROSS CONNECTION means any actual or potential physical connection whereby the

District Waterworks System is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture or any other device which contains, or may contain, contaminated water, liquid, gases, sewage or other waste or unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow;

CROSS CONNECTION CONTROL PROGRAM means the District Cross Connection Control Program Policies, Procedures and Specifications which provide references, guidelines, bulletins and amendments relevant to this bylaw;

CSA is the abbreviation for the Canadian Standards Association;

CURBSTOP is a water shut off valve at, or near to, the property line and is owned by the District of Port Hardy.

CUSTOMER means the same as Consumer;

DIRECTOR means the person designated to act on behalf of the District in relation to this bylaw.

DISCONTINUE means to terminate the arrangement between the District and the customer for the supply of water and to shut off the service pipe, disconnect or remove it;

DISTRICT means the District of Port Hardy.

FIXTURE means a faucet, toilet, urinal, sink, drinking fountain, bath or shower, hot tub or Jacuzzi or similar appurtenance.

HYDRANT OR TEMPORARY USE PERMIT means a permit issued by the District for any person requesting water from a fire hydrant, stand pipe or temporary water connection for purposes other than emergency fire protection;

INSPECT means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this bylaw;

INSPECTOR means the Municipal Inspector, his designate or any other person designated to act on behalf of the District to administer the building and plumbing regulations.

OCCUPIER means any person to whom a water service is rendered and shall include the tenant of lands and premises;

OWNER means the registered owner, or the person named as the registered owner on the tax roll by reason of agreement for sales, of any lands and premises situated within the District boundaries and shall, where applicable, include the agent, executor or administrator of such owner or the lessee or occupier of the premises;

PERSON shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation.

POTABLE WATER means water that is fit for human consumption as defined in the *Drinking Water Protection Act* and Regulations.

PREMISES mean any real property and buildings on it;

PRIVATE WATER SYSTEM means any privately owned pipe and fittings intended for the delivery or distribution of water within a premise or to a property and includes any domestic use, irrigation system, greenhouse and hydroponics system and any other use of water supplied by the District Waterworks System.

SERVICE means the supply of water by means of the waterworks system;

SERVICE CONNECTION POINT means the point of physical connection between the waterworks system and the private water system. Typically the service connection point is at the downstream side of the water meter and/or is located at or near the owner's property line;

SERVICE PIPES means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system at the building.

TURN OFF means to turn off the water supply by closing a District owned valve or curb stop by any other means approved by the District;

TURN ON means to allow the flow of water by opening a District owned valve or by any other means approved by the District;

USED WATER means any potable water which is no longer in the water distribution system including potable water that has moved downstream or past the water connection (water meter) and/or the property line to the private water system;

WATER CONNECTION means the same as Service Connection Point.

WATER MAINS mean any water service under the control of the municipality which is intended for public use.

WATER SERVICE means the supply of water from the waterworks to any person and all the taps, valves, meters, connections and other things necessary to any actual use for the purpose of such supply.

WATERWORKS SYSTEM or WORKS means the pipe connecting the District Waterworks System and all fittings and valves owned or maintained by the District and provided to the property line on any street, lane, right of way or easement.

3. APPLICATION FOR SERVICE

3.1 Application for service in the form as prescribed from time to time must be completed and signed by the owner of such property or his duly authorized agent. Each applicant agrees to abide by the terms and conditions of this Bylaw and pay all appropriate fees or assessments for works or services.

3.2 Application for water connection and payment for same must be completed prior to application being made for a building permit, if applicable. The application for water connection must be approved by the District prior to a building permit being issued.

4. SERVICE PIPES

- 4.1 Before any person shall install or construct any water service on private property, or commence doing any construction work in relation to or in connection with such service, he shall notify the District in writing. If required by the Inspector, he shall furnish a plan and specifications which shall show:
- (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
 - (b) a description of the material which the applicant proposes to use in connection with such installation or construction.
- 4.2 The installation of service pipes on private property shall be the responsibility of the property owners but shall conform to specifications approved by the District.
- 4.3 The District shall not be liable for the cost of any work done in connection with any service on private property nor shall any employee of the District carry out any work on private property during working hours.
- 4.4 It shall be the duty of every consumer to provide that all taps, fittings and other appurtenances connected with the service within the premises are in good condition and installed and connected in accordance with the provisions of the Building Code, Plumbing Code and all relevant District bylaws.
- 4.5 Every premise shall have a properly placed curbstop or meter setter.
- 4.6 When the owner's service pipe plans and water connection application have been approved he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the District shall be notified that such work is ready for inspection and the Inspector shall make such inspection within two days thereafter, excluding Saturdays, Sundays and holidays.
- 4.7 The District shall refuse to turn on water to any premises not complying with this bylaw.
- 4.8 In the event of leakage, freezing or other conditions which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the Municipality's connection pipe, the consumer shall notify the District requesting repairs.
- 4.9 In the event that the District's connection pipe is faulty and is the cause of the consumer's complaint, the District shall repair such faults. If there is no fault found in the District's connection pipe, the consumer shall be invoiced for all costs of the work. The consumer may have the right to inspect the site of the excavation by the Municipality and satisfy himself as to the condition of the connection pipe.
- 4.10 Every consumer shall provide for his own service to his premises a pressure reducing valve, in accordance with the Plumbing Code.
- 4.11 For all new water connections there shall be a meter setter and appurtenances installed at the consumer's expense.

4.12 Fees related to commercial meters

(a) In reimbursing the District for the cost of any meter under this bylaw the consumer may pay over the period of five years and appropriate quarterly payments, including financing costs, will be added to their water billing.

(b) Financing costs will be calculated as simple interest on the declining balance at the interest rate established under the *Taxation (Rural Area) Act* less 2½% on a quarterly basis.

5. WATER SUPPLY AND PRESSURE

5.1 The District does not guarantee pressure or continuous supply of water or accept responsibility at any time for the maintenance of pressure in its water mains or for increases or decreases in pressure. The District reserves the right at any and all times, without notice, to change operating water pressure and to turn off the water supply for the purposes of making repairs, extensions, alterations or improvements or for any other reason.

5.2 The District, its officers, employees or agents shall not incur any liability of any kind whatsoever by reason of the cessation in whole or in part of water pressure or water supply or changes in operating pressures or by reason of the water containing sediments, deposits or other foreign matter.

5.3 Where steam or hot water boilers or other equipment is fed with water by pressure directly from the waterworks system, the District shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a backflow preventer.

6. INSPECTIONS

6.1 The owner or his agent shall test the house connection for water tightness in the presence of the Inspector.

6.2 Where the Inspector finds that the materials or workmanship of an owner's water connection are defective or otherwise not in accordance with the provisions of the bylaw, he shall notify the owner who shall forthwith replace the defective material or correct the faulty workmanship and notify the Inspector when the installation is again ready for inspection.

6.3 The District shall refuse to provide a connection to the works if any premises do not comply with the requirements of this bylaw.

7. TERMS

7.1 There shall be charged against the owner of the land or real property where a water connection has been installed to the property and where plumbing is installed on the premises and is connected to the District water system, a water rate as set forth in the current District of Port Hardy Rates Bylaw.

7.2 Where multiple independent users exist in what is commonly referred to as a Common Connection line, the individual rates as defined in the current District of Port Hardy Rates Bylaw shall be applicable whether or not an independent water line has been installed to the property.

- 7.3 Fees shall be in accordance with the District of Port Hardy Rates Bylaw. All monthly fees are effective January 1st of the current year and are payable at the end of each quarter as follows:
- (a) Services for January, February, March will be billed in April and are due 40 days after invoice date;
 - (b) Services for April, May, June will be billed in July and are due 40 days after invoice date;
 - (c) Services for July, August, September will be billed in October and are due 40 days after invoice date.
 - (d) Services for October, November, December will be billed in January and are due 40 days after invoice date.
 - e) These rates shall be payable at any place designated by Council, subject to the provisions of the *Community Charter*.
 - (f) A penalty of 2.5% of the entire outstanding balance shall be applied on each of the quarterly due dates indicated above.
- 7.4 Invoicing for new customers will commence when the Building Permit is issued.
- 7.5 If the owner of any property, or his agent, where the water line has been disconnected wishes to reconnect to the public water, he shall make application upon such forms as prescribed by the District for the reconnection. He shall pay the estimated cost, with minimum fees being charged pursuant to the current District of Port Hardy Rates Bylaw. Upon completion of the reconnection, the owner or his agent shall be sent a statement showing the actual cost of the work and he shall be refunded any overpayment or conversely he shall pay the District any cost over and above the estimated cost of his work.
- 7.6 Any charges authorized by this bylaw which remain unpaid on December 31st shall form a charge or lien upon the land or real property upon which or in respect of which they are imposed and Section 258 of the *Community Charter* shall apply to the collection of such charges. These unpaid charges will be transferred to taxes in arrears and will accrue daily interest.
- 7.7 The District has a specified water district; therefore, the owners of premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all water rates, whether water is used or not.
- 7.8 Use of hydrants
- (a) No person, except an employee of the municipality in the course of his employment, or a member of the municipal fire department on duty, shall without the written authority of the District open any hydrant, standpipe or valve or use any water there from. Such authority shall reserve to the municipality the right to stop such use at any time for any reason without liability for damages resulting there from in any manner whatsoever.

(b) Every person who receives such authority shall deposit with the District a damage deposit of Two Hundred Fifty Dollars (\$250) and the Municipality may deduct from such deposit whatever charge shall be payable to the municipality in its reasonable discretion for the use of the water and for damages to the main, hydrant standpipe, valve or maintenance and/or repair.

(c) Permission will be granted in writing by the District specifying use and conditions thereof.

7.9 The water connection fee in the District of Port Hardy Rates Bylaw includes one inspection and one re-inspection, if required, of the connection.

8. REGULATIONS

8.1 If a parcel of land upon which is situated a building occupied and/or used by one or more persons abuts a street or land or right-of-way upon or under which there is laid a water main, the owner or occupier of such building shall connect or cause to be connected the said building with the works in the manner provided by this bylaw.

8.2 It shall be compulsory for any owner or owners whose property is capable of being serviced by a water supply system to connect such building with the public water system with the owner/owners being subject to all of the requirements under this bylaw.

8.3 Where an owner or owners of any parcel of land in the District which is required to be connected to the works of this bylaw, neglects, omits or refuses to comply with the provisions of this bylaw within sixty (60) days of receipt of such notice, then the District may serve the owner with a second registered notice to comply with this bylaw. If the owner neglects, omits or refuses to comply within sixty (60) days of receipt of the second notice, the District may contract a private contractor to make the connection and the costs and expenses may be recovered from the owner together with any administration costs in like manner as municipal taxes.

8.4 No person shall use, destroy, injure or tamper with any hydrant or other fixture of the waterworks.

8.5 No person shall in any manner interfere or meddle with the water connection or works in any street or make any additions or alterations to the water system or any connection or turn on or off any corporation curbstop, service valve or gate valve without express approval of the District.

8.6 No person shall sell or dispose of water from the municipal water system or supply it to the use or benefit of others unless such usage is recorded by a water meter.

8.7 The water connection fee deposited in accordance with the District of Port Hardy Rates Bylaw does not embrace works within the property of the applicant.

8.8 No person other than the District, their employees or contractors designated by them shall install or cause to be installed any part of the water connection provided for in this bylaw or in any way to break, interfere or tamper with any public sewer of the District.

- 8.9 Each lot or potential lot must be independently and separately connected with the public water main.
- 8.10 When a building within the District is removed or demolished, it shall be the duty of the owner or his agent to immediately supply to the office of the District, upon such forms as prescribed by the District, for a permit to disconnect from the public water main at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the District.
- 8.11 No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted.
- 8.12 The District may refuse to supply water at any time to any property owner or to any premises otherwise than by meter service.
- 8.13 No person shall install a swimming pool with a connection to a water service coming from the District's system nor shall any below ground sprinklers be installed or any addition to a water service made that may have cross connection implications, without first installing proper and approved backflow prevention. All such installations must first be approved by the District after detail and design of the proposed installation has been made and no work shall proceed without first obtaining such approval.
- 8.14 No person is permitted to connect equipment adapted for use on service pipes or mains for pressure spraying of fertilizer, pesticides or any other materials of a toxic or non-toxic nature unless proper protection for back flow has been installed and without the written authority of the District.
- 8.15 No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the works and should any person obstruct such access the District may remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending and on nonpayment thereof, on demand, the municipality may recover pursuant to Section 258 of the *Community Charter*.
- 8.16 Every fire hydrant or standpipe shall be located in clear view from the roadway while being approached from either direction and shall have an area having a radius of one (1) metre that is maintained clear and unobstructed around it. Where an owner of a property has a fire hydrant located adjacent to their property, the clearance around the hydrant is the responsibility of the registered owner of the property.
- 8.17 The employees or approved agents of the District shall have free access to all lands and all parts of every building, upon request and at a reasonable time, where water is delivered and consumed.

9. ADMINISTRATION

- 9.1 The Director is hereby authorized and directed to have general supervision over the municipal waterworks system and to see that the provisions of this bylaw are carried out.

- 9.2 The District shall have the power to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw and, wherever the Director is authorized or directed to perform any act or duty under this bylaw, such act or duty may be performed by an employee or agent authorized by the District to perform such act or duty.
- 9.3 Nothing contained in this bylaw shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- 9.4 The District shall not be liable for the failure of the water supply in consequence of any accident or damage to the works or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the municipality or other person whomsoever or through natural deterioration or obsolescence of the municipality's system or otherwise.
- 9.5 The District may, with notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damages by reason of discontinuing water service for such reasons:
- (a) unnecessary or wasteful use of water or violation of regulations concerning watering or sprinkling;
 - (b) non-payment of rates;
 - (c) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are, or may become, a cause of waste of water;
 - (d) for employing any pump, booster or other device for the purpose of, or having the effect of, increasing water pressure in service lines, without obtaining the approval of the District;
 - (e) for violation of any of the provisions of this bylaw.
- 9.6 Notice to disconnect services as provided in section 9.5:
- (a) shall be delivered at least five (5) working days prior to disconnection of service;
 - (b) shall state the date that services will be disconnected; and
 - (c) shall include notice of a right to make a representation to Council prior to disconnection of services.
- 9.7 Delivery as provided in section 9.6 shall be considered received:
- (a) if notice is sent by facsimile, with confirmation of successful transmission;
 - (b) two working days after the date of mailing to the mailing address registered on the property tax roll;
 - (c) at the time of hand delivery to the owner/occupier of the property; or
 - (d) if all reasonable attempts at delivery have been made.

- 9.8 If water is disconnected as provided for in this bylaw, all costs and expenses for either disconnection or reconnection may be recovered from the owner together with any administration costs in like manner as municipal taxes.
- 9.9 The District may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.

10. CROSS CONNECTION CONTROL

- 10.1 The District of Port Hardy and/or an authorized agent shall be entitled, at its determination, to:
- (a) access the private water system located on private property at all reasonable hours in order to carry out inspections and surveys of the premises to determine the existence of connections or cross connections prohibited by this bylaw and as stated in the District Cross-Connection Control Program;
 - (b) impose minimum standards that must be met and satisfied relating to the type of backflow preventer and the installation and maintenance of the same as specified by the District Cross-Connection Control Program; and
 - (c) inspect the type of backflow preventer, the installation and state of maintenance and repair of the same.
- 10.2 No customer or other person shall turn on a water valve to provide service to the occupants of any newly renovated or constructed or reconstructed premise(s) until the private water system in such premise(s) has been inspected for cross connections and approved by the Inspector and/or the District.
- 10.3 Service supplied by the District of Port Hardy to a customer shall only be provided where, in the opinion of the District, the waterworks system has been effectively protected from any actual or potential cross connections existing at or within the customer's private water system.
- 10.4 Subject to the provisions of this Bylaw, no person shall create a cross connection by connecting, causing to be connected or allowing to remain connected to the District waterworks system, any device, piping, fixture, fitting, container, appliance of any other chattel or thing which may under any circumstances allow non-potable water, used water, wastewater or any chemical, liquid, gas or other substance to enter the waterworks system.
- 10.5 Where the District or authorized agent determines that there exists a connection or cross connection prohibited by the Bylaw and/or the Cross Connection Control Program, written notice may be given to the customer to correct the connection or cross connection at the expense of the customer within a specified time.
- 10.6 A customer to whom notice has been given under this section shall eliminate or control the connection or cross connection by installing an approved backflow preventer conforming to the District Cross Connection Control Program policies, procedures and specifications.

- 10.7 The customer shall install a type of backflow preventer commensurate to the degree of hazard and that is approved by the District.
- 10.8 Notwithstanding anything contained herein if, in the opinion of the District, the configuration of any water connection which creates a risk of contamination to the waterworks system, the customer shall install on the private water system at the location of the service connection point an approved backflow prevention assembly in addition to any backflow preventers installed in the customer's private water system.
- 10.9 The failure to be sent a notice(s), or the failure to receive a notice(s), shall not excuse the mandatory duty of the customer or other responsible party to comply with this Bylaw and/or the District Cross Connection Control Program and all other applicable bylaws.
- 10.10 Where any condition is found to exist, which in the opinion of the District, may otherwise expose the waterworks system to risk of contamination, the District or authorized agent shall, at their discretion, take one or more of the following actions:
 - (a) give notice to the customer to correct the condition or cross connection(s) at the expense of the customer within a specified time period; or
 - (b) notify the customer that an approved backflow preventer shall be properly installed at the expense of the customer; or
 - (c) turn off or discontinue service until the condition is corrected; or
 - (d) install an approved backflow prevention assembly at the service connection point with all costs being charged to the customer.
- 10.11 Any customer whose water has been turned off pursuant to this Bylaw shall not have the water from the District waterworks system turned on until all requirements of the District have been met and the customer has paid to the District all costs associated with the turn off / turn on of service and the customer's default under this section has been remedied.
- 10.12 The customer shall provide to the District within thirty (30) days of initial installation, repair or relocation of an approved backflow prevention assembly a District backflow assembly test report from a certified backflow assembly tester confirming the following:
 - (a) the installation date of the approved backflow prevention assembly;
 - (b) the specific location of the assembly and what cross connection or hazard it is intended to isolate;
 - (c) the manufacturer, model, size and serial number of the backflow preventer installed; and
 - (d) that it is an approved backflow prevention assembly, installed correctly and in proper operating condition.

- 10.13 Approved backflow prevention assemblies are required to be inspected and tested by a certified Backflow Assembly Tester upon installation, after repair and at least once in every twelve (12) month period or more often if required by the District.
- 10.14 Where a customer fails to have an approved backflow prevention assembly tested, the District may notify the customer that the backflow assembly must be tested within five (5) working days or within a specified period agreed to by the District. If the customer fails to comply with such notice, the District or authorized agent shall discontinue service(s) and the customer may be subject to penalties listed under this Bylaw.
- 10.15 Where there is a visible or other indication that a backflow preventer is malfunctioning, it is the responsibility of the customer to immediately notify the District and, further, to stop using the private water system until the backflow preventer is replaced or repaired and re-tested. This includes, but is not limited to, damage by freezing, hot water, fire or otherwise due to neglect.
- 10.16 Except for emergency fire use, no person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance to a fire hydrant, stand pipe or any other temporary water connection:
- (a) in a manner which, under any circumstances, may allow used water, wastewater or any liquid or substance of any kind to enter the District waterworks system; and
 - (b) without using an approved backflow prevention assembly which has been approved and installed in accordance with the District Cross Connection Control Program; and
 - (c) without first obtaining a Hydrant Use Permit.
- 10.17 Any customer who violates section 10.16 will be refused access to service through the use of a fire hydrant or temporary water connection and may be subject to penalties listed under the Bylaw.
- 10.18 No connection shall be installed or maintained whereby water from an auxiliary water supply system may enter the waterworks system or private water system unless such auxiliary water supply system and the method of connection and use of such system shall have been approved by the District.
- 10.19 Where a cross connection exists between the District waterworks system and a private water system, in addition to the general provisions stated in this Bylaw, the customer shall also comply with the following:
- (a) no person except the duly authorized agent of the District shall turn on an agricultural irrigation system; and
 - (b) prior to commencement of operation of the private water system in each irrigation season, the customer or any person operating a commercial or agricultural irrigation system shall have the approved backflow prevention assembly inspected and tested, at the customer's expense, by a certified Backflow Assembly Tester; and

- (c) an approved reduced pressure principal backflow assembly shall be used whenever fertilizers, chemicals or any other substance detrimental to health are introduced to a private water system.

11. CONTRAVENTION AND PENALTIES

- 11.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.
- 11.2 Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of Five Hundred Dollars (\$500), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act. Each day that a violation continues to exist shall constitute a separate offence.

12. INCLUSIVITY

In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

13. SEVERABILITY

If a Court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

14. REPEAL

District of Port Hardy Water Regulations Bylaw 14-2009 as amended is repealed.

Read a first time on the 10th day of January, 2012..

Read a second time on the 10th day of January, 2012.

Read a third time on the 10th day of January, 2012.

Adopted on the _ day of _, 2012.

Director of Corporate Services

Mayor



DISTRICT OF PORT HARDY
BYLAW NO. 03-2012

A Bylaw to close a portion of Gibraltar Street in the District of Port Hardy and remove its dedication as highway

WHEREAS Gibraltar Street is a highway as defined in the *Community Charter* that is vested in the District of Port Hardy;

AND WHEREAS section 40 of the *Community Charter* authorizes the Council of the District of Port Hardy to close all or part of a highway that is vested in the municipality to traffic and to remove its dedication as highway;

AND WHEREAS the District of Port Hardy wishes to close part of Gibraltar Street to traffic and remove its dedication as highway.

NOW THEREFORE THE COUNCIL of the District of Port Hardy in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Gibraltar Road Closing Bylaw 03-2012".
2. The parcel of land comprising a portion of highway known as Gibraltar Street, that comprises 770.5 square metres and is outlined in heavy black and shown and described on the Reference Plan, completed on September 29, 2011 by Harry Pfrimmer, B.C. Land Surveyor, a reduced copy of which is attached to this Bylaw as Schedule "A" (the "Parcel"), is hereby stopped up and closed to all types of traffic; and
3. The dedication as highway is removed from the Parcel.

First reading this _ day of _, 2012.

Second reading this _ day of _, 2012.

Third reading this _ day of _, 2012.

Notice of proposed road closing posted and published in a newspaper in accordance with Section 94 of the *Community Charter*.

Opportunity for hearing this _ day of _, 2012

Adopted this _ day of _, 2012.

Director of Corporate Services

Mayor

Approved this _____ day of _____, 2012 in accordance with section 41(3) of the *Community Charter*

For the Minister of Transportation and Infrastructure

SCHEDULE "A"

